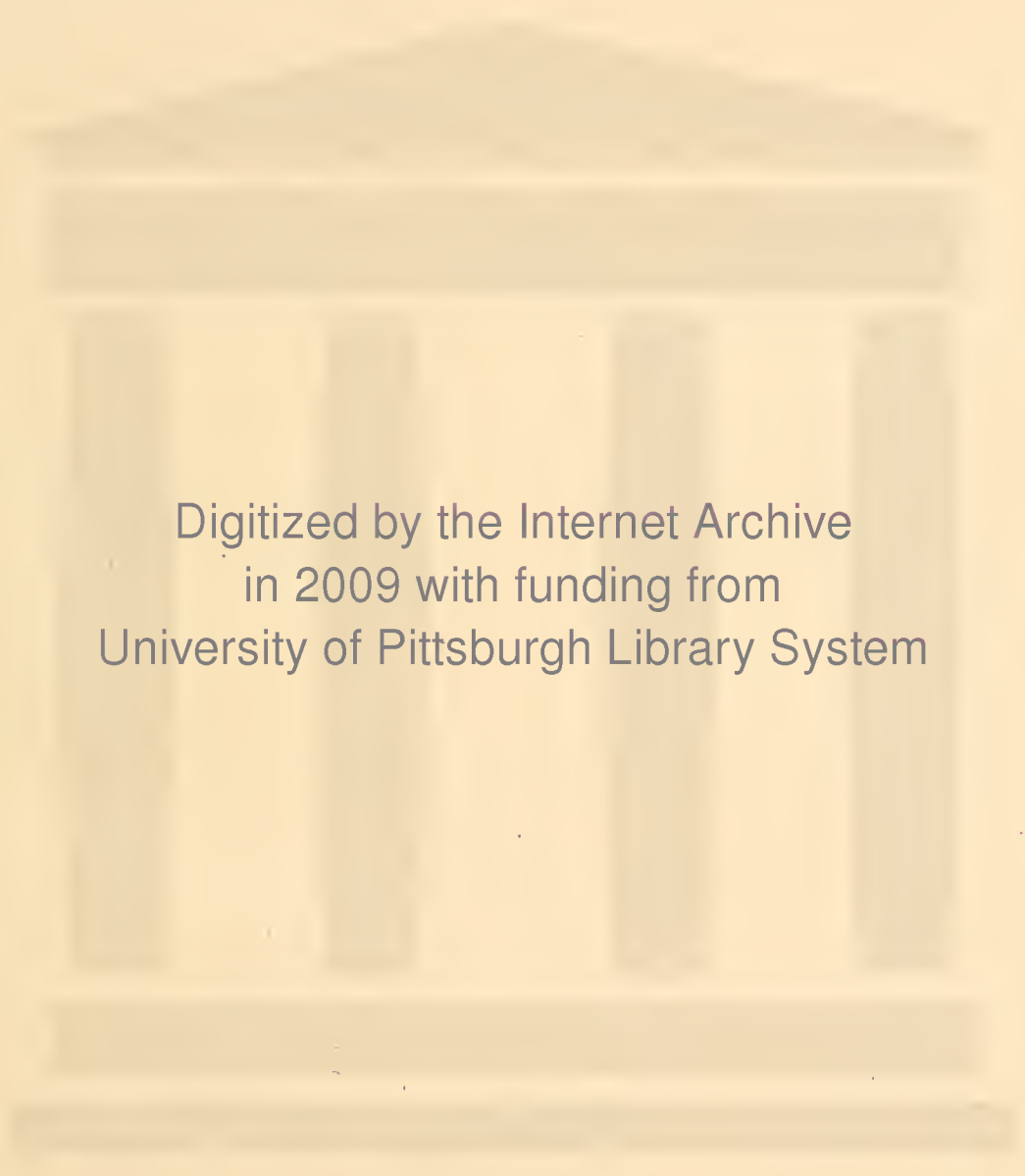


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COLLECTED AND EDITED

BY

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SECRETARY OF STATE

VOL. VI—1759 TO 1765

RALEIGH

JOSEPHUS DANIELS, PRINTER TO THE STATE
1888

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PRESSES OF EDWARDS & BROUGHTON,
RALEIGH, N. C.

PREFATORY NOTES TO SIXTH VOLUME.

Of course, as we have seen, Governor Dobbs and the Assembly did not continue on good terms, for in spite of the friendly professions and complimentary expressions with which they set out, it was, in the nature of things, simply impossible for a royal Governor and the Provincial Legislature to work together in harmony.

Under the rule of the Lords Proprietors, the people of North Carolina were confessedly "the freest of the free," and their legal status in this respect was due, in their opinion, to the royal Charter under which the Colony had its rise and got its growth. To them, Magna Charta, "the great charter," was not the one granted by King John to the English Barons at Runnymede, but the one granted by Charles the Second to the Lords Proprietors of the Province of Carolina. The liberties, franchises and privileges of Englishmen claimed and enjoyed as a matter of right by our ancestors belonged to them, in their opinion, not because they were Englishmen, indeed for that matter they were not all Englishmen, but because they were inhabitants of Carolina—all of whom were guaranteed the liberties, franchises and privileges of English subjects by the Charter in question. In like manner, as St. Paul boasted of the vantage ground he occupied by virtue of his Roman citizenship, so our ancestors claimed, that, as inhabitants of Carolina, they too occupied a vantage ground peculiarly their own, and of which they could not be lawfully deprived without their own consent; that they occupied this vantage ground not by virtue of an unalienable manhood birth-right, not by English birth-right, nor yet by any right as Americans, or as Colonists, but solely and selfishly as it were by virtue of their chartered rights as inhabitants of Carolina, rights to which the inhabitants of other soils could lay no more claim than could the Gentiles of old lay claim to Jewish rights and privileges;

that these rights, peculiar to them as Carolinians, were so fully vested in them by the charter of Charles, so absolutely their own, that by no process of law could they be either abridged or abrogated without their consent, and hence that the transfer from the Lords Proprietors to the Crown, in 1728, worked no change whatever in their political status, and that the King could no more govern by prerogative after 1728 than the Lords Proprietors could have done so prior to that time, and in a word, that among the inhabitants of North Carolina, until they willed otherwise, upon subject and sovereign alike, "THUS SAITH THE LAW" was a supreme limitation. So strong was this feeling that after the lapse of more than thirty years of royal rule the Governor wrote to the Board of Trade that the Assembly held that their charter "still subsisted," and that it bound the King as well as the people. Bearing this in mind, the seemingly mazy labyrinth of North Carolina Colonial politics may be threaded as readily as a familiar pathway in broad daylight. And in this connection it must be remembered that North Carolina, unlike South Carolina, neither revolted, nor desired to revolt, from the Proprietors to the Crown. In the expressive slang of to-day, she was wise enough to know a good thing in the way of government when she had one, and by no means anxious to part with it.

Unhappily, however, for the Province, the views of its inhabitants were not those of the British King, and what was, perhaps, of more practical importance, were not those of British business men. As has been pointed out before, the British theory was, that the Colonies were permitted for the benefit of the Crown and the mother country; that to this end, that is to say, to increase the revenues of the Crown and to promote the business interests of England, agriculture, manufactures and trade were all to be controlled by such "appropriate legislation" as might seem requisite; in a word, that the Colonies had neither rights nor interests that the Crown or the mother country must regard. It was also pointed out how difficult it was to put in practice such a theory in a Province that had always lived and had its being under chartered rights, and that in

its attempted execution were to be found the "seeds that fruited in the American Revolution of 1776."

Two weeks had not elapsed after the first royal Governor met the first Provincial Assembly summoned by royal writ, before the issue was squarely made, and the Governor officially notified by formal resolution in writing, duly signed by the Speaker, that "by the Royal Charter granted by King Charles the Second, to the Lords Proprietors of Carolina, it is granted that the inhabitants of this Province shall have, possess and enjoy all Libertys, Franchises and Privileges as are held, possest and enjoyed in the Kingdom of England." For this declaration, the Assembly was first showered with abusive epithets, then prorogued and finally dissolved by His Majesty's representative, Governor Burrington, and for two years afterward no other Assembly was allowed to meet.

So much for the struggle of the inhabitants of North Carolina under the first royal Governor for the rights "possest and enjoyed in the Kingdom of England," rights that for them had the special sanction of a formal charter. Under the first Governor, the struggle was sharp and short, if not decisive. Under the second, it was quite as sharp, much more decisive and very long drawn out, but all the while it was the same old story, *iterum et iterum*, a contention for the rights possessed and enjoyed in the Kingdom of England, because they were guaranteed to them by the Charter of Charles.

Arthur Dobbs was the third royal Governor, and the struggle between him and the Assembly for the maintenance of the chartered rights of the people is now for consideration. Governor Dobbs, like other Colonial Governors, thought he was, or, at least, ought to be, the Province, and felt that just so far as he was thwarted by the Assembly, he, and through him the King, was wronged; in a word, that the Assembly, though in form representing the people, was, in fact, intended to be only a piece of machinery for carrying into effect the will of the King as declared through the Governor. The Assembly, on the other hand, thought the people possessed rights that not only the Governor but even the King himself was bound

to respect, for the reason that, as in the past, they had not depended upon the will of the Proprietors, they did not then depend upon the will of the Crown, but upon the well known Charters of King Charles the Second. For example, it will be seen that as late as December, 1761, that Governor Dobbs wrote to the Board of Trade that the Assembly had openly set him and the King's written instruction at defiance, on the express ground "that their charter still subsisted," that the King's instruction differed from their charter, and that the latter and not the former was their rule of action. Prerogative or constitutional rule was the issue.

With such widely divergent views about the powers of the government, of which, as we would say in this day, they were co-ordinate branches, serious friction was inevitable. That Governor Dobbs recognized this divergence of opinion, is evident from his declaration that the Province was notorious for its republican sentiments, and from a still later declaration, that it was necessary to garrison Fort Johnston on the Cape Fear River, and Fort Granville at Ocacock, to put down the spirit of republicanism in the Province, and from the further fact that all the while from the time he got well under way, he complained of systematic efforts on the part of the Assembly to engross power into their own hands at the expense of the King and his prerogative. With Governor Dobbs' views in the premises, it was not surprising that these efforts should seem to him both republican and unlawful, as well as systematic, intelligent and persistent, and that he should appeal to the King "to strengthen his hands to oppose and suppress a republican spirit of independence rising in the Colony," nor was it surprising, on the other hand, with their views, that the Assembly should "think themselves entitled to all the privileges of a British House of Commons, and therefore ought not to obey His Majesty's Honorable Privy Council further than the Commons do in England or Ireland, or submit to his Majesty's instructions to his Governor and Council here."

The Province, too, was still suffering grievously from the effects of ill-government, and with its revenues and finances generally in a

disordered state, struggled under a great burden of debt. The Northern counties would not use the paper money already issued, because they denied the legality of the Legislature that issued it, and would pay no taxes levied to discharge it, which prevented its circulation in Virginia; and then in turn, the Southern counties protesting that all the burden of government ought not to be thrown upon them, likewise refused to pay taxes. In addition to all this, there was both frequent and urgent need to make further demands on the Assembly for the maintenance of troops on duty out of the Province.

Remembering, therefore, the views of North Carolina Assemblies, and their usual mode of enforcing them, it was idle to hope for harmony. In this state of affairs, it was the obvious policy of Governor Dobbs to render himself independent of the Province, if possible, for if not master, he must be servant. He very much preferred to be master, and so the old struggle renewed itself. How it progressed, the incidents related in the following pages will show in some sort.

A frequent and ever recurring cause of disagreement between Governor Dobbs and the Assembly, was the appointment of an Agent to look after the affairs of the Province before the various government boards in London, from the Privy Council down.

That the Governor and the Assembly should each greatly desire to have the appointment, and as a matter of course in consequence thereof the control of this Agent, was but natural, as upon his representations and statements in great degree depended the fate of measures pending before the authorities in London relating to the Province.

To appreciate the importance of the Agent's position it must be remembered that the Crown had the right to pass upon all the acts of the Legislature, and to repeal or "disallow" such as might for any reason seem inexpedient. The proceedings in the case were, in brief, as follows, viz.: The act was, in the first instance, sent by the Governor to the Secretary of State for America, by whom it was laid

before the Lords of the Board of Trade, and by them referred to the Reporting Counsel to the Board, to consider and report whether or not the King ought to be advised to assent to it. In practice, the fate of the act depended very much upon the report of the Counsel, who, in turn, was very much guided by the impressions he received as to the circumstances under which the Provincial Assembly passed the act, the evils it was intended to remedy, and the manner in which it was intended to operate. All these things the Agent, from his knowledge of affairs in the Province, would be able to explain to the Counsel, and in many ways not merely to prevent unfavorable misapprehensions on the part of the Counsel, but to lead his opinion to a report favorable to the wishes of the Province. With the report of their Counsel, the act came back to the Board of Trade where it was considered, after notifying the Agent to attend in all matters of consequence. With the report of the Board of Trade the act then went to the Lords of the Privy Council, upon whose final report its fate depended. These great officers also sought their information in the premises not from private individuals but from these Provincial Agents, and without some person being in England in that capacity in behalf of a Province, its affairs "slept." Memorials, addresses, petitions, and such like papers, passed through his hands. Every opening for the encouragement of the trade of the Province, it was his business to improve, and equally so to endeavor to obviate any scheme that might hurt it, and hence it was his duty to keep posted as to the intentions of the Government and of Parliament, all of which involved much labor of various kinds and great responsibility. In a word, the Agent was to the Colony what the ambassador was to a foreign country. Now, from the very nature of the duties of the Agent, it is apparent that he was intended to be the representative not of the Governor but of the opposition, so that the authorities "at home" in England might get both sides of the questions presented to them. Otherwise, the representations made by the Governor would have decided matters. Governor Dobbs, it would seem, therefore, when seeking to get control of the

Agent was encroaching upon the rights of the Assembly, and was properly resisted by that body. With an Agent nominally in its interest, but really under the control of the Governor, the Assembly would have found it impossible to gain the ear of the Sovereign. And how the affairs of the Province "slept" when it had no Agent in England, and how they suffered, is well illustrated in the manner in which the appropriation made by the British Parliament for reimbursing Virginia and the two Carolinas for their expenditures in the war against the French and Indians was divided. Virginia and South Carolina got the lion's share, for the reason, as our Assembly alleged, that North Carolina had no Agent in England to look after her interest, and that she had no Agent was due to the persistent refusal of Governor Dobbs to approve a bill appointing one unless he was allowed to name him. For this persistence the Governor was rebuked by the authorities in England, who told him the selection of the Agent was the privilege of the Assembly.

A cause of irreconcilable quarrel with the Assembly was about the right to appoint the public treasurers of the Province.

At an early day, a public treasurer, by whatever name called, whether receiver-general, tax-collector, treasurer to the Province, or simply public treasurer, became a public necessity, and, as a matter of course, the office grew in importance and influence as the taxes increased. Jealous of authority in general, especially jealous of executive authority, and with a quick eye to the main chance, the Assembly soon succeeded in getting the benefit of the treasurer's influence by securing the control of his appointment, and certainly if, as they contended, to them belonged the power over the purse of the Province, the appointment of the keeper of the purse also belonged to them. The Governor, however, denied the claim of the Assembly, both as to the purse and its keeper. The Lords of the Board of Trade, the Governor's official superiors in England, told him plainly that whatever might have been the merits of the question, as an original proposition it was then too well settled that the Assembly had the right to appoint the treasurer to think of attempt-

ing to fix the power of appointment anywhere else. Up to the last, however, Governor Dobbs seemed to have hopes of a change in the long established order of things, in spite of the opinion of the Board of Trade.

Another protracted fight was about the disposal of the dividend coming to North Carolina from the appropriations made by the British Parliament, for the reimbursement of the Colonies for their expenditures in the war against the French and Indians. One of these grants was for £50,000, to be divided between Virginia and the two Carolinas. Another was for £200,000 and to enure to the benefit of all the Colonies. This fund belonged not to the Governor but to the Province, and could not regularly be drawn upon, so Governor Dobbs said, except by the joint authority of the Governor, Council and Assembly. North Carolina, in view of her generous, not to say extravagant expenditures in aid of the war, some £66,000, of which more than half was for services outside of the Province, naturally expected a large dividend. In this, however, she was sorely disappointed, as the Assembly affirmed, by reason of not having an Agent in London to present the proper documents and make proper representation of her action in the premises; and that she had no Agent there, the Assembly further affirmed, was due to the persistent refusal of the Governor to approve a bill appointing one, unless one Mr. Smith, his private attorney, was therein named as the Agent.

The Governor's purpose, it seems, was to keep the fund arising from these Parliamentary grants as a sort of contingent fund for executive use, to render himself independent of the Assembly. By drawing on this fund at will, in spite of the fact that by the acts of Parliament creating it, the Assembly was to have a voice in its disposal, he was enabled to enlarge appropriations without the consent of the Assembly, that is to say, by giving orders to the General Commanding payable out of the dividend coming to North Carolina, to pay and feed her troops under his command. Thus when our troops were in New York, in 1756, he sent the General Command-

ing an order payable out of that fund for £1,000 for their use. And again in 1758, when our troops went to Virginia to take part in the expedition against Fort Duquesne, he in like manner authorized General Forbes to supply them and reimburse himself out of the fund in question. In 1762 he went still further and drew upon this fund to pay for the enlistment of men for the regular troops upon the requisition of General Amherst, although the Legislature, after repeated demands, had positively refused to make any appropriation therefor.

For these acts the Governor's excuse was, for the two first, that the condition of the currency rendered it impossible, except at a heavy loss, otherwise to provide for the troops, as experience had proved. Driving cattle to the scene of action, and buying produce of any kind for shipment to the West Indies or elsewhere, to purchase current bills of exchange, had not only proved costly and unprofitable, but had given color at least to the oft made charge, that ample appropriations had been wastefully and extravagantly, if not corruptly, expended. As to the last, he said simply, that the troops ought to have been sent, that he had asked the Assembly to make the necessary appropriation and that it had refused to make it. But no matter how honest the Governor's motives may have been in the premises, it is clear he exceeded his authority in thus drawing upon a fund that belonged not to him, but to the Province, and this he admitted when he called attention to the fact that his draft was not "regular." Of course, no North Carolina Legislature would submit in silence to such an usurpation as that on the part of the Executive, encroaching as it did upon their dearly loved right to control the purse of the Province. And indeed it would be difficult to conceive of an usurpation more glaring.

The result of it all was that Virginia got £32,368 out of the £50,000 appropriation, £20,546 out of the other, £52,914 in all, while North Carolina got only £7,789 in all from that and the £200,000 both put together, a result that by no means tended to create a kindly feeling for the Governor, who was believed to have

brought it about. Especially was the ill-feeling increased when it was found that £1,000 of the £7,789 allowed was pledged for the expenses of our troops in New York, for whose support ample appropriation, it was said, had been made by the Legislature. The quarrel over the disposal of the fund continued to the last, even after peace had put an end to its use for war purposes, the Assembly proposing to use it as a fund for the Province, in the redemption of its depreciated and mutilated currency generally, while the Governor proposed it should be applied to the redemption only of that part of the debt created for war purposes.

The Governor in his dispatches alleged that the proposition of the Assembly covered a huge swindle on the part of the Assembly leaders equal to any in modern times, considering all the circumstances, but in reply the Board of Trade said that his own plan, while seemingly preferable in its purpose, in their opinion, opened the door to frauds of like kind and extent. Possibly, however, neither party intended any wrong.

On 21st February, 1762, Sir Jeffrey Amherst, the General Commanding, made a requisition on Governor Dobbs, in pursuance of orders from the Crown, for 134 men and officers, the officers to be selected by the Governor, to help fill up the royal regiments in America. The Governor had before its receipt ordered a new Legislature, and it met in Wilmington on the 13th April. In reply to the demand for an appropriation for troops, the Assembly said that to add to the present debt would reduce the people to the utmost distress, and that even if that were not so, they had little hope that any appropriation they might make would do the King or the Province any good. Thereupon the Governor prorogued the Legislature until the following day. On the next day the demand for troops was renewed, accompanied by newspapers from Virginia showing that the requisition for the quota from that Province had been complied with "with unanimity, alacrity and dispatch." The Assembly replied that, impoverished as the Province was by repeated grants for the King's service during the war, it was impossible to

make the desired appropriation. Thereupon the Governor prorogued the Legislature until the next day. On the next day the Governor again repeated his demand for the appropriation for the troops. The Assembly replied in substance that their decision in the premises had been reached after so much consideration and deliberation that it was idle to think it could be changed. The Governor was authorized, however, to raise 25 men, including officers, each, for Forts Granville and Johnston. The Governor thereupon, after a long speech full of bad temper, dissolved the Legislature for "their constituents to judge and censure their behaviour." His next step, in utter contempt of the Legislature and its authority, was to order the 134 troops called for by General Amherst to be raised, the expense thereof being met by a draft on the dividend coming to the Province from the Parliamentary appropriations for reimbursing the Provinces for their expenditures during the war. Could there have been an act of purer despotism, remembering that the Governor had no right to dispose of that fund without the assent of the Legislature, and that he so admitted when he drew his drafts on it?

Another cause of frequent trouble between Governor Dobbs and the Legislature, grew out of his fondness for filthy lucre. His first official act, so far as now appears, was to beg the King for an increase of salary, and this importunity in behalf of himself was continued until his death, the act of Assembly regulating official fees in the Province being a lasting eye-sore to him. He complained that as long as this act was in operation, the fees were fixed at the pleasure of the Assembly so that he could neither add to nor diminish them, which he claimed was not only a grievous wrong to himself, but a serious incroachment upon the royal prerogative. Another complaint was that the fees were too low to secure the services of competent officials, the currency in which they were paid being worth one-fourth less than English money, and the produce in the markets very high, for example "beef 2d. per lb, mutton 4d., butter 9d., and other things in proportion, common labor 2 shillings per day

and artificers from 3 to 4 shillings, and all English goods sold at 150 per cent. above prime cost." He thought too the Province ought to be required to fix a salary for the Governor, but this he said was intended more for the benefit of his successors than his own, as it was probable his days would not be "long in the land." People are apt in matters of that sort to persuade themselves they are acting not for their own interest, but for that of others. For all of these reasons he recommended that the Fee Act be repealed and that the fees be fixed by the King in Council, according to those paid in England and in English value, thereby giving a handsome addition to the compensation of the Governor and other officials, and making them independent of the Province. At another time he bitterly complained that it was "hard upon this Province that the Governor should have only 3 shillings 4 pence sterling paid for a patent and his Majestys hands locked up by the fee bill, upon granting his lands." Water all around and not a drop to drink, money all about but not a dollar to be had, because his hands were "locked up!" Doubtless the Governor suffered quite as much as the treasury would have done had his hands not been "locked up," and was perhaps to be pitied, like a hungry man in sight of food but unable to reach it.

But not only did he seek to increase existing fees, he seemed to be on the lookout to make new ones whenever opportunity offered and he was not expressly forbidden to do so by the words of the fee bill, for example when the acts creating a number of counties and towns were repealed and charters were required to enable them to regain their rights of representation in the Assembly, he straightway proceeded to fix a fee to suit himself although no law authorized him to do so. Also without any authority whatever, he required every vessel before leaving port to get a license from him for which he exacted a fee, fixed as in the other case, to suit himself. And whenever he spoke of such things he gave as his reason or excuse therefor that the Province did not provide for him as it ought to do, that

the other fees were too low, and especially that it made no allowance to him for house rent. The Lords of Trade however, so far from adopting his views, said that similar acts had been passed in almost all the Colonies, many of which had been confirmed by the Crown. It was true indeed they said also, that some had been repealed, but not for being contrary to the King's instructions or from an opinion that the Legislature had no power to ascertain fees and that even if for any other reason, the act in question should be repealed, they did not think "it would be practicable or if so, prudent to have the fees fixed and ascertained in England." Whether Governor Dobbs added materially to his fortune by fees or otherwise while in North Carolina does not appear. He was by no means a pauper however, at any time while here, for besides his "Potato lands near Carrickfergus" and other property in Ireland, he held 200,000 acres of land in the western part of the Colony, as well as lands in Duplin county, and at his death he was able to leave £2,000 to his widow.

Of course the old claim of the Assembly to control the purse of the Province, was a fruitful cause of quarrel between the Governor and that body. In this matter the Lords of the Board of Trade sympathized most sincerely with the Governor. They wrote to him that it gave them great concern to see the methods of granting and issuing of public money in the Colonies so very different from the practice in the mother country. But for all that, the Assembly maintained their position in the most open and fearless manner; and well they might, for by this time the right they claimed was an hereditary right, the exercise of which they were born to.

In 1760 they formally declared that it was the indubitable right of the Assembly to frame and model every bill whereby aid was granted to his Majesty, and that every attempt to deprive them of the enjoyment thereof was an infringement of the rights and privileges of the Assembly. And in November, 1764, "taking into consideration his Excellency's speech," and in reply thereto, the Assembly, with equal formality, entered upon its journals a peremptory

order that the Treasurer should not pay out any money by order of the Governor and Council without the concurrence of the Assembly.

So too, there was a great conflict as to the manner of auditing the public accounts. The instruction of the Crown, under pain of its highest displeasure, to the Governor was, to see that all public accounts should be audited and attested by the King's Auditor-General, and copies thereof sent to England. The practice, however, was for the Treasurer to account with the Assembly through a committee appointed for that purpose, who reported to the House for final action, and this, the Assembly maintained, was agreeable to the laws of the Province, and consonant to constant and uninterrupted usage.

The trouble over the Court Bills, as they were called, that is, the bills proposing to provide a judicial system for the Province, and creating the necessary machinery therefor, seems to have been a premeditated trial of strength on the part of what Governor Dobbs was fond of describing as the "rising spirit of republicanism in the Colony." Perhaps, however, as we have seen, it would have been more accurate to have attributed the action of the people in the premises not so much to a spirit of republicanism as to a determination to assert the rights of British subjects guaranteed to them by the Charter of Charles and which they were daily in danger of losing.

Hitherto the Judges had been sent from Britain, and had held their offices at the pleasure of the Crown, that is to say, of the Governor, both of which practices were, to put it mildly, unacceptable to the people of the Province. It was conceded on all hands that the nomination and appointment of the Judges was a part of the royal prerogative in England, as well as in the Colony; all, therefore, that could be done to prevent the accustomed importation of Judges, was to provide such qualifications for eligibility to the bench as would practically exclude undesirable persons. Accordingly, in the first court bill, that of 1756, it was provided that no one should be a Judge in the courts then proposed to be established who was

not an "outer barrister" of five years' standing in England, or an attorney of seven years' practice in this or an adjoining Colony, and of one year's residence here. This was to secure home Judges, a privilege always accorded in England. Another provision of the bill was, that the Judges should hold their offices during good behaviour, and not merely at the pleasure of the King or his representative, the Governor; and that, too, was simply conforming the practice in the Colony to that in England.

When the bill reached England, and was sent before the Lords of the Board of Trade, the provisions above mentioned seeming without the assistance of an Agent to explain matters, to be "new and unprecedented," they asked the opinion not only of Sir Matthew Lamb, their "reporting counsel," but of the newly appointed Provincial Chief Justice Berry, and Attorney General Child, who were both still in England. Each of these officials advised against the act on both points, and it was accordingly disallowed or repealed by the King, and the Governor was ordered for the future not to approve any similar bill. This was in April, 1759.

The Governor, however, it seems, regretted the "hasty repeal" of the act, which he thought was "inadvertently advised" by the Chief Justice and Attorney General, so much so, indeed that upon the advice of the Council he would not publish the King's order in the premises until the Chief Justice and Attorney General could arrive and the Legislature be called together to enact a new bill. The great trouble with him was that the repeal of the Court Bill of 1756 left no law subsisting on the subject but that of 1715, and no place, save Edenton, in an extreme part of the Province, for holding the Courts, and there was such a confusion in the laws before and since 1715 until the late law was made, that neither Judges nor lawyers knew how to act.

The Legislature met in November following and adjourned without having passed a Court Bill, the Council having thrown out two bills from the Assembly because they encroached, it was said, upon the King's prerogative, and because also of the mode prescribed for

the payment of the Associate Judges. These bills in the matter of prerogative, that is to say, as to the two provisions objected to in the bill of 1756, were similar to that bill.

On the 24th April, 1760, the Legislature again met, having been called together by the Governor to grant an aid or appropriation desired by the King. The Assembly at once passed still another Court Bill containing the objectionable provisions of the bill of 1756, proposing to force the Governor to approve it or go without the desired appropriation. Accordingly, on the 16th May, the Assembly in a full body waited on the Governor and presented to him a formal address through their Speaker, setting forth that as the Court Bill seemed to them of the first importance to the Province, they had given it precedence over all other business, and that the extreme solicitude of the people for the passage of the bill and their own experience of the evils arising from the want of it, induced them to ask that he would give his immediate assent to it, so that the Assembly might proceed to other business. The Governor refused to make any answer then, further than to say that the proceeding was of such an unusual nature that he would take advice about it, and return a reply in writing that might be entered on the journals of the Assembly. On the next day he sent a message to the Assembly denying the propriety of their course, and asserting that precedence ought to have been given to the Aid Bill, or, at least, that it should have had an equal chance with other bills. Some further correspondence ensued, but without definite result, until the 22d, when the Governor wrote to the Assembly that, seeing they would proceed to no other business until they knew the fate of the Court Bill, he would inform them that if they would pass the Aid Bill and amend the Court Bill, either by striking out the objectionable provisions or inserting a new clause making the bill temporary in its nature, until the King's pleasure might be known, he would approve them. On Saturday the Assembly, in secret session and in committee of the whole House, acting as it were as a grand inquisition for the Province, sat for five hours and made presentment of the grievances

under which the people were laboring by reason of the Governor's conduct to be laid before King, together with an address, in which by way of apology for troubling his Majesty, and as if overcome by the thought of their sufferings, they piteously exclaimed, "But when by injudicious and partial appointments of Justices not qualified for such trust, and the abrupt removal of Others whose Characters have been liable to no objection Magistracy has fallen into Contempt and Courts have lost their Influence and dignity; When Mobbs and Insurrections are Permitted to assemble in different parts of the Province Erecting Sham Jurisdictions, Imprisoning your Majesty's Subjects, Breaking open Gaols and releasing Malefactors with impunity; When several of the Malecontents in those Riotous and Treasonable Assemblies are Honoured with Commissions from his Excellency as Justices and Militia Officers; When persons have suffered Corporal Punishment by the Arbitrary and Private orders of Justices still retained in their Offices; When Moneys have been Exacted of the Subject for the use of the Governor and Secretary, expressly against Law; When the forms of Writs of Election have been arbitrarily Altered and diversified to get particular men Chosen and defeat the choice of others, some of them directing the freeholders, others the Inhabitants Generally to chuse, by which last form Servants and even Convicts might be admitted to Elect, whereas by the Royal Charter of King Charles the Second Laws are directed to be made by the Assent of the freemen or of their Delegates; When a Writ has been Issued to one County for fewer Members than they have used and ought to Send, and to another none at all till several Bills had passed in the Present Session, by which open Practices it remained no longer a secret that the Governor Intended to modell the Assembly for his own particular Purposes, in like manner as he had before reformed the Council by suspensions and new appointments; When being Insulted by Blood thirsty savages on our Exterior Settlements and in no less danger of falling a Prey to our Internal Enemies; Whither can we resort for succor but to

your sacred Majesty, as the fountain from whence Justice and Protection is derived to your most Distant Subject?"

The war was now to the knife and the knife to the hilt and along the whole line.

In reply to the message proposing to amend the Court Bill an address was sent to the Governor declaring his approval of the bill in the shape it then had was an indispensable necessity. The Governor thereupon rejected the bill and prorogued the Legislature until Monday, 26th May. On Monday morning the Governor asked, and was refused, permission to see the minutes of the proceedings of Saturday, and the Legislature having reassembled passed the Aid Bill and also the Court Bill with the temporary clause above referred to and presented them to the Governor, when, strange to say, he approved the Court Bill and rejected the Aid Bill, and straightway prorogued the Assembly until the 9th of September ensuing.

On the next day he wrote a long letter to the Lords of the Board of Trade giving a statement of events up to date, and telling them the kind of treatment the King's Governors would receive if they adhered to his instructions and supported his prerogative; that there would be an end of provincial dependence on Britain if Governors were not supported when they did their duty; that he cared nothing for the secret resolutions, petitions and letters which, though the session was over, were withheld from him, and urging that the Court Bill be rejected by the King.

The reasons assigned by the Governor for refusing to approve the Aid Bill were, in brief, that it was crude and undigested, contained many improper provisions and had been delayed too long to be of any service to the King, and had a "foreign" provision in it for the payment of £500 to an Agent in London. His apology for approving the Court Bill was, in substance, that there was already a great ferment in the Province, and that it would be better to sign the bill for two years than to make the ferment greater at so critical a juncture and that it was an error of judgment committed without any intention of infringing His Majesty's prerogative or of disobeying his

instructions. But neither the Governor's apology for approving one bill, nor his reasons for not approving the other, saved him in either case from stern rebuke from the authorities in England.

Was there ever a more absurdly inconsequential or illogical ending of so important a contest, a more thorough collapse, in appearance at least? Certainly at this stage of the proceeding the Assembly seemed to have greatly the advantage. The Governor was evidently frightened, evidently in dread of the outcome of that five hours' session, with locked doors and members "tyed" to secrecy by a solemn oath upon pain of expulsion and disfranchisement. And well he might be, for his arraignment by the Assembly was certainly a terrible one, without an equal until that brought against King George at Philadelphia by the United Colonies, on the 4th of July, 1776. There is this notable difference between the two however. That of 1760 ended with an appeal to the King, that of 1776 concluded to the country as was proper and becoming and in the natural order of things. Whatever may be thought of the theory of evolution as applied to the material world, no student of North Carolina history will doubt that North Carolina was a regular, orderly, progressive growth both intelligent and beautiful in its development, the various stages of which are so plain to the nakedest eye that even he who runs may read.

But "he laughs best who laughs last," was true then, as now, as the Assembly learned to its sorrow.

To this quarrel the Governor seems not to have been a party at the outset; indeed, he seems to have sympathized with the Assembly. At a later period, however, having received a different inspiration from home and a fresh batch of instructions by which he learned that the bill was inimical to the royal prerogative he went into the fight hotly, and doubtless made it warm for those who opposed him. It would seem, too, from the fact that the members of the Council who supported the Governor were denounced as his "pimps and hangers-on," that the gentlemen on the other side were, perhaps, no more cool in their tempers than careful in the choice of their words.

It is worthy of note, too, that while the Court Bill was pending before the Legislature, before its prorogation, the Governor asked the opinion, in writing, of both the Chief Justice and Attorney General whether or not he ought to approve the bill, and each one of them advised him to approve it, saying, among other things that since they had come to the Province and understood matters and things here, their opinions had changed. Mr. Attorney General Child, indeed, in closing his opinion, gave expression to a grand sentiment, worthy of all remembrance by all rulers: After telling the Governor that upon the whole, considering the unhappy circumstances of the Province, which had already been for near eight months deprived of any courts of judicature and must, without his assent to the bill, continue in its present state of anarchy, internal tumult and dangerous insurrection, and considering also that such a departure from the letter of his instructions could only tend to bring the constitution of the Province to a nearer degree of affinity with its mother country, he earnestly advised him to sign the bill, remembering that "the act of restoring life and energy to government, and to the subject protection of his liberty and property, is a primary civil duty, which at all times and in all circumstances is obligatory and indispensable." In spite of everything, however, in spite of the merits of the proposed bill, regardless of Governor Dobbs's arbitrary rule, and notwithstanding the influence of the great personages in England whose good offices the Assembly had invoked, the act was on the 14th December, 1762, again disallowed by the Crown and both the Legislature and the Governor were rebuked for passing it.

So the effort failed, and the people of the Province, at the end of six years, found themselves just where they were when they began. Nothing more could be done for the present; every resource had been exhausted, for the time for the bullet and the bayonet had not yet come, though such struggles served to hasten it. So the people, nursing their wrath, and with a bitterness of feeling toward Royalty never before felt, for they had appealed to "the best of kings"

himself and in vain, bided their time, and in less than two decades it came. Such experiences as they had between 1755 and 1763 were hard and stern teachers, but they made apt and quick scholars. Before 1763, the people of the Province would have been quite content to be as British subjects. In 1783 they, with the other colonists, were no longer subjects, but had conquered their independence, created a new nation and were free citizens of a great republic.

The Tower Hill incident, in its various phases, created much talk and controversy, spreading over the entire period of Governor Dobbs's administration, and even now it is not completely devoid of interest, if for no other reason, because it has been the fashion of "historians" to impute personal corruption to Governor Dobbs in the premises, an imputation that the records seem by no means to justify. The facts in the case appear to be briefly as follows:

The act fixing the seat of Government at New-Bern that was passed in 1746, under Governor Johnston's administration, having been repealed by the Crown, Governor Dobbs was directed, by the 41st article of the instructions he brought over with him, after due consideration, to report to the Lords of the Board of Trade a proper place for a seat of Government that would best answer the needs of the whole Province. For various reasons, New-Bern did not seem to him to be the proper place, the chief one being that in his opinion the capital ought to be somewhere near the centre of the Province, and that the rapidly increasing growth of population to the westward indicated that in common fairness the place selected should be much higher up the country, an opinion that the site of the present capital, near one hundred miles further west than the place he proposed, fully justifies. Accordingly in the Spring, after his arrival, he went from New-Bern up the Neuse to its falls some 100 miles looking for a place the most central and convenient for the above purpose. The place he finally selected was a bluff at Stringer's ferry, on the north side of the river, some 42 miles by land and 50 by water above New-Bern, called Tower Hill, and he made his report to the Board of Trade accordingly on 6th August, 1755. The Board replied that

although the place seemed a very proper one from his description of it, the King would prefer to have the sense of the people taken upon it in the next session of the General Assembly, in view of the fact that the Province would have to be at the expense of the public buildings, and therefore, in December, 1758, the Legislature (the Assembly having resolved that it was the best place) passed an act fixing the seat of the Provincial Government at Tower Hill, the Governor assenting thereto. Meanwhile the Governor had bought the land there, as he alleged, to prevent the owner from exacting an exorbitant price, as he might do, in case the purchase was delayed until he knew the place was fixed upon for the site of the Provincial capital, and offered it to the Assembly he said for precisely the sum with interest that he paid for the place. But in 1760, the Board of Trade rebuked the Governor for permitting the bill to be passed, saying they intended he should get from the Legislature not an act fixing the place, but a mere recommendation therefor. No further action was taken in the premises, however, until December, 1762, when the Legislature, in a formal address to the King, asked him to disallow the act making Tower Hill the seat of government, and in its stead to designate New-Bern. It was therein declared that "Tower Hill on Neuse River" had been found entirely unfit and improper, lying at a great distance from any navigable water, and at certain seasons of the year extremely difficult of access to most of the inhabitants of the Province, for which reasons there did not appear the least probability that it would ever be settled or inhabited by a sufficient number of people to accommodate the officers of government, members of the General Assembly and others concerned in transacting public business with any tolerable degree of convenience. To this address Messrs. John Rutherford, Lewis DeRosset and John Sampson of the Council, all Southern members, entered a formal protest for the reasons: 1, that the southern boundary of the Province was not ascertained and that it would be a precipitate step to fix upon any place for the capital before the boundary was ascertained; 2, that New-Bern could make no claim to have the

best navigation or to be the most central place for the encouragement of trade or for the ease of the inhabitants, both of which points ought to be considered; 3, that the unhealthiness of New-Bern and its distance from the back settlements rendered it unfit to be the capital, especial mention being made of a former unanimous resolve of the Assembly that New-Bern was an improper place for the seat of government; 4, that the address in its favor was carried in the Assembly only by a small majority and in the Council by the casting vote of the President. The Governor, thereupon, sent a message to the Assembly asking to be paid for the land in accordance with the provisions of the act of 1758, with interest from the date of purchase, since which time he had not interfered with the land nor received any benefit therefrom, and in May, 1764, the Treasurers were ordered to pay him accordingly. To the last the Governor declined to advise the King that New-Bern was either central in point of location or healthy.

It is difficult to see in the above any evidence of personal corruption on the part of the Governor. The incident is worthy of notice, too, if for nothing else, to show how slow was the progress of events when provincial legislation was subject to revision and repeal by the authorities in England. This matter, which began in 1746, under Governor Johnston, did not end until 1766, when New-Bern was made the seat of government, and Tryon began to build his famous "palace" at a cost that prevented the Province from rallying from the effects of the war.

The number of members necessary to constitute a quorum of the Assembly also gave rise to much dissension whenever circumstances permitted. The Assembly contended that a majority of all the possible members was necessary to make a quorum. Governor Johnston, in 1746, when he got the bill passed taking away the representation of the Northern counties, contended that a less number would make a quorum, but though the Board of Trade said they were not sufficiently satisfied that a majority was necessary to make a quorum, he was overruled, and the bill, while a desirable one to the Crown,

was rejected. After that the Crown attempted to get rid of what it considered a difficulty by ordering in the instructions sent over by Governor Dobbs that henceforth fifteen members should be considered a quorum. The Assembly, however, said the number necessary to make a quorum was a matter of constitutional or chartered law, a vested right that the Crown could not change without the consent of the Legislature, and continued to require the presence of a majority of the whole number of members before proceeding to business. There were two exceptions to this, one in 1746, when a minority, a mere handful, resolved that fourteen members and the Speaker, just the number it could muster, should be a quorum, and with that so-called quorum proceeded to pass the act above referred to, and to legislate generally. The other was in June, 1760, when an Assembly was suddenly called to meet in Wilmington almost immediately after along Assembly in April and a short one in May, upwards of thirty members being present, only three or four less than a majority, and when, in the excess of their patriotic desire to defend the frontiers against the Cherokees, and the extreme exigency of the case, that seemed to them to forbid the least delay, they passed an Aid Bill with some three or four less than a quorum, which was then thirty-eight. But even then they were careful enough to enter upon the records that their action in disregarding the legal quorum in this case was by no means ever to be drawn into precedent, as it was occasioned solely by their desire to prevent delay that would be seriously hurtful to the cause they all had so much at heart. In spite of this, however, the Governor threw it up to them from time to time, whenever a dispute on the question arose, though scarcely a generous act, one would think, on the part of his Excellency. The Board of Trade and the Crown supported the Governor in the dispute; but it availed naught, for the Assembly, while proffering to give its assent to a law by which the number might be changed, provided not less than one-third of its members was made a quorum, in substance declared that not all the Kings and Boards in Christendom

could change the number without its consent. And thus the matter stood, so that another legacy of discontent was carried over to the Tryon administration.

The act of Assembly of January, 1715, entitled an act for appointing a town in the county of Bath, was long an eyesore to the Governor in that in addition to the special provision authorizing the town of Bath to send a member to the Assembly it contained a general clause by which every town in the Province might send a member as soon as it had sixty families resident therein. This act, so far as appears, was never repealed, and under its authority every town would, from time to time, as it could comply with the requirements, send a member without having a charter from the Crown, and once, as in the case of the town of Halifax, in 1760, without the formality of a writ of election from the Governor, Stephen Dewey, Esq., being the member thus sent. Sometimes, however, as in the case of the town of Brunswick, in 1754, the Legislature would pass a special act authorizing a town to send a member that did not have sixty families resident therein. Brunswick had at that time only twenty families. Wilmington, that had seventy families, was also authorized by a special act of the Legislature to elect a member. In one case, at least, that of Tarboro, in 1772, an effort was made to give a town representation in the Legislature solely by charter from the Governor, but it was not successful, for the Assembly would not allow the applicant, Henry Irwin, Esq., to take his seat, alleging among other things that the town did not have sixty families resident therein.

At another time the conflict, as various in form as irrepressible in nature, was about the appointment of a Public Printer, and took place only a few months before the Governor's death. An Assembly Bill appointing James Davis Public Printer having been killed in the Council sitting as the Upper House, the Governor, by and with the advice of the Council sitting as a Council, appointed Andrew Stewart Printer to his Majesty in the Province, for eighteen months, with orders to print such things as the Printer had been accustomed

to print, notified the Assembly of the facts in the case, and asked that a suitable salary be provided for the new official. The Assembly answered that it was most extraordinary and unparliamentary, that the failure of the bill to appoint a Printer in a body that had hitherto called itself the "Upper House" of the Legislature, should first come to them through the Governor, who, with the advice and consent of that same body, had proceeded to the appointment of a Printer under the sounding appellation of his Majesty's Printer, an appointment of an unusual nature, and unknown to the laws and Constitution, and therefore to guard the liberties of the subjects and their indubitable rights, did formally resolve that they knew of no such office as his Majesty's Printer of this Province, and of no duties, fees or emoluments thereto belonging; and that the said appointment was of a new and unusual nature, unknown to the laws and a violent stretch of power.

The Governor replied that it was the King's "undoubted prerogative to nominate and appoint a Printer to publish his proclamations and orders of government, and to publish his laws, and that the right of the Commons, or Lower House of the Assembly was only to appoint a Printer to publish their votes and resolutions during their sessions," and again asked for an adequate salary for the new official. He also told them of the pleasure it would give him on going to England to represent to the King the action of the Assembly in a favorable light, and not as encroaching upon his Majesty's just prerogative. The Assembly rejoined, that while insisting upon their right to appoint a Printer for the Province, they would not deny his right to appoint one for the Crown. In spite of his threat, they reminded him, however, that like the right to appoint, the corresponding duty to provide a salary, was also with him; in a word, that the power to appoint, and the duty to pay, lodged together; and as the Assembly controlled the purse-strings, and entered upon their journal a peremptory order that the Speaker should send copies of all laws passed during the session to their own Printer, James Davis, and that the Treasurer should not pay any money out of any

fund by order of the Governor and Council without the concurrence or direction of the Assembly, it would seem that in the controversy the Assembly had the better of the decision, even if his Excellency had the better of the argument.

Nor was there any greater harmony in ecclesiastical than in secular affairs. The Church of England was, indeed, the "established" church in the eye of the law, and the Province was divided into parishes, which had the right of taxation to support ministers, build churches and parsonages and buy glebe lands. As a matter of fact, however, that denomination by no means met with universal acceptance among the people, of whom the "Dissenters," as they were called, of various denominations, constituted a very large proportion. In the Middle and Western portions of the State, during the Dobbs administration, the Presbyterians were largely in the ascendant, and next to them the Lutherans and German Reformed. In many parts of the State, too, the Baptists were to be found in large numbers. In the whole Province there were not more than a half dozen ministers of the Church of England, though there were some twenty-nine parishes, each county being a parish. And doubtless that Church would not have been established, in name even, had it not been that a number of people, regardless of denominational preferences, thought that the establishment by law of some Protestant denomination was more important than the shades of its creed.

The instructions from the Crown to the Governor were to permit liberty of conscience to all persons except Papists, so as they were contented with a quiet and peaceable enjoyment of the same, not giving scandal or offence to the Government; to take especial care that God Almighty be devoutly and duly served; that the Book of Common Prayer, as by law established, be read each Sunday and holiday, and the blessed Sacrament be administered according to the rites of the Church of England; to see that new churches be built and that those already built be cared for, and that for the minister of each orthodox church a house and sufficient glebe should be provided; that no minister be assigned to a parish without a certifi-

cate from the Bishop of London of his conformity to the doctrine and discipline of the Church of England, and of his good life and conversation; that every orthodox minister be a member of the vestry of his parish, and that no meeting of the vestry be held without his presence, unless he be sick or fail to attend after due notice; and that no school-master be permitted to keep school in the Province without license from the Governor or the Bishop of London.

But it was easier to write instructions in England than to formulate them into satisfactory Church acts in North Carolina, and, even when thus formulated into statutes, experience showed that practically it was simply impossible to have them executed in the parishes when contrary to the wishes of the people.

The following is a brief summary of ecclesiastical legislation during Governor Dobbs's administration :

In January, 1755, an act was passed establishing vestries, making provision for an orthodox clergy, etc., which, having been laid before the Bishop of London, in whose ecclesiastical jurisdiction the Colonies were held to be, was objected to because the vestry of any parish that might be vacant for one year was authorized to procure some other minister to perform divine service once in three months ; 2d, that the minister of each parish should be obligated to officiate in such parts of the parish and at such times as the vestry should direct ; 3d, that provision was made to punish ministers guilty of notorious immorality. The vestrymen were required by this act to make a declaration that they would conform to the liturgy of the Church of England as by law established. In consequence of the objections, the act was disallowed by the Crown on the 3d of March, 1759.

In May, 1760, two acts which, together aimed at the purposes of the act of 1755, were passed, and, according to custom, referred to the Bishop of London. After consideration of these acts it was objected that they not only revived several of the exceptionable provisions of the repealed law, but in some respects contained matter of new and greater objection, viz.: 1st, that a vestryman was not

required to be a member of the Church of England, but only to declare that he would not oppose the doctrine and discipline of that Church, whereas the law of 1755 required him to declare his conformity in express words ; 2d, there was no provision that the minister should be a member of the vestry ; 3d, that though a more ample salary was provided, and fees established for a clergyman, no machinery was provided to compel their payment ; 4th, that the act vested the right of selecting a minister for every parish in its vestry for twelve months after a vacancy, but should that term expire and no minister be chosen, the right of selection was not reserved to the Crown as in the repealed law ; 5th, that the provision concerning the punishment of ministers guilty of immorality was unnecessary, as the matter was already provided for by law, and improper, as it interfered with the jurisdiction of the Crown. For these reasons the acts were on the 3d June, 1762, disallowed by the Crown.

The Legislature met again in November, 1762, and once more began to discuss measures for the establishment of vestries and the encouragement of an orthodox clergy. Governor Dobbs informed the Assembly that he would approve none but temporary bills, and them only provided they made the clergyman one of the vestry to preside in its meetings according to his instructions, and provided further, that the choosing of the minister should be given to the Crown.

It seems, however, according to the statement of the Governor, that the bill making provision for the clergy, when presented to him for approval, contained no provision making it temporary in its nature, a fact of which he then first became aware, so that he was constrained, either to pass the bill without a temporary clause, or to deprive the clergy of the salaries allowed them by the bill, so he approved the bill rather than have no established clergy in the Province. When the vestry bill was presented to the Governor for approval, he learned for the first time that it also contained no provision, either to make it temporary in its nature or to make the minister a member of the vestry, and thereupon he rejected it.

The provision made for the orthodox clergy was a salary of £133 6s. 8d. proclamation money, to be paid by the church wardens on or before the last day of June annually, for every minister of a parish; and every such minister was also entitled to take 20s. for marrying, if by license, and 5s. if by banns; for publishing banns and granting certificate thereof, 1s. 6d.; for preaching a funeral sermon, if required, 40s. proclamation money, and he might take the said fees if he had not refused or neglected to do the said services, although the services had been performed by some other person. The glebe was to contain at least 200 acres of good arable land, and upon it were to be erected one convenient mansion house of thirty-eight feet in length and eighteen in width, a kitchen, barn, stable, dairy and meat house, and such other conveniences as the vestry might think needful; until these things were provided, the minister was to receive £20. proclamation money annually in lieu thereof. In every case of vacaney, the vestry was authorized to choose the minister for that parish, provided that no one should be so chosen without having a certificate from the Bishop of London that he had been duly ordained, and was of good life and conversation. The power to try and punish ministers for gross crime or notorious immorality was given to the Governor and Council.

In February, 1764, a new Assembly met in Wilmington, and in the absence of the Northern members passed, with the approval of the Governor, a vestry bill by which the minister was made a member of the vestry, and the vestry given the power to levy a tax of ten shillings per taxable to build churches, glebe houses, school houses, pay a school master and buy glebes. The vestrymen were only required to promise not to oppose the liturgy of the Church of England without saying anything about conforming thereto. This act was to continue in force for five years from its passage.

It will be seen from the above that for several years of the Dobbs administration there were no vestry laws in force in the Province, and that when such laws were in force the "orthodox clergy" were not necessarily benefitted thereby, being practically dependent on

vestries elected by the freeholders, regardless of sect, and not required to conform to the liturgy of the Church of England.

Among the many men who contributed to the discomfort of Governor Dobbs during his stay in North Carolina, Colonel John Starkey, of Onslow county, was one of the most conspicuous, for he was both a public treasurer and an avowed republican. He was a man of good fortune and integrity, and was very much liked and esteemed by the people. He was executor of most people who died near him, having won public confidence "by his capacity and diligence, and in some measure from his garb and seeming humility by wearing shoe-strings, a plain coat, and having a bald head." But, in spite of all this, Governor Dobbs said he was the most designing man in the Province; that he was a "professed, violent republican in every instance taking from his Majesty's prerogative and encroaching upon the rights of the Council and adding to the power of the Assembly to make himself popular;" that getting into the Assembly, he "continued to make himself popular by opposing all taxes that did not turn out to his profit, and by attempting to gain power to the Assembly at the expense of his Majesty's rights," and that finally he made himself strong enough to induce the Legislature to appoint him one of the treasurers of the Province without any limitation as to term of office, a circumstance that greatly increased his power, which he hesitated not to use against the Crown. Being treasurer, he had charge of the payment of the allowances to the members for their attendance, which he could advance or delay, as to him seemed best, so that all unstable impecunious members who wanted a supply followed him like chickens, and he swayed the House against the most sensible members of it. As an instance of the control Colonel Starkey wielded, Governor Dobbs said, it was through his influence that the Assembly refused to give a proper salary to a storekeeper at Fort Johnston, though recommended to them by his Majesty in Council because they did not have the selection of the man, and for this and other contumacious acts the Governor took from him his commission both as magistrate and as Colonel of Militia.

The above is the portraiture by Governor Dobbs of a man whom our records show the people of North Carolina long held in the highest honor; not, indeed, because of the humility of his garb, for he seems to have been the only one so singular in his dress thus honored and loved, but because of his sterling qualities, both of head and heart. That he was guilty of avowed republicanism some twenty years before republicanism ceased to be considered a crime there seems no reason to doubt, and that thus confessedly guilty, he was honored and confided in by the people, is beyond question; and this doubtless was the head and front of his offending. And just here the question arises, if the people of North Carolina thus openly and persistently honored and rewarded, for the Treasurer's place was the most lucrative in their gift, an avowed republican, how far were they too tainted with republicanism? We cannot answer.

There is more in Governor Dobbs's comment on Colonel Starkey's dress than appears at the first glance. If Colonel Starkey played the demagogue by having a bald head and using plain coats and shoe-strings, it is apparent that the custom of the country for men in his station in life was to dress differently. When he said Colonel Starkey had a bald head, Governor Dobbs, being an Irishman, doubtless meant that he wore his own hair; that is to say, that he did not wear one of the big wigs in style in that day. So, too, if wearing a plain coat and using shoe-strings distinguished him for humility in the class to which he belonged, then lace coats and shoe-buckles were the prevailing wear of those not so distinguished. And so in this incidental way we get information as to the modes of dress that obtained amongst our ancestors and the extent to which the more pretentious styles were worn.

Governor Dobbs did not confine himself to members of the Lower House in his quarrels, for he quarrelled with members of the Council as well. Messrs. Rutherford and Murray he removed from the Council, assigning therefor reasons that were not the real motives of his action. The charges preferred were indeed serious enough, involving as they did grave malfeasance in office, but the real reason

for their suspension, as he admitted in his despatches to the authorities in England, was that they were caballing against him and his administration. The Lords of the Board of Trade sustained him, but the Lords of the Privy Council, the tribunal of last resort, overruled his action and restored the suspended members to their places at the Council Board of the Province. The matter seems to have turned upon the inexpediency of allowing a Governor to exercise the power of suspension vested in him by the King's instructions in a purely arbitrary manner. It was pushing prerogative too far even for their taste. In 1759, he suspended Mr. Corbin, another member of the Council, which was doubtless well enough and was approved in England.

But with all his love of prerogative rule Governor Dobbs boasted that he was not as arbitrary in his official conduct as Governor Johnston, in that he never distarred attorneys whom he disliked at his own sweet will as Governor Johnston did in the cases of Mr. Hodgson, then Speaker, and Mr. Samuel Swann, afterwards Speaker. But he did not hesitate to follow his predecessor's example in other respects. For instance: in 1760 he secured, he said, the passage of "an unexceptional aid bill to raise and equip three hundred men, and to pay for scalps, contingencies and other claims," involving an addition to the debt of £12,000 "by having the Assembly held at Wilmington," which meant that the Northern members were not present. "Scalps, contingencies and other claims" were evidently, then; as now, costly luxuries. The bounty for a scalp then was £10 when taken by a civilian and £5 when taken by a soldier. It is probable, however, that this particular bill would have been passed in a full Assembly, the emergency being very great.



COLONIAL RECORDS.

1759.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 47.]

LETTER FROM GOVERNOR DOBBS, DATED 22^d JAN: 1759.

MY LORDS, [OF THE BOARD OF TRADE.]

I have not had any Letters, Orders, or Instructions from your Lordships since the 7th of November 1757 which a little surprises me, not thinking that they should all miscarry.

I herewith send you the reports of the Committees of Accounts and Claims together with the Copy of a Bill of an extraordinary nature which affected His Majesty's Prerogative, which the Upper House laid aside upon the 3^d reading.

As there has been a great deal of caballing and management this last Session particularly as to that and the Bill for fixing the seat of Government which I have passed, I must write fully to your Lordships upon it, as I shall want several instructions & enforcements or explanations of Instructions to know how far I shall execute them or suspend them for the future.

The situation I was in at Newbern in a small House at a high rent which I was obliged to pay without either Garden or field to keep either horse or Cow in a low unhealthy situation in which I had several relapses in Fevers and agues and the Assembly having complained of it and voted it an improper place, and no hopes of fixing on a place for the seat of Government made me enquire for a proper place to reside in, and the Gentlemen upon Cape Fear having offered me a new convenient house covered in but not finished in properly with convenient land to reside in there in a healthy dry open situation, I last Spring removed my family thither, and proposed holding Assemblies alternately at Edenton and Wilmington to prevent any jealousy between the Northern and Southern Inhabitants. This however alarmed the Gentlemen in the north lest hereafter the seat of Government might be fixed at Cape Fear, as it has the best navigation in the Province, and they made me a proposal to fix the seat

of Government upon Neuse in the situation I recommended to your Lordships, where I had purchased a Plantation with that view that the price might not be raised upon the publick in case it should be fixed there, and engaged to build a house for the Governor, a State House and Secretary's Office, in case I would reside there, at the publick expense, and to erect a City there, this I consented to, and thought upon your Lordships having approved of it in case they addressed His Majesty upon it to lay them under an obligation of paying for the buildings, I might venture to pass such a Bill without a suspending Clause which they thought would delay the building, since His Majesty, if He disapproved of it would repeal the Bill, and if it were delayed, they might change their mind and not fix the seat of Government.

But by what has passed since I found that this was a scheme to draw me in to pass the second Bill, which was laid aside upon account of paying me the money I had expended, and would have also paid my expenses in attending the Philadelphia Congress, and the rent of my house for the time past which were at my private expense, thinking I would break through my instructions and pass a Bill which so greatly affected His Majesty's Prerogative and the Power of the Governor and Council.

The draught of this 2^d Bill was not shewn to me until the Assembly met at Edenton, much about the same time I was informed that a Junto of 2 or 3 leading Members and the 2 Treasurers had met at the Supreme Court at Edgcomb to prepare & digest their plan and to get our proportion of the sum which His Majesty had graciously recommended to the Parliament to reimburse the Southern Provinces, which they expected would be at least £15,000 into their Custody under the direction of the Assembly which they ruled, and so apply it as they thought proper without His Majesty or the Governor and Council's interfering in it.

When this second Bill was shewn to me I objected to some parts of it particularly bringing over the sum in Specie, and lodging it with the Treasurers, and appointing an Agent without my approbation in Council who was only to follow their Instructions to him by their Committee of Correspondence, upon which they insisted upon it that the first Bill for the seat of Government should not pass unless the other went with it, as hand and glove, that they were to gain the Assembly by having the money in their disposal and not in the Governor in Council, which was a point they could not gain in Virginia from M^r Dinwiddie and the Council, and the lodging the

money in the Treasurer's hands was Mr Starkey's price without which he would oppose it—Upon this fine spun scheme I thought to finesse as well as they, and spoke to my friends in Council not to oppose the 2^d Bill until the third reading except in some trifling amendments, and whenever the Lower House had read both the Bills the 3^d time and they had passed their House, and were sent up to the Upper House, I went & assembled the Council and told them that I wanted their advice whether to pass a Bill of an extraordinary nature which affected His Majesty's Prerogative and the rights of the Governor and Council, which was contrary to my instructions and gave them a Copy of the 29th & 30th Articles of my Instructions and desired they would give me under their hands their opinion and advice upon it without which I could not pass it, the gentlemen in Council who were for the Bill then proposed a suspending Clause. I told them even with that I could not think it prudent to pass it, upon which I left them and they without a negative put off the reading of the Bill until the first instant, before which the Assembly was to be prorogued, upon this Disappointment the Lower House were all in a flame, the managers being greatly disappointed, & represented to me that there must be a Dissolution unless the Upper House would resume the Bill, desiring I would speak to the Council to revoke their resolution, and pass the Bill—I told them I thought it was unprecedented, but they were to have no restraint put upon them—The Assembly then cooled and it ended in an application to me that I would concur with them in recommending so much of the money they were in arrear to their former Agent to be paid out of that sum, this I thought just and concurred with them in it; they then appointed an Agent of their own, without the approbation of the Governor & Council, & resolved to pay him £150 p. ann: for 2 years out of their proportion of the dividend of the £50,000 and then addressed His Majesty congratulating him upon the success of His Arms, at the same time praying that part of the sum should be laid out in purchasing Glebes and establishing Free Schools in each County—This address they never communicated to me, but are to send it to their Agent to deliver it, otherwise the Council would have concurred in a proper Address, upon which the Governor in Council have sent separately a congratulatory address to His Majesty, and then I closed the session.

As the bringing over the money in specie would be very expensive and would answer no end but the Treasurer's and the Committee or Junta of Correspondence, and would as fast as paid be sent back again to Britain to answer demands instead of sending out commod-

ities, I proposed that it should be lodged in the Bank, or to purchase Bank Stock with it, which upon a happy peace would rise considerably, and to remit it as wanted to this Province, and as the Discount of our Paper Currency is at present £190 above the par of English Coin, the Bills would answer above 50. p. cent above specie in whatever manner His Majesty thinks proper to apply it, but if it came in specie into the Treasurers hands, they would pass it a par at 33 $\frac{1}{3}$. and the surplus would sink into their pockets and their friends in the Committee of Correspondence. However I leave it to you to judge whether it mayn't be equally for His Majesty's service and the benefit of this Colony, if so much as they proposed of it for the building of the Stadhouse &c. should be laid out for that service instead of issuing Treasurer's notes for the like sum, & the remainder or a Proportion of it be laid out in finishing the forts of Granville and Johnston on Cape Fear & at Portsmouth near Ocacock Bar since the Assembly refused to give more money to finish Fort Johnston upon pretence that the Commissioners had not accounted before them, whether these Forts are necessary and fit to be continued or finished which I find, as they apprehend the war will be soon over they think Garrisons for them may be a charge upon the Province, which they would be eased of if there were no forts, but I apprehend it will be much for his Majesty's interest, that these Garrison's should be supported and paid by Britain, as they will keep the Province more dependant, and the Government as well as the Collectors may want their assistance and countenance to prevent an illicit trade which prevails over all the Colonies. I also think it for His Majesty's service that part of it should be reserved for the repairs of forts or building of Magazines or other contingencies of Government which the Assembly is unwilling to provide for but in a very scanty manner chiefly to bear their own expenses attending the Sessions.

Your Lordships will further consider whether the disposal of the money granted by His Majesty should be under the direction of the Governor and Council, and to have the accounts audited by the Auditor and transmitted to Britain according to my Instructions to be laid out as His Majesty shall direct and approve of, or to give up all accounts of money to the Assembly who will neither pay nor allow the Auditor to audit the accounts and keep the Vouchers, by which means they endeavour to engross all power, as they endeavour from time to time to increase it, now is the time on a peace to stop their schemes of their power, as very little money will be raised upon the Province but for their own benefit, if there should be any

part of the sum remaining after such Appropriations His Majesty may direct it at His pleasure either in sinking the Paper Currency or in purchasing Glebes and establishing schools, but I must remind your Lordships that there was £7200. granted in Bills for building Churches & purchasing Glebes and £6000 for publick schools, which notes were not to be issued without His Majesty's approbation, which Bills were borrowed and issued to answer the expenses of this war to be sunk by proper taxes, as these Bills are restored by the taxes His Majesty may either allow these to be applied for Glebes or schools, or order them to be burnt as they are paid in to lessen the Paper Currency. But I should think one Public Provincial school for the languages &c would be enough to be endowed, and the County schools be only for English scholars to learn to read write and account with some other branches of the Mathematicks.

Since we have passed a Bill this Session for the better maintenance of the Clergy by which their annual stipend is increased to a hundred (£100.) this Currency and £20. annually instead of a Glebe, I believe your Lordships will recommend the repeal of the Church Bill which passed in the year 1754. when the Crown in effect was obliged to give up the Patronage, as the Vestries have always contrived to evade the lapse upon their not nominating and their choosing Vestrymen who wont act, and therefore they pay no Parish taxes and turn out their Clergymen at pleasure where Vestries act, so that now this Bill securing a better Provision for the Clergy, they are safe, and the Vestry Act may be repealed, by which better Vestries may be got hereafter, the repeal of that Law will be of great benefit to the Province and encourage pious learned Clergymen to reside here.

I also thought it prudent to concur in repealing Atkins' Law which was to continue 2. years, as we had prohibited the Indian Trade without Licences from him, and neither Virginia nor South Carolina would pass any Bill to the same purpose; and the Indians complained for not being supplied by us with Provisions or English Goods, and find that Mr Atkins has never yet gone up to treat with the Indians.

I must also desire your advice and Instructions considering the caballing of the Members of Assembly, whether it wont be prudent to dissolve this Assembly at least after next Session, but this I can't do until I have further Instructions from His Majesty before I can issue any writs as so many Counties have been dissolved & created again, who have no Members until Charters are granted to them,

which none have demanded and if they do not, I can issue no writs for these Counties, among them Tyrrel is one in Lord Granville's district which sent 5. Members, and Bertie another which sends 3. Members; ought I then to give these small Counties 5. or 3. Members when much larger Counties send but two; will it not be more equitable & equally Lord Granville's Interest that as I have divided one of his Counties, Edgcomb, into two, & erected Halifax County out of it upon their Petition, that 2. of the 5. Members be taken from Tyrrel County & granted to Halifax County, otherwise I must give Charters only for one Member to each of the new Counties, Chowan County in which Edenton is, also petitioned to be divided and have another County erected out of it, but when I informed them that I could grant them no Members by Charter unless Chowan from which they would be divided would part with 2. of their 5. Members and take out a Charter for three Members which they would not consent to do, then they withdrew their petition; But if Lord Granville approves of giving to each County of Tyrrel & Bertie Charters for 2. Members, then Halifax and Edgcomb shall have two each, and when any of his other western Counties come to be divided which are very large, then the other 2. Members taken from those Counties may be made up by that County without any cause of complaint by the inhabitants of His Majesty's Southern district. The giving two Members to Dobbs County separated from Johnston County will be according to my Instructions, as Johnston County is entirely in His Majesty's Southern district.

Since I find the Treasurers have a great influence over the Members particularly M^r Starkey by paying them their appointments for attendance each Session, and as he is a declared republican, and is constantly scheming to lessen the Prerogative, and take the Power from the Council and giving it to the Assembly and acts not as His Majesty's Treasurer for his service, but calls himself Treasurer for the Public not accountable to the Crown, I can't but think it advisable that the Bill which made him Treasurer without limitation should be repealed, and the Treasurer or Treasurers for the time to come should be made by the Crown during pleasure, and be incapable of being a member of either House if named by the Assembly, if that be not thought advisable, it can't be expected that the Treasurers should pass their accounts and have them properly audited and sent to Britain pursuant to my instructions, it was not prudent to litigate any Point with them when unusual Supplies were demanded from them, but upon an approaching peace, when nothing will be required

but for their own benefit will be a proper time to insist upon his Majesty's Prerogative pursuant to my instructions with a new House of Assembly before Parties are formed in it.

These points I hope you will take into consideration and advise His Majesty what further instructions to send. We are greatly at a loss upon account of the Boundary lines not being fixed, no Taxes can be raised upon Anson County nor the Laws executed there, Patents are daily granted by both Governments in it, for if 2 people petition and one gets a warrant, the other goes to the southern Province & takes out a warrant there, by which means the bordering Counties can't be settled; it will be also necessary that the line be continued between His Majesty's & Lord Granville's Lands, there are Patents taken out above 100. miles westward beyond where the line was run before and we have been obliged to order that no lands for the future should be surveyed or granted within 5 miles of each side of an imaginary line (run by a Surveyor under Lord Granville) to prevent mistakes

I am with great respect, my Lords &c

ARTHUR DOBBS.

Brunswick

22nd January 1759.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 62.]

At the Court at St James's the 2nd February 1759

Present The King's most Excellent Majesty in Council.

Whereas by Commission under the Great Seal of Great Britain, the Governor Council & Assembly of His Majesty's Province of North Carolina, are authorized and empowered to make, constitute and ordain, Laws Statutes and Ordinances for the Public Peace, Welfare and good Government of the said Province, which Laws, Statutes and Ordinances are to be as near as conveniently may be, agreeable to the Laws and Statutes of this Kingdom, and to be transmitted for his Majesty's Royal approbation or Disallowance. In pursuance of which Powers an Act was passed in the said Province in October 1755, and transmitted entituled as follows viz^t.

"An Act to quiet the Freeholders in the possession of their Lands and for other purposes."

Which Act together with a Representation from the Lords Commissioners for Trade & Plantations proposing the Repeal thereof, having been referred to the Consideration of a Committee of the Lords of His Majesty's most Honble Privy Council, for Plantation Affairs, the said Lords of the Committee did this day report to His Majesty, as their opinion, that the said Act ought to be repealed. His Majesty taking the same into consideration, was pleased with the Advice of His Privy Council to declare his disallowance of the said Act. And pursuant to his Majesty's Royal pleasure thereupon expressed, the said Act is hereby repealed, declared void, and of none effect. Whereof the Governor or Commander in Chief of His Majesty's Province of North Carolina for the time being and all others whom it may concern are to take notice, & Govern themselves accordingly.

A true Copy.

W. SHARPE.

[B. P. R. O. AM. & W. IND : VOL. 77.]

Circular to Governors in North America.

WHITEHALL, Feb^{ry} 5th. 1759

SIR,

The King having been pleased to appoint Rear Admiral Saunders to be Commander in Chief of all His Majesty's Ships employed or to be employed, in North America, I am to signify to you, the King's Pleasure, that you do transmit to Rear Admiral Saunders all Intelligence relative to his Department, in the manner as you was directed to do by my Letters of the 19th February and 30th December 1757, to the former Commander in Chief of His Majesty's Ships; And it is also the King's Pleasure, that you do, on any Application from Admiral Saunders or the Commander in Chief of the King's Ships use all legal Methods to supply him with such a Number of Sailors and Workmen from your Province as he shall at any time, require for His Majesty's Service.

I am &c^a

[B. P. R. O. AM. & W. IND: VOL. 72.]

SIR, [SECRETARY PITT]

I had the Honour of writing to you in answer to yours of the 17th of Sept^r last the 22^d of December last which the Inclosed is a Duplicate of.

This is principally to inclose to you an Address from the Governor and Council here which we humbly beg you to lay before his Majesty upon the glorious Success of his Arms last Campaign.

The Assembly having been disobliged at the Close of the Session that the Council wou'd not pass a Bill, which in an extraordinary Manner incroached upon his Majesty's Prerogative, which I informed them I cou'd not pass according to my Instructions; They wou'd not join in an Address with the Council, nor send it through me as the proper Channel, but have taken upon them to nominate an Agent of their own, whom they call a Provincial Agent, and to appoint him a Salary without the Approbation of the Governor and Council, who is to be entirely under a Junto of the Assembly, and have transmitted their Address by him, which will oblige me in Council at next Meeting to appoint another Agent to act as provincial Agent under the Direction of the Governm^t here.

I heartily congratulate you upon the glorious Successes, the Effects of the vigorous Measures you have promoted in your Administration, and hope soon to hear of further Trophies in the Prosecution of our Naval force over the french Islands and hope by the Blessing of God, who has taken the Apostolick Christian Protestant church under his immediate protection & Government that next Campaign will expel the French also from this Continent, that we may for the future be safe from an insatiable cruel Hereditary Enemy, and that the poor Natives of this Continent may be Civilized and prepared for Conversion to the Christian faith, and be made Partakers of true British Liberty, and that you may live to enjoy the Effects of the vigorous Measures you have so wisely promoted.

I am with the greatest Regard, Sir &c.

ARTHUR DOBBS

Brunswick

6. Febr^y 1759.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 37.]

Letter from M^r Wood Secretary to the Comm^{rs} of the Customs, dated
17th February 1759.

SIR, [JOHN POWNALL, ESQ^{re}.]

I received your letter of the 24th ult: transmitting Copy of an Act passed in the Province of North Carolina in 1755, to restrain the exportation of bad and unmerchantable tobacco, and for preventing Frauds in His Majestys customs. And the Commissioners having considered the said Act, and advised with their Officers thereupon, I am directed to acquaint you, for the information of the Lords of Trade that the Commissioners do not conceive that anything therein will in any wise affect or interfere with His Majesty's Revenue or the Laws and Regulations made for the importation of Tobacco into this Kingdom. Agreeable to your desire I return you the Copy of the Act inclosed, and am

Sir

Your most humble servant

W^m WOOD.

Custom House London

17th February 1759.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 38.]

Letter from Tho^s Lord Bishop of London, dated 19th February 1759.

MY LORDS, [OF THE BOARD OF TRADE.]

I have in obedience to your L^{ps} Commands considered the Act of North Carolina which you are pleased to refer to me.

The two points referred to me to be considered are, how far the Provisions of this Act may affect and interfere with the Bishops ecclesiastical Jurisdiction in the Colonies, and Secondly, how they affect the right of the Crown to the Patronage and Presentation to ecclesiastical Benefices.

Observations

The Act having made Provisions for constituting a Vestry, and directed in what manner they shall be elected and qualified, goes on to ascertaining the powers of the Vestry, and in the first place

gives them a presentation to every Church in the Colony, Tho' the whole right of Patronage is undoubtedly in the Crown, and the King's Governor in Chief has a right, to exercise that right, in virtue of the Kings Patent granted to him, But to keep up some appearance of conformity with the Law of England, the Act gives the King or his Governor, a right to present upon a lapse, if the Vestry neglects to fill up within twelve months after the Vacancy; And the person who comes in by the Crown, has a right to enjoy the whole Salary, which in the former part of the Act is settled at fifty pounds a year, but even this small gratuity bestowed upon the Crown, is withdrawn again by the following Provision, *Provided nevertheless that in case the Vestry of any Parish that shall be vacant one year shall procure some neighbouring or other minister to serve in the cure of such vacant Parish by performing divine service once in three months, they shall thereby save to themselves and retain the right of Presentation for so long time as such minister shall so serve in the cure of such vacant Parish.* It is observable that no salary is appointed for the hired Preacher, who perhaps may be had at a cheap rate, and below fifty pounds a year, which would be a temptation to the Vestrymen to take this method to provide for the Churches. And not contented with having thus appropriated the Patronage to themselves of all Livings in the Province (to the manifest injury of the crown) they go on to set up a new Jurisdiction which is quite inconsistent with the Government of the Church of England, and excludes any Bishop from examining or correcting any misbehaviours of the Church; and takes from the Crown the right of appeal. And in the next Paragraph it is enacted, *That the minister of such respective Parish shall be obliged to officiate in such parts of the Parish, and at such times as the Vestry, or a majority of them shall direct,* And it is observable that tho' one of the clauses of the Act takes notice of the Bishop of London, and impowers him to certify that every minister to be elected to serve in any Parish, *hath been duly ordained conformable to the Doctrine and discipline of the Church of England and is of a good life and conversation.* Yet in the next Clause all authority is taken away from him, and a new Court is erected to judge and to punish *any minister who shall be guilty of any notorious immorality.*

After all these Provisions, what becomes of the King's supremacy? or the Bishop's Jurisdiction? It seems to me to be all transferred to the Vestry of the several Parishes; And so far are they from copying after the Church of England that I rather suspect that they borrowed the model of their Government from the Presbyterians and Inde-

pendents of New England, who at an Assembly begun May the 28th 1718. did enact that the Inhabitants of the Towns therein mentioned should have, *full power to chuse a Committee for the regulation and management of all affairs relating to the support of the Public Worship of God And for the chusing all necessary and proper Officers in and for the said Precinct, Parish or District; and further to have all such powers and Privileges as by any of the Laws of this Province are given or annexed to any District or Precinct, any Law, usage or Custom to the contrary notwithstanding.*

I wonder not to see this form of ecclesiastical Government in a statute from New England, for it is agreeable to their principles, but how it should get into a statute of North Carolina, where Conformity is so strongly insisted on, that in the very Act, now under your L^{ty}s consideration, it is enacted, that every Vestryman chosen, as in the Act directed, shall make the following declaration.

I. A. B. do declare that I will conform to the Liturgy of the Church of England as it is by Law established—Which is the very declaration which the Clergy of the Church of England (whose peculiar business it is to officiate in all parts of the Liturgy) are obliged to make.

As to the other matter referred to me Viz^t:

How far this act may interfere with the Bishops ecclesiastical Jurisdiction in the Provinces, I am not so well prepared to answer, for it will be necessary in the first place, to determine whether the Bishop has any power, and what. As I had considered that point at large upon my first coming to the see of London, and had laid before the King and Council what appeared to me to be most material, give me leave to lay before you a Copy of that Address to which I shall only add a short account of what pass'd upon the Occasion.

Soon after I was made Bishop of London, I went to wait upon the King, and laid before him the state of religion in the Plantations, & the necessity there was of having a Bishop settled in those parts; His Majesty heard me very graciously, upon which I asked him whether I might apply to his ministers, he consented to it, but I never cou'd have an opportunity of meeting with the ministers, After frequent delays, and no hopes of success, I waited upon the King again, and had his leave to acquaint the Ministers that it was His Majesty's pleasure they should take this affair into their consideration, this produced a meeting at Newcastle House. The meeting produced nothing—The last effort I made was by desiring the King's consent, that I might lay what I had to propose, *To His*

Majesty in Council, which accordingly was done six or seven years ago, and I have heard nothing of it since.

It may be asked perhaps, why the present Bishop of London could not go on with the Jurisdiction abroad, as his Predecessors had done, ever since the settling of the Colonies.

My answer is, that if the Jurisdiction had come to me upon the foot of customary usage, as it had done to my Predecessors, till Bishop Gibson's time, I should have made no difficulty of acting upon that foot, and I doubt not but those who come after me would have gone on in the same way, but when Bishop Gibson, for reasons best known to himself, applied for a Patent, and the consideration thereof was referred to the Attorney and Solicitor General, and they reported that the Jurisdiction was in the Crown, and that the Bishop of London had no right to meddle, it was time for me to consider the danger that attends the invasion of the Prerogative of the Crown, which could not be avoided but by accepting a Patent of like form with that which was granted before, which I judged not proper for me to do, I am, My Lords, &c..

THO^s LONDON

Fulham the 19th Feb: 1759.

[B. P. R. O. NORTH CAROLINA B. T. VOL. 13. D. 39.]

Letter from Cha^s Berry and Tho^s Child Esq^{res} Chief Justice & Attorney General of North Carolina to the Right Honorable the Lords Comm^{rs} for Trade & Plantation.

MAY IT PLEASE YOUR LORDSHIPS,

In obedience to your Lordships Commands, signified to us by M^r Pownall, we have, to the best of our ability duly considered those Acts of Assembly passed in North Carolina, respecting the Administration of Justice, whereof your Lordships were pleased to desire our opinions, and we humbly beg leave to lay before your Lordships accordingly, such Observations as have occurred to us thereupon.

With respect to the Act passed in 1754, entitled An Act for establishing the Supreme Courts of Justice &c, we are of opinion that it is a very exceptionable Act, whether it be considered relatively to the Prerogative of the Crown, or the expedition of Justice and the ease

of suitors. In the former View, it is to be noticed that this Act of Assembly creates the offices of Associate Judges, leaving only to His Majesty's Governor the form of naming and commissioning them; and delegates to such Associates, in case of the disability or absence of the Chief Justice, the whole right of exercising Judicature, which we humbly apprehend can be only, in the first instance, solely delegated by the Crown, and by extending the circuit to an impracticable journey of above 1900 miles a year, they have taken care to throw upon the Chief Justice that disability of attendance, for half that Circuit at the least, by this means, the whole exercise of Judicature must necessarily devolve upon such Associate Judges in those places; Which Officers having no adequate salaries or other competent profits annexed to them, will fall to the lot of Persons unlearned in the Laws, whereon all judicial determinations ought to be grounded. In the latter View, as Issues and other points of law as well as matters of fact, arising within the District severally appropriated to each Supreme Court, are determinable at such respective Court, which Courts are distant from one to two and near three hundred miles from each other, and some of 'em held in desert Places; the Chief Justice will be deprived of any recourse, at those times, to books, in order for considering the cases cited on both sides and enabling himself to make a right decision according to law: And in such Cases should he defer giving judgment till the next Court, for the sake of consulting the authorities, it will retard the execution of Justice by the space of six months at least; and this will not only augment expenses, and double the attendance of Parties, but may oftentimes occasion to Plaintiffs the loss of their demands, by the death or flight of Defendants in the Interim. And when such points of law shall fall to the determination of the Associate Judges, from whom no writ of error is provided, the consequent uncertainty and inconvenience might be still greater.

With respect to the Act passed the same year, entitled an Act for establishing County Courts, and for enlarging their Jurisdiction &c, We have two objections to it; which, in our opinion, are very material ones, since they tend to prove that the Act is not warranted by any Principles of Law, or Precedent. It is well known that those who generally act as Justices in the County Courts, are unlettered persons & chiefly guided by some popular Lawyer in the neighborhood; the enlarging the Jurisdiction of such Courts, so constituted, to forty pounds, as it will comprehend the greatest part of the causes arising in the country, must be very improper: And since their

determinations seldom prove satisfactory, but writs of error from them are continually bringing to the Supreme Courts; suits, expenses and delays must be consequently multiplied, serving to no other end than the emolument of Lawyers. Here the Jurisdiction of the County Courts is limited to causes under forty shillings; which being generally matters of fact, and seldom complicated with any intricate circumstances, are easily determined, without much mischief to the parties at the worst. But, what is much more extraordinary and mischievous, These County Courts are by this Act empowered to take cognizance of, and to hear and determine all Filial portions, Legacies and the distribution of Intestates Estates, for any sum or sums whatsoever a Jurisdiction, which, here, belongs only to the Chancery, and there, ought least of all to be trusted to Courts, the most inferior and worst circumstanced of any in the Province. Nor can we pass by a remarkable absurdity, which attends it; namely that in common contracts their Jurisdiction is limited to forty pounds, but in more delicate and difficult matters such as the construction of Wills and of the Acts relating to Intestates Estates, it is without any limitation at all.

With respect to the Act entitled, An Act to provide indifferent Jurymen in all Causes, &c. and also to that entitled, An Act to amend an Act for establishing the Supreme Courts of Justice &c. passed in 1756, there do not occur to us any material objections, wherewith to trouble your Lordships; but, appearing to be made for the purposes of explaining & facilitating the execution of the Supreme Court Act aforementioned they may in our humble opinion not improperly attend the fate of that Act, as simple dependants upon it.

We have the honor to subscribe ourselves, &c.,

CHARLES BERRY: Chief Justice } of North
THO^s CHILD—Attorney General } Carolina

Sackville Street

24th February 1759

[B. P. R. O. NORTH CAROLINA B. T. VOL. 13. D. 63.]

At the Court at S^t James's the 3rd March 1759.

Present The Kings most Excellent Majesty in Council.

Whereas by Commission under the Great Seal of Great Britain, the Governor, Council and Assembly of His Majesty's Province of

North Carolina, are authorized & empowered to make constitute and ordain Laws, Statutes and Ordinances for the Public Peace, Welfare and good Government of the said Province, which Laws, Statutes & Ordinances are to be, as near as convenient may be agreeable to the Laws and Statutes of this Kingdom, and to be transmitted for His Majesty's Royal approbation or Disallowance. In pursuance of which powers an Act was passed in the said Province in January 1755, & transmitted entitled as follows viz^t

“An Act for appointing Parishes & Vestries for the Encouragement of an Orthodox Clergy, for the advancement of the Protestant Religion, and for the Direction of the Settlement of the Parish Accounts.”

Which Act together with a Representation from the Lords Commissioners for Trade and Plantations proposing the Repeal thereof, having been referred to the Consideration of a Committee of the Lords of His Majesty's most Honourable Privy Council for Plantation Affairs, the said Lords of the Committee did this day report to His Majesty as their Opinion that the said Act ought to be repealed.

His Majesty taking the same into Consideration was pleased with the advice of His Privy Council, to declare his disallowance of the said Act, and pursuant to His Majesty's Royal pleasure thereupon expressed, the said Act is hereby repealed, declared void, & of none effect. Whereof the Governor or Commander in Chief of His Majesty's said Province of North Carolina for the time being, and all others whom it may concern are to take notice and govern themselves accordingly.

A true Copy

W. SHARPE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 40.]

To the right Hon^{ble} the Lords Commissioners For Trade and Plantations

The Petition of Merchants in London who trade to North Carolina and of Gentlemen and Merchants in and from that Colony.

Humbly Sheweth

That there is now in force in North Carolina, two different Acts of Assembly passed Anno 1748. and 1754 for the Emission of Paper Currency, in which it is expressly mentioned, that the Paper Currency made by virtue of those Acts, shall be a lawful Tender, in all

payments, whatsoever, at the rate of Proclamation money, that is at the rate of four shillings paper Currency, for three shillings sterling.

The plain meaning thereof is, that £133.6.8. paper Currency, shall be a good Tender in Law in payment of a real debt of a £100. sterling: when in fact £133.6.8. paper Currency, will not purchase more than £70. sterling.

This is such a breach of Public Faith, so contrary to Justice and equity, that it totally destroys the credit of that Province, no person can trust any property, where such Laws are subsisting, and is evidently contrary to the real interests of the people in that Colony, as well as highly prejudicial to the interests of those in Britain concerned with or for them.

We therefore humbly pray your Lordships Interposition to represent the same to his Majesty, that He will be graciously pleased to order an instruction to be sent to the Governour, to use his endeavours, with the Assembly to procure an amendment to these Acts, to the purpose that all debts due or that hereafter may be due to the Merchants in Britain, and elsewhere, upon all contracts, shall as well as the debts due to the Crown be paid *Ad Valorem*. And that for the future the Governor shall pass no Act of Assembly, without a clause to the above purpose expressly inserted. And as in Duty bound your Petitioners shall ever pray—

RICHARD OSWALD & C^o
JAMES BUCHANAN & CO
ALEXANDER MACINTOSH
JAMES JOHNSON
GEORGE UDNY

ANTHO BACON
CULLEN POLLOCK
GEORGE POLLOCK
BRIDGEN & WALLER
WIGHT & GRAHAM
FRAN. MANNOCK
J^{no} GREENLEES & CO.

[B. P. R. O. AM. & W. IND. VOL. 72.]

SIR [SECRETARY PITT]

I take the Opportunity of my Son's going to his command at Gibraltar in the English Fusileers to inclose to You a Duplicate of my former Letter of February and of the Address of the Council of this Province to His Majesty lest the former should miscarry.

I detained my Son from his Post as I thought it for His Majesty's Service to employ him in the Provincial Service here, as we had no Officers here who cou'd be depended upon to discipline the Troops,

where he served 2 Campaigns the first under General Braddock where he had the Command of 2 Companies, and the other in New York as Major over three Companies, where being seized with a confirmed Rheumatism he was prevented from serving in the following Campaign.

I beg leave to introduce him to you for Your Countenance in Case he should have Occasion to apply to you in your Department either on his own Acco^t or upon any Applications to be made to you from this Province, in which His Majesty's Service or the Good of this Colony may be promoted, and hope you will continue Your Goodness to this Province in procuring us the Dividend of the £50000 voted for the Service of the Southern Provinces of this Continent, and to reimburse us in part for our further Expence upon your last Letter.

I heartily congratulate you upon the Continuation of Our glorious Success in the French Islands, and hope by the Assistance of Divine Providence that the settled peace and Security of these Colonies, and of the Protestant Interest and Liberties of Britain and Europe, will be confirmed, by the vigorous Measures you have instilled and prosecuted in your Administration in your Southern Department Another vigorous Campaign may enable His Majesty and the King of Prussia to insist upon the Restoration of the Edict of Nantes, as well as other advantages to the Protestants in Germany and Hungary, for which You have my most fervent Prayers.

I am with great Respect Sir &c

ARTHUR DOBBS.

Brunswick

19. March 1759.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

(Extracted from the Registry of the Prerogative Court of Canterbury.)

In the Name of God Amen, I George Burrington of the Parish of St Martin Ludgate in the City of London, Esq. do make this my last will and Testament in manner and form following—(That is to say) I give devise and bequeath unto George Burrington (who lives with me and is of the age of about twelve years) and to his Heirs for ever all my free hold Land Messuages and Tenements with all and singular the appurts thereunto belonging, which are situate lying and

being in North Carolina in America, and all other the Real Estate I have in the World, and I also give and bequeath to the said George Burrington all my negroes, stocks of cattle, goods and other Personal Estate which I now have or at the time of my death shall be entitled unto either in America England or else where, But in Case the said George Burrington shall happen to dye before he arrives to the age of Twenty-one years without Issue of his Body Lawfully begotten or shall dye after his attaining his age of twenty-one years without having Issue of his Body lawfully begotten, or having made a legal Disposition of the afore said Premises, Then and in such Case, my mind and will is That all my aforesaid Real and Personal Estates, shall go to and be divided between Paul Whitehead of the Parish of St Martin, aforesaid Gentleman, William Goostrey the younger of the Parish of Saint James Westminster, second son of William Goostrey the Elder my Executor hereafter named and to their Heirs for ever to take as Tenants in Common and not as joint Tenants. And I do hereby Nominate Constitute and appoint William Goostrey the Elder of the Parish of St Martin aforesaid sole Executor to this my last Will and Testament and Guardian of the said George Burrington during his Minority and in Case of the death of the said William Goostrey the Elder, I appoint the said Paul Whitehead and William Goostrey the younger Guardians of the said George Burrington hereby revoking all former and other Wills by me heretofore made, In Witness whereof I have hereunto set my hand and Seal this Eighth day of December in the year of our Lord One thousand Seven hundred and fifty.

GEO: BURRINGTON

Signed, Sealed, Published and declared in presence of us who in presence of the Testator and in presence of each other have at the request of the said Testator subscribed our names as Witnesses

W^m NORBERT,

ALEX COLLELL,

DANIEL HOPKINS.

[Endorsement]

On the 23rd day of March 1759 administration (with the will annexed) of the Goods, Chattles and Credits of George Burrington late of the Parish of St John the Evangelist Westminster in the County of Middlesex Esq^r deceased was granted to Paul Whitehead

Esq^r one of the Testamentary Guardians appointed in the said will for the use and benefits of George Burrington a Minor the Universal Legatee named in the said Will and until he shall attain the age of twenty-one years William Goostrey the Elder the Sole Executor named in the said Will dying in the life time of the Testator having been first sworn duly to administer

March 1759

DEPUTY REGISTER.

W^m LEGARD
PET: ST ELVY
KIN. STEVENS

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 41.]

Report of the Chief Justice & Attorney General of North Carolina on two Acts.

MAY IT PLEASE YOUR LORDSHIPS, [OF THE BOARD OF TRADE]

In obedience to your Lordships Commands We have considered with due attention two Laws passed in North Carolina in 1755, the one Intitled, "An Act for appointing Sheriffs & directing their duty in Office &c." the other Intitled "An Act for regulating Orphans, their Guardians and Estates" And we humbly, report to your Lordships as our opinion that as the former relates chiefly to the æconomical concerns of the Country namely the collecting of the Provincial Taxes, and no flagrant objections appearing upon the face of it, that relate to the execution of Justice, it may not be improper to let it operate for some time probationarily.

With respect to the latter, the Jurisdiction that is thereby given to the County Courts, in Cases which are the peculiar objects of equity is not warranted by any similar practice or law in this country; and therefore this Act ought in our humble opinion to be repealed.

We are with all humble duty & devotion &c

CHARLES BERRY Chief Justice } of N. Carolina.
THO^s CHILD. Attorney General }

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Know all men by these Presents, That I John Earle Granville, Viscount Carteret and Baron Carteret of Hawnes in the County of Bedford in the Kingdom of Great Britain Lord President of his Majestys most Honorable Privy Council and Knight of the most noble order of the Garter Sole Lord or Proprietor of a Certain District Territory or Parcell of Land Situate lying and being in the Province of North Carolina in America. Having full Trust and Confidence in the Integrity and Ability of Thomas Child of the Parish of Saint James Westminster Esquire. Do by these Presents make, constitute and appoint during my Pleasure him the said Thomas Child Auditor of my District in the said Province of North Carolina and of my Revenues arising within the Same and also of the Receipts, Disbursements, charges and Proceedings of my Agents and of the Receivers or Collectors of my said Revenues and of the amounts and Proceedings of all other officers and Persons whatsoever appertaining or relating to my office at Edenton or to my Estate or Interest with said Province, With full Power and Authority to the said Thomas Child from time to time to audit their said accounts & proceedings. And for the aforesaid Purposes from time to time to oblige all and Singular such Officers and Persons on Pain of being immediately removed or Suspended from their respective Offices by the said Thomas Child to transmit or produce to him every half year at least or oftener on Demand fair Accounts of their respective Receipts, disbursements, Charges and Proceedings in order to their being Audited by him as afs'd.

And further with full Power and Authority to him the said Thomas Child to do and exercise all other Acts and Powers what so ever which may be requisite and necessary whether by Process in Law or Equity or by the aforementioned means of removal or Suspension for effecting the said Purposes or enforcing a due and constant Execution of my orders and Instructions relating to the transaction of my said affairs, he the said Thomas Child making due Reports To me of his Proceedings in Virtue of these Presents—And Lastly I do here by will and order that the above Written appointment shall be and continue (always subject however to my Revocations) in full Force and Virtue whether the said Thomas Child shall from henceforth happen to reside with said Province of North Carolina or in

Westminster afores^d. Of which all such Officers and other Persons whom it may concern are to take due notice—

In witness whereof I the said John Earl Granville have here unto set my hand and Seal of Arms this tenth Day of April One Thousand Seven hundred and fifty Nine.

GRANVILLE (Seal)

Sealed and Delivered (being first duly }
stampd) in the presence of }

W^m LUCAS,

RICH^d VIGERS—

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 291.]

To the King's most Excellent Majesty

(April 10th 1759)

May it please your Majesty,

We have had under our consideration a Petition presented to Us by several Merchants in London who trade to your Majesty's Province of North Carolina, in behalf of themselves and of several Gentlemen and Merchants in and from that Province setting forth the great injury which arises to the trading interest of this Kingdom and of the said Province in general and to themselves in particular from two Acts passed there the one in 1748 entituled,

An Act for granting unto His Majesty the sum of Twenty one thousand three hundred and fifty pounds Proclamation money and for stamping and emitting the said sum of twenty one thousand three hundred and fifty pounds publick bills of Credit of this Province at the rate of Proclamation money, to be applied towards building Fortifications in this Province payment of the Publick Debts exchanging the present Bills of Credit and for making proper Provision for defraying the contingent Charges of the Government etc.

The other passed in 1754 and entituled,

An Act for granting to his Majesty the sum of Forty thousand Pounds in publick bills of Credit at the rate of Proclamation money, to be applied towards defraying the expence of raising and subsisting the Forces for his Majesty's service in this Province to be sent to the Assistance of his Majesty's Colony of Virginia and for other purposes therein mentioned.

And having been attended by several of the said Merchants and Gentlemen and heard what they had to offer against the said Acts, We beg leave humbly to represent to your Majesty,

That in each of these Acts there is a clause declaring that the Bills of credit thereby to be emitted shall be a lawfull Tender in all payments whatsoever as Proclamation money or as sterling Money at the proper difference there is between Proclamation and sterling, that is to say at four shillings Proclamation money for three shillings sterling.

Upon this Clause the Petitioners observe that the plain meaning and constant Effect of it is that One hundred thirty three Pounds six shillings and Eight pence Paper currency shall be a good and lawfull Tender in payment of a real debt of One hundred Pounds sterling, although in fact One hundred thirty three pounds six shillings and eight pence paper currency will not purchase more than Seventy Pounds Sterling, a Provision which they conceive to be a notorious Breach of publick faith, contrary to Justice and equity and no less inconsistent with the Interest of the Inhabitants of North Carolina than it is prejudicial to the Interested of those in Great Britain who have any commercial Dealings with them in as much as it operates to the total Destruction of the Trade and Credit of the Province, since no man can trust any Property in a Country where such Laws are subsisting.

From these Allegations it appears to Us that the Evils arising from these two Acts are such in their nature and extent as call for the most speedy and effectual Remedy, and to that end we should humbly propose to your Majesty the immediate Repeal of them, did we not consider the infinite confusion which must arise in the Province from the repeal of Acts of this Nature which have been so long since carried into execution and continued in force for so many years particularly the first of them and under which such a variety of Dealings must have been transacted, the Petitioners sensible that such would be the consequence have not requested this species of Redress but conceive that the remedy lately applied in a case of the like Nature in the Colony of Virginia, may be effectual and the most expedient on the present Occasion We therefore humbly offer it as Our Opinion that an Instruction of the like Nature with that which your Majesty was pleased in February last to give to your Governor of Virginia be forthwith sent to the Governor of North Carolina, authorizing and directing him earnestly to recommend it in Your Majesty's Name to the Council and Assembly of that Province to pass an Act for amend-

ing the two Acts above mentioned and thereby to provide that all Debts and contracts already due or hereafter to be contracted between your Majesty's British subjects and the Inhabitants of North Carolina be made payable in the said Bills of Credit, if the Creditor be willing to accept the same and not otherwise, not according to their nominal value as declared by the said two Acts but according to the real Difference in value between such Paper Bills and Sterling Money at the time of discharging such Debts, and further that the said Governor be forbidden to give his Assent to any future Act for emitting Bills of Credit upon any Occasion whatever, unless he take Care that a Clause to the effect above stated be expressly inserted in such Act.

And it appears to Us, that your Majesty's Quit rents and every other branch of Revenue arising within the Province of North Carolina are by the said two Acts made payable in the same Paper Currency and at the same rate as any other Debt whatever, whereby the said Revenue must be greatly prejudiced, We would further propose that the Governor of the said Province be also directed by the said Instruction, to take especial Care that in the Act to be passed for the Amendment of the two Acts in question and also in every Act which may hereafter be passed for issuing Bills of Credit, a clause be inserted, declaring that the Paper Currency already issued or to be issued shall not be a Legal Tender in Payment of Quit-rents or of any Debt of what Nature soever due or to become due to your Majesty.

Which is most humbly submitted

Whitehall

April 10th 1759.

DUNK. HALIFAX.
J. PELHAM
SOAME. JENYNS
RICH^d RIGBY

[B. P. R. O. AM. & W. IND: VOL. 72.]

SIR [SECRETARY PITT]

I Had not the Hon^r of y^{rs} of the 9th of December before the 9th Instant, wherein you communicate his Majesty's Resolution of prosecuting the War in America with the greatest vigour, and his orders to this and all the other Colonies to exert their whole Force upon this critical Emergency.

I have immediately upon it summon'd the Council to meet me at Wilmington on friday next the 13th, to consider of the shortest Day and most convinient place to Convene the Assembly to lose no time, which I shall do by Expresses.—I am greatly concerned that the orders were so long in coming, But I shall with the utmost Zeal press the Assembly to exert their utmost Force; They cant possibly assemble before the beginning of May and it will take time to raise and compleat any additional Troops which can be of no service Northward where the Campaign must be early.—But as Fort Du Quesne is ours a small force from the adjoining Provinces may take the detached Forts upon the Lakes—But if any attack is made at Mobile on the Mississippi from Georgia we may have them ready to join the South Carolinians where a late Campaign will answer to the Southward.

We have not any arms for our Troops there are not 200 left but what have been left by deserters or have been distributed to arm the Militia on the Sea Coast and northwestern Frontier.

I pray God to grant success to the vigourous measures you have inspired, and depend upon the Divine Assistance in support of the Protestant Christian Church and cause of Liberty; which I am enthusiast enough to believe will in this and next year be made manifest by a glorious peace and the Papist Interest and Hierarchy will be greatly depressed.

I wish you all happiness in your Administration and am with great Respect

S^r yr most &c

Brunswick

ARTHUR DOBBS.

Ap. 11th 1759.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. p. 299.]

To the King's most Excellent Majesty April 12th 1759

MAY IT PLEASE YOUR MAJESTY,

We have had under our consideration five Acts passed in Your Majesty's Province of North Carolina in 1755 and 1756 for establishing the Jurisdiction of the several Courts and settling the Administration of Justice throughout the said Province, And as several Provisions in these Acts appeared to Us to be new and unprecedented, We thought it our duty in a matter of so much importance to the

good Government of your Majesty's said Province, not only to take as usual the Opinion of Sir Mathew Lamb, one of your Majesty's Council, in point of Law upon them but also to refer them to the consideration of the Chief Justice and Attorney General of North Carolina, now resident here who from their Knowledge of the Laws in general and of the former constitution of the Courts of Judicature and Mode of Administering Justice in the said Province, appeared to us to be competent Judges how far the said Acts are necessary, expedient or proper, And having accordingly received the Report of the said Chief Justice and Attorney General, we beg leave humbly to lay the said Acts before your Majesty with such Observations as they have made upon each of them.

An Act for establishing the Supreme Courts of Justice, Oyer and Terminer and General Goal delivery of North Carolina.

This Act your Majesty's said Chief Justice and Attorney General conceive to be very exceptionable, whether it be considered relatively to your Majesty's Prerogative, or to the Expedition of Justice and the Ease of suitors, In the former view they observe that this Act creates the Offices of Associate Judges leaving only to your Majesty's Governor the Form of naming and commissioning them, and delegates to such Associates in case of Disability or Absence of the Chief Justice, the whole right of exercising Judicature which they apprehend can only be delegated in the first instance by your Majesty That by extending the Circuit to an impracticable Journey of One thousand Nine hundred miles a year that disability of attendance at least for half the Circuit is thrown upon the Chief Justice and thus the whole exercise of Judicature must necessarily devolve upon such Associate Judges in those place, which Offices having no adequate salaries or other competent Profits annexed to them will fall to the lot of Persons unlearned in the Laws on which all Judicial Determinations ought to be founded, With respect to the latter View, they take notice that as Issues and other Points of law as well as matters of Fact, arising within the district severally appropriated to each supreme Court are determinable at such respective Court and as those Courts are distant from one to two and near three hundred miles from each other and some of them held in desert places the Chief Justice will be deprived of any recourse at those times to Books in order to consider the Cases cited on both sides and thereby enable himself to make a right decision according to law, and should he in such cases deferr giving Judgment till the next Court for the sake of consulting the Authorities, it will retard the Execution of Justice by

the space of six Months at least which will not only augment Expence and double the attendance of Parties but may oftentimes occasion to Plaintiffs the loss of their Demands by the Death or Flight of Defendants in the interim and where such Points of Law shall fall to the Determination of the Associate Judges from whom no Writ of Error is provided, the consequent uncertainty and inconvenience must be still greater.

An Act for establishing County Courts, for enlarging their Jurisdiction and settling the Proceedings therein passed in January 1755.

To this Act the Chief Justice and Attorney General of North Carolina have stated two Objections which they conceive to be material since they tend to prove that the Act is not warranted by any Principle of Law or Precedent, they observe that it is well known that those who generally Act as Justices in the County Courts are unlettered Persons and chiefly guided by some popular Lawyer in the neighbourhood And therefore to enlarge the Jurisdiction of Courts so constituted to Forty Pounds as it will comprehend the greatest part of the Causes arising in the Country must be very improper, and as the determinations of those Courts seldom prove satisfactory but writs of error are continually brought from them to the supreme Courts suits, expences, and delays must consequently be multiplied serving to no other end than the emolument of Lawyers.

Their second Objection to this Act is, that in this Kingdom the Jurisdiction of County Courts is limited to causes under forty shillings, which being generally matters of Fact and seldom complicated with any intricate circumstances are easily determined, without much mischief to the Parties at worst, but by this Act the County Courts are empowered to take cognizance of and to hear and determine all Filial Portions, legacies and the Distribution of Intestates Estates, for any Sum or Sums whatever, a jurisdiction which in this Kingdom belongs only to the Chancery and which in their Opinion may least of all be trusted to Courts the most inferior and worst circumstanced of any in the Province And in this most extraordinary and mischievous Provision they justly observe a remarkable absurdity namely that in common contracts the Jurisdiction of the County Courts is limited to Forty Pounds, but in more delicate and difficult matters such as the construction of Wills and of the Acts relating to Intestates Estates, it is without any limitation at all.

An Act to provide indifferent Jurymen in all causes criminal and civil and for an allowance for the Attendance of Jurors attending at the Courts passed in January 1755:

An Act to amend an Act for establishing the supreme Courts of Justice, Oyer and Terminer and General Goal Delivery of North Carolina, passed in Oct^r 1756.

These two Acts in the Opinion of the said Chief Justice and Attorney General are not liable to any material Objections but appearing to be passed for the purposes of explaining or facilitating the Execution of the first mentioned Act, relative to the supreme Court, may properly attend the Fate of that Act as simple dependents upon it.

An Act for regulating Orphans, their Guardians & Estates.

Upon this Act the said Chief Justice and Attorney General have reported that the Jurisdiction which is thereby given to the County Courts in cases which are the Peculiär Objects of Equity, is not warranted by any Law or similar Practice in this Kingdom and therefore the Act appears to them unfit to receive your Majesty's Approbation.

Upon the whole we are humbly of Opinion for the several Reasons above stated that the said five Acts should receive your Majesty's Royal disallowance.

Which is most humbly submitted.

DUNK. HALIFAX
J. PELHAM
ANDREW. STONE
RICHARD. RIGBY

Whitehall

April 12 1759.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 64.]

At the Court at S^t James's 14th April 1759.

Present the Kings most Excellent Majesty in Council

Whereas by Commission under the Great Seal of Great Britain, the Governor, Council and Assembly of His Majesty's Province of North Carolina, are authorized and empowered to make constitute and ordain Laws Statutes and Ordinances for the Public Peace, Welfare and good Government of the said Province, which Laws Statutes and Ordinances are to be as near as conveniently may be, agreeable

to the Laws and Statutes of this Kingdom and to be transmitted for His Majesty's Royal approbation or Disallowance. And whereas in pursuance of the said Powers Five Acts were passed in the said Province in the Years 1755 and 1756, and transmitted entituled as as follows. viz^t

“An Act^e for Establishing the Supreme Courts of Justice, Oyer and Terminer and general Goal Delivery of North Carolina.

“An Act for Establishing County Courts for enlarging their Jurisdiction and settling their Proceedings therein.

“An Act to provide indifferent Jurymen in all Causes Criminal and Civil, and for an Allowance for the attendance of Jurors attending the Supreme Courts.

“An Act to amend an Act for Establishing the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery of North Carolina.

“An Act for regulating Orphans, their Guardians and Estates.”

Which Acts having been perused and considered by the Lords Commissioners for Trade and Plantations, and by them presented to His Majesty at this Board as proper to be repealed,

His Majesty was thereupon this day pleased with the advice of His Privy Council, to declare his Disallowance of the said Acts, and pursuant to His Majesty's Royal pleasure thereupon expressed, the said Acts are hereby repealed declared void, and of none effect. Whereof the Governor or Commander in Chief of His Majesty's said Province of North Carolina, for the time being, and all others whom it may concern are to take notice and govern themselves accordingly.

A true copy.

W. SHARPE.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

To All Whom these Presents shall come—

I John Earl Granville, Viscount Carteret and Baron Carteret of Hawnes in the County of Bedford in the Kingdom of Great Britain, Lord President of his Majesty's most Honorable Privy Council and Knight of the most Noble order of the Garter, Sole Lord or Proprietor of a certain District, Territory or Parcell of Land lying in the Province of North Carolina in America, Send Greeting—

Whereas in and by a certain Instrument in writing called a Letter of Attorney under my hand and Seal of Arms bearing Date the first of September 1756 duly proved before the Right Honorable the Lord Mayor of London and afterwards inrolled in the Secretary's office in the Province of North Carolina aforesaid, I did make, constitute and appoint Francis Corbin and Joshua Bodley my Agents, Commissioners and Attorneys—Jointly or Severally in Cases therein mentioned To Execute all and every the Powers and authorities therein Specified and referred to under such Regulations and Directions as I then had given or from time to time should judge proper to give for that purpose. Thereby granting to them the said Francis Corbin and Joshua Bodley respectively the Annual Salaries, Profits and Perquisites granted to my Agents for the time being in and by a certain Letter of Attorney and Set of Instructions therein mentioned and recited in lieu of all other Demands whatsoever as in and by the said Several Letters of Attorney will more fully appear. Now Know Ye, That I the said John Earl Granville for Divers Good Causes and Considerations me hereunto specially moving, Do by these Presents Revoke, Countermand and make void all and so much of the said first mentioned Letter of Attorney and of all former or Subsequent Letters of Attorney by me hereunto made as relates to the said Francis Corbin and to the granting or Disposing of the Lands situate within my said District and all Powers, Authoritys Privileges, Salaries, Profits and Perquisites therein granted and given to him by the same or by any other means whatsoever And further, Know Ye, That I the said John Earl Granville having full Trust and Confidence in the Integrity and Ability of Thomas Child Esq^r his Majesty's Attorney General of North Carolina whom I have lately appointed Auditor of my said District and now send over in order to settle and adjust the affairs relating to my Estate and Interest in the said Province, Do by these presents make constitute and appoint him the said Thomas Child during my Pleasure and his Residence in North Carolina my Special Commissioner, Agent and Attorney for me, and in my Name to treat contract and agree with any Person or Persons for the Granting or Disposing of in fee in parts or Parcells so much of my said District Territory or Parcell of Land situate in the said Province upon such Terms or Conditions and under such Covenants and Provisoos and at such Rent or Rents (not under or less than three Shillings Ster Money Yearly for every hundred acres) as he the said Thos. Child shall think meet observing nevertheless such orders Regulations and Di-

rections as are comprized and set forth in Numeros. 2. 3. 4. 5. 6. 7. of a Set of General Instructions contained in five sheet of Stamp't Paper, Severally Signed and sealed by me bearing Date the 16th January 1752 and Lodged among the Records of my Land Office at Edinton in the said Province. And also under such further or other Instructions as I may at any time hereafter Judge proper to give concerning the Premises with full Power to the said Thomas Child from time to time as there shall be occasion for me and in my Name. And as my Act and Deed to sign Seal and Deliver such Grants or other Instruments as for the confirmation of such contracts or agreements shall be requisite according to the Lawful actions that have been used in the said Province for that Purpose, Such Grantee or Grantees executing counterparts thereof, and on the same being returned into the office, He the said Joshua Bodley or any other Agent for the Time being residing (shall make) abstracts thereof in the office Books and certifying the Day of his making the same by Indorsement on such — counterparts to that Effect, And Lastly I do hereby make constitute and appoint him the said Thomas Child during my Pleasure and his Residence in the said Province either jointly with my other agent for the Time being or separately by himself or such sufficient Deputy as he may think proper to appoint for this Purpose during his said Residence there my true and Lawful Attorney for me and in my Name to ask, demand sue for recover and on my behalf to receive take Possession of hold or retain by any lawful ways, means manner and Process of Law whatsoever all and Singular my annual Quit Rents Escheats, Fines, Forfeitures Revenues Dues Duties and other issues and Profits arising out of my said District or accruing to me in Right of my Propriety therein and also all Records Books Instructions, Original Letters and Papers together with my Seal and Cypher and all other things of what nature or kind soever in the said Province belonging to me or relating or appertaining to my Estate Interest or concerns therein and on Receipt or other necessary agreement and composition for the same, Acquittances for me and on my behalf to make seal and Deliver and to do all other Acts or Things whatsoever consistant with my Interest and the Interest of such orders Instructions and Directions as I have given to the said Thomas Child or shall at any time hereafter think fit to give for those Purposes as fully in every respect as I myself might or could do if I were personally Present, Hereby granting to the said Thomas Child or such sufficient Deputy as may be appointed by him as aforesaid Ten ½ cent on all moneys

that shall be received on the accounts before mentioned in lieu of the Commissions to that amount which were granted to my Agents by the 22 Article of my General Instructions dated the 16th January 1752 and which I now order to be discontinued in future—and hereby also Ratifying confirming and allowing all—and whatsoever my said Commissioner Agent & Attorney jointly or Separately as aforesaid shall in my name so lawfully do or cause to be done in and about the Premises on my Behalf by Virtue of these Presents—And I do hereby allow the said Thomas Child, as soon as he shall have settled and adjusted to the Utmost of his Power my said affairs in such manner as may answer the Purpose of my sending him thither to return to me with a full State thereof appointing in the Interim some fit Person to Transact my affairs in his absence and stead until my Pleasure shall be further signified thereon. In Witness whereof I the said John Earl Granville have hereunto set my hand and Seal of Arms. This twenty fifth Day of April One Thousand seven hundred and fifty nine.

GRANVILLE (Seal)

Scaled and Delivered in the Presence of

W^m LUCAS—

RICH^d VIGERS—

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 53 & 57.]

Letter from Governor Dobbs to the Board of Trade dated the 18th of May 1759.

MY LORDS, [OF THE BOARD OF TRADE]

Having summoned the Assembly upon the shortest notice to meet me here the 8th inst. in order to raise Men for his Majesty's Service pursuant to his Orders, they met here and are now prorogued without passing an Aid Bill, unless the Governor and Council should give up his Majesty's Prerogative and the Rights of the Upper House to a Junto of the Assembly the Speaker, his two nephews and Republican Treasurer Starkey his creature, as you will find by the Copy of the Bill laid aside in Council which I send you, they having altered the Bill by striking out the Foreign Clauses tacked to it. They have only passed two small Bills, one for a Lottery for finishing the Churches of Wilmington and Brunswick, which I consented to as the like Bills are always passed in the Northern Provinces, and we

can't get Vestries here that will lay on any Taxes to build Churches, the other a County Bill, both which I send your Lords^{ps}. If you approve of what I have done for preserving His Majesty's Prerogative, and the Rights of the Council you will find it absolutely necessary that I should dissolve the Assembly, since the Speaker is irritated at his not being appointed Chief Justice, and therefore wants to make a breach in the Province betwixt the Council and lower House, but am assured he will never again be chosen Speaker Your Lordships will also see the necessity of repealing the Bill which has established the Public Treasurers, and to give me an Instruction to make none but during pleasure, or for a short time nor agree to any Bill that Members of the Assembly should be Treasurers, they now deny they are His Majesty's Treasurers, but say they are Public Treasurers of the Assembly, which they call the Province, and only accountable to them, you will also wonder how far it may be for His Majesty's service to have them appointed by the Assembly, or whether his Majesty or Governor and Council here should appoint one or two Treasurers who should account with the Government here and with the Treasury in England. I hope by the blessing of God we shall soon after this campaign have a glorious peace, and then His Majesty will have no great Demands upon this Province, which will prevent the Encroachments of the Assembly upon the Prerogative, and then they will have time to cool and act for the General good of the Colony. Had the Aid Bill passed in the form they insisted on it would have been of no service to his Majesty, they had lowered the Bounty money granted last year of £10 procl. to £5. and with that Bounty last year we could not raise above 200 men, when the number should have been 300, and these if enlisted could not be ready before the end of July, so that the Campaign would have been over before they could join the Army, and were to return to be disbanded by the 10th of Dec^{er} and for this imaginary Aid which they expected, Britain was to pay, His Majesty was to give up His Prerogative and the Rights of the Council, by allowing of Clauses for private jobs to be tacked to the money Bill, and thus give up all power to the Lower House.

I have now wrote to Brig^r Stannix, that I have power to send the two Companies of 50 each if required, and can be of service by the last Act, but then we shall have none left to defend our Forts, and

he must advance the pay while abroad, as we have no Credit out of the Province.

I have nothing to add, but am with great regard

My Lords &c

ARTHUR DOBBS.

New Bern 18th of May 1759.

A Bill for granting an Aid to his Majesty to augment the Troops now in the pay of this Province etc.

Whereas the Inhabitants of this Government are willing to exert themselves to the utmost of their ability in promoting His Majesty's Service, and improving the Advantages gained over the Common Enemy on this Continent by his Arms the last Campaign.

Be it therefore enacted by the Governor Council and Assembly, and by the Authority of the same, that the sum of Six Thousand Pounds be granted to His Majesty for augmenting the Troops now in the pay of this Province to three hundred effective Men, exclusive of Officers, and clothing, paying and subsisting the said Troops when so augmented. Which said men shall be formed into three Companies, and each Company have one Captain two Lieutenants one Ensign, one Surgeon, four Sergeants, four Corporals and two Drummers, and shall be paid the following pay to wit, a Captⁿ Ten Shillings & Eight pence, a Lieutenant Six Shillings, an Ensign five shillings, a Surgeon Five Shillings, a Sergeant two Shillings, a Corporal & Drummer one shilling each, a private man eight pence per Diem, and each non commissioned officer, and private man eight pence per Diem for subsistence until they shall be joined by His Majesty's regular forces or Troops of the other Colonies under the Command of General Amherst, and the said Companies shall be employed in any Expedition in North America, as shall be directed by the said General or the Commander in Chief of His Majesty's Forces on this Continent, and continue in pay until the 10th day of December next if necessary for His Majesty's Service and no longer.

Provided nevertheless that if the Campaign shall be ended sooner or the said Forces shall not be ordered on any Expedition, it shall and may be lawful for the Governor or Commander in Chief for the time being to cause all or any part of the said Forces to be sooner discharged, anything herein contained to the contrary notwithstanding. And be it further enacted by the Authority afores^d that each able bodied man, inlisting voluntarily into the said service shall as

soon as may be after inlisting be clothed, for which Expence & providing him with a striped Blanket The Captain shall have an allowance of six Pounds per man, and a further sum of Twenty shillings per man for recruiting Expences.

And for expediting the said service be it further enacted by the authority aforesaid, that the sum of Five Pounds shall be paid and given as a Bounty to each able bodied man now inlisted or who shall voluntarily inlist to serve his Majesty in either of the said Companies. And be it further enacted by the authority aforesaid, that each Captain of the said Companies shall pay to each respective non commissioned officer and soldier in his Company their respective pay by this Act allowed, and each recruiting officer & person enlisting any soldier shall pay and satisfy to the soldier whom he shall enlist the sum of five pounds And every Captain recruiting officer and other person neglecting so to do, shall and is hereby declared to be incapable thereafter of having any Command or serving in either of the said Companies.

And in Case he shall be continued longer in the said service shall not be allowed any pay for the same, nor have any Demand or Claim on the Public on that Account.

And be it further enacted by the Authority aforesaid, That no person in the said service shall hold or enjoy two Commissions or Posts, and if any person contrary to the intent and meaning of this Act shall have several Commis^{ns} or Posts or be appointed to Act in several Capacities or discharge two or more Duties in the same he shall have an allowance from the Public for one Post or Service only, any custom or usage to the contrary notwithstanding. And whereas there is not money in the Treasury to answer the purpose by this Act intended. Be it further enacted by the Authority aforesaid that Samuel Swann and John Starkey Esquires be and are hereby empowered and required to sign Public Notes of Credit to the Amount of the said Sum of Six Thousand Pounds (to wit) of the following Denominations to wit (not exceeding forty) Twenty Shillings (nor less than) Ten Shillings and Five Shillings (each) which notes by their Tenor shall intitle the possessors thereof to the Sum specified in each of them to be paid out of the Public Treasury on the tenth day of December in the year of our Lord one Thousand seven hundred and sixty three. And the said Samuel Swann and John Starkey shall receive and be allowed for their trouble and expence in printing and signing and emitting the said notes, two per cent, and no more.

And be it further enacted by the Authority aforesaid that the said John Starkey, Treasurer of the Southern District of this Province when directed until the said sum of Six Thousand Pounds be fully paid, shall make payment in the said notes, or in Proclamation Money, for which he may exchange the same, to such person or persons as the Governor or Commander in Chief for the time being shall order or appoint to receive the same, and every person so empowered to receive any sum or sums shall when required by the Assembly Account for the same.

Provided nevertheless that the Captain of each of the said Companies before receiving payment of any sum or sums by virtue of any such order as aforesaid shall enter into Bond with good and sufficient security to his Majesty his Heirs and successors in the sum of (Two stet) Thousand Pounds Proclamation Money with condition that he will account with the Gov^r Council and Assembly, when he shall be thereto required for all such sum and sums as he shall receive from the said Treasurer by virtue of any such Warrant or Order of the Governor or Commander in Chief for the time being; which Bond shall be lodged with the said Treasurer, and in case of a breach of the condition thereof be put in Suit, in which no Imparlance, Essoin or Injunction shall be granted or allowed. And on a Judgment being obtained thereon the money recovered shall be applied towards defraying the contingent Charges of Government or to such other uses as the Governor, Council & Assembly shall appoint and no other Purposes whatsoever.

And be it further enacted by the Authority aforesaid, That the Sum by this Act granted, shall by the Direction of the Governor or Commander in Chief for the time being be applied to the particular Services by this Act intended, if necessary, but if a less sum shall be found sufficient for the said service the surplus shall be applied towards defraying the Contingencies of Government in such manner as the Governor Council and Assembly shall direct and not otherwise.

And be it further enacted by the Authority aforesaid, That if any Person shall forge or counterfeit any of the said Notes of Credit or shall pass or utter the same in Payment or Exchange knowing the same to be forged or Counterfeited, the offender being thereof Lawfully convicted shall be adjudged a Felon and suffer as in Cases of Felony without benefit of Clergy.

And be it further enacted by the Authority aforesaid that the Notes of Credit by this Act directed to be signed and emitted shall and

are hereby declared to be current, and a lawful Tender in all Payments whatsoever at Par with Proclamation Money.

An whereas an Additional Poll Tax will be greatly burthensome to the Inhabitants of this Governm^t in their present impoverished condition, Be it therefore enacted by the Authority aforesaid, that the proportion of this Province in the Fifty thousand Pounds Sterling granted by His Majesty and Parliament to North and South Carolina & Virginia after deducting the sum of Four Thousand Five Hundred Pounds thereof appropriated for erecting a Governor's House, State House and Secretary's office by one Act of Assembly Intituled, "An Act for erecting a City on Neus River upon the Plantation called Tower Hill fixing the Seat of Government therein and building a Governor's House and Public offices in the same." And the Sum of Three Hundred and Thirty two Pounds Nine Shillings and seven pence due to James Abercromby Esquire of London for services formerly done as Agent of this Province, be and is hereby appointed and substituted a Fund for paying & redeeming the said Notes of Credit in manner hereinafter directed, Unless His Majesty has ordered or shall direct the same to be applied, agreeable to the request made to him by the Address of this Assembly in the last Session.

And whereas it is highly necessary that some person of Integrity and ability residing in London should be authorized as well to represent to His Majesty, the Loyalty of his Subjects in this Province and their zeal for his Service as to apply for, receive and remit the said proportion of the said Fifty Thousand Pounds. And this Assembly already having had satisfactory proofs of the Capacity, Probity and Address of the said James Abercromby Be it therefore enacted by the authority aforesaid that the said James Abercromby be and is hereby appointed Agent for this Province for two years from and after the passing of this Act and from thence to the end of the next Session of Assembly to lay before his Majesty and his Ministers proper documents of the Expences incurred by this Province in the present war, and to solicit and transact all business and affairs of this Government necessary to be represented and made known to his Majesty or any of the Boards in England, according as he shall from time to time find it necessary, or be advised or instructed by the Committee of Correspondence hereinafter named.

And be it further enacted, that the said James Abercromby shall in full consideration for his said Services and Expences attending the same be allowed the Sum of two hundred pounds Sterling per

Annum to be computed from the first day of March last past until the Expiration of his said Agency. And there shall be paid to the said Committee of Correspondence out of the Public Treasury by a Warrant from the Governor or Commander in Chief for the time being so much Proclamation money as shall be sufficient to enable them to remit the said Consideration in Sterling moneys as afores^d which they from time to time are hereby impowered and required to do as the same becomes due.

And be it further enacted by the Authority aforesaid, that the said James Abercromby be and is hereby authorized & impowered to ask take and receive from the Right Honourable the Lords of the Treasury or such other Person or Persons as have or ought to pay the proportion of the said Sum of Fifty Thousand Pounds which shall be allotted to this Province, and also such other sum or sums as are or shall by the Parliament of Great Britain be granted to this Province, and to remit the same to the Public Treasurers of this Government according to such advice and Instructions as he shall receive from the said Committee for that Purpose.

Provided nevertheless that the said James Abercromby before receiving the said money shall enter into Bond with sufficient security to his Majesty his Heirs & Successors in the Sum of Twenty Thousand Pounds Sterling with condition that he shall & will remit the same agreeable to the Directions of this Act, and such Instructions as he shall receive from the said Committee which Bond shall be lodged with such Person in London as the said Committee shall appoint to receive the same. And in case of the breach of the condition of the said Bond the same shall by direction of the said Committee be put in suit, and the damages recovered thereon be applied towards sinking the said notes of Credit or in defraying the Contingent Charges of Government in such manner as the Governor Council & Assembly shall direct, and to no other use or purpose. Provided also that the said James Abercromby shall and may and is hereby impowered to retain in his hands out of the said money the sum of Three Hundred and Thirty two Pounds Nine shillings and seven pence sterling in satisfaction of the Arrears due to him from this Province for his former Agency and also such other part thereof as shall be sufficient to defray the Expence of Insuring and Freight, that shall accrue upon remitting the said money to the Public Treasurers of this Province in manner aforementioned which Insurance the said James Abercromby is hereby impowered and required to

make before the same be shipped or remitted to the said Treasurers and also to agree and contract for the Freight thereof.

And be it further enacted that Samuel Swann, Thomas Barker John Starkey, George Moore, and John Ashe Esquires or the Majority of them, or the Survivors of them be and hereby appointed and constituted a Committee of Correspondence during the Continuance of the Agency of the said James Abererombie, and they from time to time shall advise and instruct him in all such matters relating to this Province as shall be necessary to be represented moved or solicited before his Majesty in Council or any of the Boards in England, and the said Committee shall from time to time as often as required lay before the Assembly such advices as they shall receive from the said Agent, and also Copies of such Dispatches and Instructions as they shall send to him. And be it further Enacted by the Authority aforesaid, That the said Public Treasurers, shall and are hereby directed out of the Monies which they shall receive as aforesaid to pay all such Sums as shall be due on the said Notes of Credit to the Possessors of the same and to take in the said Notes so soon as they shall become redeemable that they may be produced to the Assembly to be burnt But least any disappointment should happen in getting the said money and thereby the said Notes of Credit remain unredeemed. (And for redeeming the said Notes of Credit.) Be it therefore Enacted by the Authority aforesaid that a Poll Tax of two shillings & six pence & Poll be levied on each taxable person in this Province to be collected for the years One Thousand seven hundred and sixty one & sixty two, by the Sheriffs of the respective Counties and accounted for and paid to the Public Treasurers of the respective Districts, at such time in the same manner and under the like Penalties as is by Law directed for the Collecting, Accounting for and paying other Public Taxes.

(Provided nevertheless that if the said proportion of the said Fifty Thousand Pounds or other money sufficient to redeem the said Notes shall be received and remitted to the Public Treasurers before the said Tax for the year One Thousand Seven Hundred and Sixty One shall be due and payable, the Sheriffs shall not take receive or levy the said Taxes or either of them anything herein contained to the contrary notwithstanding. And be it further Enacted by the Authority aforesaid that (in Case) the said Taxes shall be levied (that) the Public Treasurers shall and hereby required out of the money, they shall receive on account of the same pay all such sums as shall be due on the said Notes of Credit to the Possessors of the same and

take in the said Notes as they become payable and produce them to the Assembly to be burnt.

And be it further Enacted by the Authority aforesaid that John Starkey & Thomas Barker Esq^{rs} Public Treasurers of this Province shall each of them on or before the Tenth day of January next give Bond with good and sufficient securitys to our Sovereign Lord the King his Heirs and Successors in the Sum of Ten Thousand Pounds Sterling for the faithful discharge of their respective Offices, which Bond shall be lodged in the Secretary's Office And in Case either of the said Treasurers shall fail to comply with the Directions of this Act in giving such Bond and Security he shall thereafter be incapable of being or Acting as a Treasurer of this Province any Law to the contrary notwithstanding. And in Case of a breach of the condition of the said Bond the same shall be put in Suit and the Damages recovered thereon be applied towards defraying the Contingent Charges of Government or to such other uses as the Governor Council and Assembly shall direct and to no other purpose whatsoever.)

These may certify that the above is a true Copy of the Bill, which was read three times in the Assembly & Passed, and was likewise read and passed twice in the Upper House of Assembly, and on reading it a third time it was put and Rejected.

NO. CAROLINA—SS.

Test. Jn^o Smith C^{lk} of the Upper House of Assembly.

[B. P. R. O. AM. & W. IND. VOL. 72.]

SIR, [SECRETARY PITT]

I acknowledge the Receipt of your Letters of the 9th and 29th of December with his Majesty's Commands to lay them before the Council and Assembly last Month from Brunswick which I sent by Sea to New York to go in the Packett. Your Letters having come so late to hand, I summoned by Expresses the Assembly to meet me upon the shortest notice on the eighth instant and cou'd only get a Number together to adjourn the House on the 9th, the Members being so far dispersed, and am much concerned to inform you that they are now prorogued without giving any further Aid to his Majesty, The Assembly indeed prepared a Bill and tacked clauses foreign to it to increase the power of the Junto of the lower House, thinking the Council would not venture to alter a Money Bill, but

the Council having struck out the tacked clauses, the Assembly insisted upon the clauses being inserted, so the Bill was laid aside.

Had the Bill passed as proposed, a Copy of which I have sent to the Board of Trade it wou'd have been of no Service to his Majesty, they had only granted 200 additional men and lowered the Bounty for raising them from £10. to each Volunteer to £5 when the Number last year could not be compleated for £10, so that a compleat Number cou'd not be raised and ready to march till the end of July, and probably could not join his Majesty's Troops 'till September, and then must have returned & be disbanded by the 10th of December, and for this they expected a Compensation from Britain and chose an Agent to correspond with, and send the Money to a Junto of their House they appointed the Power centring in the Speaker alone.

Upon this I have writ to Brig^r Stanwix, that by the former Act I have a power of sending 100 Men already raised to join him where required if they can be of any Service, but we have no Credit to pay them out of the province, and he must advance the pay upon the Credit of our Dividend of the £50,000 voted for these colonies by Parliament and these 2 Companies are all we have to garrison 2 Forts on the Sea Coast.

I am extremely sorry I have not been able to cooperate farther in the glorious Plan of securing the British Empire in America—I have done my utmost as will appear by my Speech and the Addresses sent over.

I heartily wish you Success to your vigorous Measures in which I hope the Divine Providence will continue to assist you in the Cause of true Religion and Liberty, and heartily congratulate you upon the glorious Effects which have hitherto attended his Majesty's Arms.

I am with great Respect, Sir, &c

ARTHUR DOBBS

New Bern 18 May 1759.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 309.]

To the Right Hon^{ble} William Pitt one of his Majesty's principal Secretaries of State

(May 22nd 1759)

SIR,

Mr. Benjamin Wheatley Naval Officer of His Majesty's Province of North Carolina being deceased We beg leave to desire that you

will be pleased to move His Majesty, that Mr. Benjamin Turner, may be appointed Naval Officer in the said Province in the room of the said Benjamin Wheatley, And we herewith inclose the draught of a Warrant which we have prepared for His Majesty's Signature in case his Majesty shall be pleased to approve this Our humble Recommendation

We are Sir, etc

DUNK. HALIFAX
JAMES. OSWALD
SOAMES. JENYNS
W. G. HAMILTON
W^m. SLOPER

Whitehall

May 22nd 1759.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Trusty and well Beloved we greet you well—

Whereas we are well satisfied of the Loyalty, Integrity and ability of our Trusty and well beloved Mr Benjamin Turner, We have thought fit hereby to authorize and require you forthwith to cause Letters Patent to be passed under our Seal of our Province of North Carolina for Constituting and appointing him the said Benjamin Turner Clerk of the Naval or Navy Office in our said Province in the room of Benjamin Wheatly Esquire Deceased, To have hold Exercise and, enjoy the same to his the said Benjamin Turner by himself Or his Deputy or Deputies during our Pleasure together with all and Singular, the fees rights Priviledges Perquisites and Advantages to the said office or Place—belonging or Appertaining with a Proviso that nothing in the said Letters Patent contained shall extend or be construed to extend to the Prejudice or Disadvantage of the office of our high Admiral of Great Britain or of our admiralty of our foreign Plantations for the time being or of any of the rights priviledges jurisdictions powers and Authorities to the same in any wise appertaining and for so doing this shall be Your Warrant, And so we Bid you fare well

Given at our Court at Kensington the 23rd Day of May 1759 in the 23rd Year of our Reign.

By his Majesty's Command

W. PITT.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 65.]

At the Council Chamber Whitehall the 31st of May 1759.

Present.

The Lords of His Majesty's most Honour^{ble}

Privy Council.

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 28th of this Instant, upon considering a Draught of an Instruction prepared by the Lords Commissioners for Trade and Plantations for his Majestys Governor of the Province of North Carolina, authorizing and directing him to recommend it in his Majesty's name to the Council and Assembly of that Province to pass an Act for amending in the manner therein proposed, two Acts passed there, the one in 1748 entituled, "An Act for granting unto His Majesty the sum of Twenty one Thousand Three Hundred and Fifty Pounds Proclamation money, and for stamping and emitting the said sum of Twenty one Thousand Three Hundred and Fifty Pounds Publick Bills of Credit of this Province, at the rate of Proclamation money" etc. And the other in 1754, entituled, "An Act for granting to His Majesty the sum of Forty Thousand Pounds in Public Bills of Credit at the rate of Proclamation money" etc—Which Report and Draught of an Instruction being this day taken into consideration and approved. It is thereupon ordered in Council that the Right Honourable William Pitt Esq^{re} one of His Majesty's Principal Secretaries of State, do lay the said Instruction (which is hereunto annexed) before His Majesty for His Royal Signature.

A true Copy.

W. SHARPE.

Instruction to Our Trusty and Wellbeloved Arthur Dobbs Esq^{re}, Our Captain General and Governor in Chief in and over Our Province of North Carolina in America and in his absence to the President of Our Council or Commander in Chief of our said Province for the time being Given at Our Court at Kensington the day of 1759 in the thirty second year of our reign.

Whereas by an Act passed in Our Province of North Carolina in 1748 entituled An Act for granting unto his Majesty the sum of Twenty one thousand three hundred and fifty Pounds Proclamation

money and for stamping and emitting the said sum of Twenty One thousand three hundred and fifty pounds publick Bills of Credit of this Province at the Rate of Proclamation money, to be applied towards building Fortifications in this Province, Payment of the Publick Debts, exchanging the present Bills of Credit, and for making proper Provision for defraying the contingent Charges of the Government etc and also by one other Act passed in Our said Province in 1754 entituled An Act for granting to his Majesty the sum of Forty thousand Pounds in publick Bills of credit at the rate of Proclamation money to be applied towards defraying the Expence of raising and subsisting the Forces for his Majesty's service in this Province, to be sent to the Assistance of His Majesty's Colony of Virginia and for other purposes therein mentioned, it is enacted and declared that the Bills of Credit to be issued in virtue of each of the said two Acts shall be a Lawfull Tender in all Payments whatsoever as Proclamation money or as Sterling money, at the proper difference there is between Proclamation Money and Sterling, that is to say at four Shillings Proclamation money for three shillings sterling, and whereas it hath been humbly represented to us that several of the Principal Merchants of London in behalf of themselves and of several Gentlemen and Merchants in and from Our said Province have by their Petition humbly set forth their complaint that the said Provision is contrary to Justice and Equity and highly injurious to the Trading Interest of this Our kingdom and our said Province in general and of themselves in particular in as much as it establishes and declares the Sum of One hundred thirty three Pounds Six shillings and eight pence Paper Currency to be a good and lawfull Tender in Payment of a real debt of One hundred Pounds sterling, although in fact One hundred thirty three pounds six shillings and eight pence paper Currency will not as they allege purchase more than Seventy Pounds Sterling, We having taken the premises into Our Royal Consideration do hereby signify to you Our Will and Pleasure that you do forthwith recommend it earnestly in Our Name to Our Council and the Assembly of Our said Province to pass an Act for amending the two Acts above mentioned and that they do hereby provide that all Debts and Contracts, already due or hereafter to be contracted among the Inhabitants of Our said Province or between them and Our British subjects be made payable in the said Bills of Credit if the Creditor be willing to accept the same and not otherwise not according to their Nominal Value as declared by the said two Acts but according to the real difference in value between

such Paper Bills and sterling Money at the time of discharging such Debts. And Our further Will and Pleasure is that you do not in future give your Assent to any Act for emitting Paper Bills of Credit in Our said Province of North Carolina, upon any Occasion whatsoever unless you take care that a clause to the Effect above stated be expressly inserted in such Act.

And whereas it has been also represented to Us that by the Provisions of the two Acts abovementioned, Our Quit Rents and every other branch of Revenue arising to Us within Our said Province are made payable in the same Paper Currency and at the same rate as any other Debt whatever, whereby Our said Revenue must be greatly prejudiced. It is Our express Will and Pleasure and you are hereby strictly charged and commanded to take especial care that in the Act to [be] passed for amending the two Acts above mentioned and also in every Act which may hereafter be passed for issuing Bills of Credit in Our said Province, a clause be inserted declaring that the Paper Bills of Credit already issued or thereby to be issued shall not be a lawfull Tender in Payment of Our Quit rents or of any Debt of what Nature soever due or to become due to Us Our heirs or Successors.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 317.]

Lords of Trade to Governor Dobbs

(June 1st 1759)

SIR,

The only letters which we have received from you that contain anything material since Ours of the 9th December 1757. are dated the 27th of December 1757. and the 20th of December 1758.

The first of them relates chiefly to the suspension of Mr. Rutherford and Mr. Murray, from their seats in the Council and of the former from his Office of Receiver General.

The Papers herewith inclosed will fully inform you of the steps which have been taken in consequence of this measure and by this you will see that not only the suspension of Mr. Rutherford from his Office of Receiver General but also the inconveniencys which you state to have attended the manner in which the Provincial Treasurers have been appointed are before the Lords of the Treasury for their Judgment and direction.

It is also within the Province and department of that Board to determine not only upon what part of the Fifty thousand Pounds granted by Parliament to the Southern Colonies should be allowed to North Carolina but also to give such direction with respect to the Application of it as they shall think proper and therefore it would be improper for Us to give any Opinion or direction upon that part of your Letter of the 20th of December 1758. which relates to this subject, We could however have wished to have been able to have laid before their Lordships the Bill which you say was prepared by the Assembly concerning this Money and rejected in the Council but though it was mentioned to be inclosed in your letter it was not with the other Papers.

Whatever may be the Advantages and conveniencys resulting from the Act for fixing the seat of Government of which it is impossible for Us to judge untill We receive the Act it was certainly improper and irregular in you to assent to it, without a Clause suspending its execution untill his Majesty's Pleasure could be known, the Opinion which we gave upon this matter in Our letter of the 6 of August 1755. could not in the least warrant such an irregularity this Opinion had reference only to the propriety of the Place proposed as far as We could judge of it from your State of the Case and was in no respect an Authority to carry the measure into Execution in the manner you have done. We had hopes that the regulations made by his Majesty's Instructions concerning the rights of particular Precincts to send Members to the Assembly and the Number of which the House of Representatives was to consist had been so precise and particular that no difficultys could have arisen nor any further Instructions have been necessary.

If however any such are judged to be necessary from any new or other arrangement which may have been made with respect to the Northern Countys We must desire you will in your next letters be more full and explicit in your accounts of these matters and in marking out to Us the nature and causes of these Arrangements to which your letter refers, without which it will be impossible for us to form a Judgment what other Instructions it may be proper to send you.

We are sensible that many advantages may be derived from a Settlement of the Boundary Line between the Province of North and South Carolina But we do not think it advisable to trouble the Lords of his Majesty's Council with a Proposition of this kind at this time when they have declined entring into a consideration or giving An

Opinion upon several Cases of the same matter, respecting other Colonies which We have laid before them.

The enclosed Representation to his Majesty upon a Petition of the Merchants complaining of the Paper Currency in North Carolina will inform you of our sentiments upon that matter which having been approved by the Council an additional Instruction to you conformable thereto has been prepared and now lies before his Majesty for his Signature.

We are, Sir &c

DUNK. HALIFAX
JAMES. OSWALD
SOAME. JENYNS
W^m. SLOPER

Whitehall

June 1st 1759.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

To the Right Honorable the Lords Commissioners of his Majestys Treasury:

My Lords In Pursuance of a Clause in the Letters Patent granting me the office of Surveyor, and Auditor General of his Majestys Revenues in America—Whereby I am impowered to appoint a Sufficient Deputy or Deputies for the due Exercise and Execution of my said office — such Deputy or Deputies being first approved by the Right Honourable the Lord Commissioners of his Majestys Treasury or the Lord High Treasurer, for the Time being—I do humbly Present to your Lordships, William Lucas of the Temple Esquire in the Room of Alexander McCulloh Esq^r as a fit Person to be my Deputy for Executing the office of Surveyor and Auditor of his Majestys Revenues in North Carolina—and I Pray your Lordships Approbation and am

Your Lordships most obedient and most
Humble Servant

R. CHOLMONDELY A. G.

Auditors Office }
June 10th 1759 }

After our hearty commendations We approve your Memorial and do hereby Pursuant to Power to us in this Behalf given Authorize

and Impower you to constitute and appoint the therein named W^m Lucas Esq^r in the Room of Alexander McCulloh to be your Deputy for Executing the Office of Surveyor and Auditor General of his Majestys Revenues in North Carolina as by you Proposed and for so doing this shall be your Warrant. Whitehall Treasury Chambers 19th of June, 1759—

F. B. LEGGE
H. NUGENT
NORTH

To our Loving Friend Robert Cholmondely Esq^r Surveyor and Auditor General of his Majesty's Revenues in America.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Deput: Robert Cholmondeley And: Gen. to William Lucas.

To all Christian People to whom these presents shall come—. The Hon^{ble} & Rever^d Robert Cholmondeley Surveyor and Auditor General of all his Majesty's Revenues arising in America Sendeth Greeting. Whereas His Majesty by his Letters Pattent under the Great Seal of Great Britain bearing date the twentieth Day of November in the twenty fifth year of his Reign was graciously pleased to give & grant unto him the said Robert Cholmondeley the office of Surveyor & Auditor General of all His Majesty's Revenues arising in America. To Have & to Hold the Same as therein mentioned with full power and authority to Inspect, Examine, State and Audit and with Allowance and Consent of the Lord High Treasurer or Commissioners of the Treasury and Chancellor of the Exchequer for the time being to determine all and Singular accounts of all such Rents, Revenues, Prizes, Fines, Escheats, Forfeitures, Seizures, Duties & Profits Whatsoever as are by reason of any matter or thing happened or Fallen and which shall at any time thereafter become due and payable to His Majesty, His Heirs & Successors during the Continuance of the said Letters Patent on or from all or any of his Majesty's Foreign Dominions Islands, Colonies and Plantations in America and by all lawful ways & means to Cause the same to be recovered and paid to his Majesty's use and also to Exercise & Enjoy the said Office to him the Said Robert Chalmondeley by himself or his Sufficient Deputy or Deputies being first approved by

the Commissioners of the Treasury or Lord High Treasurer for the time being. Now Know Ye that the said Robert Cholmondeley for the more Effectual Execution and Performance for the Premises and for the better expediting and Carrying on His Majesty's Service, Hath Constituted & Appointed William Lucas of the Temple Esq. to be his Deputy in the Room of Alexander M^cCulloh Esq^r within his Majesty's Province of North Carolina for the purposes and to the ends hereafter mentioned and no other, that is to say, that the said William Lucas shall, and the said Robert Cholmondeley doth hereby give and Grant full Power and Authority to the said William Lucas to Inspect, Examine, State & Audit all accounts of all such Rents, Revenues, Prizes, Fines Escheats, Seizures, Forfeitures, Duties & Profits whatsoever as have not already been Examined, stated and finally determined or shall hereafter happen, fall, become due or payable or accruing unto his Majesty, his Heirs & Successors within the said Province with full Power & Authority to and for him the said William Lucas by all lawfull ways and means to Cause to be recovered and paid unto the proper officers to His Majesty's Use—All such Rents, Revenues, Prizes, Fines, Escheats, Seizures, Forfeitures Duties & Profits whatsoever as aforesaid as have accrued or shall hereafter accrue unto His Majesty's His Heirs & Successors as aforesaid within the said Province and have not been or shall not be answered satisfied and paid to the proper Officers to His Majesty's Use, To Have and to Hold the said Office of Deputy Surveyor & Auditor unto the said William Lucas so long as by him the said Robert Cholmondeley shall be thought fit, and the said Robert Cholmondeley doth hereby Require from the said William Lucas, and the said William Lucas doth by his acceptance of this present, Grant Agree to and with the said Robert Cholmondeley that he the said William Lucas shall once in every six months or once in every Year at least, during which he shall be deputy to the said Robert Cholmondeley by virtue of these presents Transmit and send over to him the said Robert Cholmondeley, with Duplicates thereof to the Lord High Treasurer or Lords Commissioners of the Treasury for the time being fairly written and by the said William Lucas under his Hand attested all such accounts of the Rents, Revenues, Prizes Fines, Escheats, Seizures, Forfeitures, Duties & Profits aforesaid as he the said William Lucas shall from time to time have Inspected, examined, stated & audited and also Duplicates thereof by the next Conveyance, and shall at the same time certify and make known unto the said Robert Cholmondeley all such sum & sums of money if any such

shall be as he hath by the Ways and Means aforesaid caused to be recovered & paid to the Proper officers to his Majesty's Use and the said William Lucas shall in all and every other matter and thing relating to the said Office, Observe such Rules and Instructions as the said Robert Cholmondeley shall at any time or times give or Transmit unto him, And lastly the said Robert Cholmondeley doth hereby Ratify Confirm & Allow all & every Act & Acts, thing & things that shall be done & executed by the said William Lucas Deputy to the said Robert Cholmondeley by virtue of these Presents and doth hereby Grant that they and every of them shall be of equal force & authority as if they had been done, executed and performed by the said Robert Cholmondeley himself in his proper person.

In Witness whereof the said Robert Cholmondeley hath hereunto put his Hand & Seal of Arms this 20th day of June 1759. In the 32 Year of His Majesty King George the Second of Great Britain France & Ireland & so forth.

ROBT. CHOLMONDELEY (Seal)

Sealed and Delivered being first duly }
 stampd in the presence of }
 THO^s CHILD Jurat
 JNO. RUTHERFORD

NORTH CAROLINA }
 Chowan County } October Court 1759—

Present His Majesty's Justices.

The within Deputation from Robert Cholmondeley Esq^r to William Lucas Esq^r was duly proved in Open Court by the Oath of Thomas Child Esq^r, According to Law & Ordered to be Registered.

Test THO^s JONES—Clk

Recorded in the Sect. Office 25. October 1760

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. B. D. 52.]

At the Council Chamber Whitehall the 26th day of June 1759.

Present.

The Lords of His Majesty's most Honourable Privy Council.

Upon reading this day at the Board a Representation from the Lords Commissioners for Trade and Plantations, dated the 21st of

this Instant setting forth that Thomas Child Esq^{re}, whom his Majesty was graciously pleased to appoint in the year 1745 to be Attorney General in the Province of North Carolina, hath been several years absent from that Province by license obtained of the late Governor, for the Settlement of his private Affairs and those of his said Office, & that it appears to the said Lords Commissioners, that upon his return to the said Province (for which he purposes shortly to embark) it may be matter of doubt and dispute whether he can resume the Functions of his said Office under his Majesty's said Appointment, or whether that Appointment may not be deemed to have ceased and determined by its own Limitations. They have therefore proposed, that in order to obviate all such doubt and dispute, His Majesty might be graciously pleased by a new Warrant under his royal sign Manual, to appoint the said Thomas Child to be His Majesty's Attorney General within the said Province of North Carolina which being taken into Consideration & approved It is hereby ordered in Council that for obviating any matter of doubt whether the said Thomas Child, upon his return to the said Province, can resume the Functions of the said Office under His Majesty's said former Appointment, the said Lords Commissioners for Trade and Plantation do cause a new Warrant to be prepared for Constituting and appointing the said Thos. Child Esq^{re} to be His Majestys Attorney General within the said Province, and that they do lay the same before his Majesty at this Board.

W. SHARPE.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINAS—

George the Second by the Grace of God of Great Britain, France and Ireland King &c. To all to whom these Presents shall come Greeting—

Know Ye that we being well assured and satisfied of the loyalty, Integrity and Abilities of our Trusty and Well Beloved Benjamin Turner Gentleman, have Constituted and Appointed, and do hereby Constitute and appoint him the said Benj. Turner Clerk of the Naval or Navy office of our Province of North Carolina. To have, Use and Exercise by himself or his sufficient Deputy or Deputies during our Pleasure all and Singular the Powers and Authorities of Clerk of the Naval or Navy Office of our said Province and to take receive and

Enjoy the fees, Perquisites Priviledges and Emoluments thereto belonging and there with and thereby Usually and of right, taken rec^d and Enjoyed and in all things whatever relative to the duty of Clerk of the Naval or Navy Office aforesaid to Act and do as there-with doth Legally & truly appertain, Provided always that nothing herein contained shall Extend or be Deemed or construed to Extend to the Prejudice or Disadvantage of the office of our high Admiral of Great Britain or of our Admiralty of our Said Province for the time being or of any of the Rights, Priviledges Jurisdictions Powers and Authorities to the same in anywise belonging.

In Testimony whereof we have caused, these our Letters to be made Patent. Witness our Trusty and Well Beloved Arthur Dobbs Esquire Captain General, Governor and Commander in Chief in and over Our said Province under his hand and the Seal of our Said Province at Brunswick the Sixth Day of November 1759 in the 33rd year of our Reign.

ARTH: DOBBS.

By his Excellency's Command

RICH^d SPAIGHT Sec'y.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

GEORGE R,

Trusty and Well beloved—We Greet you well—Whereas We have taken into our Royal Consideration the Loyalty Integrity and Ability of our Trusty and well Beloved Thomas Child Esquire, we have thought fit hereby to authorize & Require you forth with to cause Letters Patent to be Passed under our Seal of our Province of North Carolina in America for constituting and appointing him the said Thomas Child our Attorney General of and in our Said Province, To have, hold, Exercise and Enjoy the Said office of our attorney General unto him the Said Thomas Child during our Pleasure and his Residence within our Said Province together with all and singular the rights Salaries Fees Profits priviledges and Emoluments there un to Belonging or appertaining, and for so doing this shall be your Warrant, And so we Bid you farewell

Given at our Court at Kensington the 6th day of July 1759 in the 33rd Year of our Reign.

By his Majesty's Command

W. PITT.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 66.]

At the Court at Kensington the 24th July 1759

Present. The King's most Excellent Majesty in Council.

Whereas the Governor and Commander in Chief of His Majesty's Province of North Carolina, with the Council and Assembly of the said Province did, in December 1757 pass an Act, which hath been transmitted in the Words following viz^t—"An Act to dock the Entail of certain Lands now in Possession of Harding Jones under a Devise in the Will of Frederick Jones Esq^{re} his Grandfather deceased, by whom the same were intailed." Mem^d. Here the Act was inserted at length which Act, having been perused and considered by the Lords Commissioners for Trade and Plantations and by them presented to His Majesty at this Board as fit to be confirmed His Majesty was this day pleased with the advice of His Privy Council to declare his Approbation thereof, and persuant to His Majesty's Royal Pleasure thereupon expressed, the said Act is hereby confirmed finally enacted and ratified accordingly. Whereof the Governor or Commander in Chief of His Majesty's said Province of North Carolina for the time being, and all others whom it may concern are to take notice and govern themselves accordingly.

A true copy.

W. SHARPE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 59.]

At the Court at Kensington the 10th day of Aug^t 1759.

Present. The Kings most Excellent Majesty

| | |
|--------------------|-------------------------------|
| Lord President | Lord Berkeley of Stratton |
| Earl of Holderness | Lord Anson |
| Viscount Falmeuth | M ^r Secretary Pitt |
| Lord Delawar | |

Whereas by Commission under the Great Seal of Great Britain the Governor, Council and Assembly of His Majesties Province of North Carolina are authorized and empowered to make constitute and ordain Laws, Statutes, and Ordinances for the Public Peace, Welfare & good Government of the said Province, which Laws, Statutes and Ordinances are to be as near as conveniently may be agreeable to the

Laws & Statutes of this Kingdom and to be transmitted for His Majesty's Royal approbation or Disallowance, and whereas in pursuance of the said Powers an Act was passed in the said Province in December 1757 and transmitted entitled as follows viz^t

An Act to empower the Justices of the Supreme Courts to take the acknowledgment or proof of Deeds and for allowing them a Salary. Which Act having been perused and considered by the Lords Commissioners for Trade and Plantations, and by them presented to His Majesty at this Board as proper to be repealed His Majesty was thereupon this Day pleased with the Advice of His Privy Council to declare his disallowance of the said Acts, and pursuant to His Majestys Royal pleasure thereupon expressed the said Act is hereby repealed, declared void and of none effect. Whereof the Governor or Commander in Chief of His Majesties said Province of North Carolina for the time being and all others whom it may concern are to take notice and govern themselves accordingly.

W. SHARPE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 331.]

Lords of Trade To Governor Dobbs

(Augst 1st 1759)

SIR,

We have received your letter to Us dated the 18th of May last together with the Copy of the Aid Bill and other Papers referred to in it and We have also received the Acts and Journals of the Council and Assembly transmitted by the same Conveyance. We have carefully read and considered this Bill and though we cannot but approve of your having rejected it, yet it does not appear to Us to affect His Majesty's prerogative to such an extent as you seem to apprehend.

The appropriation by Act of Legislature of the Money granted by Parliament for a compensation to the Province unless otherwise directed by His Majesty is doubtless a very regular and proper method of proceeding and the same method of appointing an Agent for the Province is equally so, being that marked out by his Majesty in the Case of Jamaica when the Mode of appointing an Agent was a Question of dispute in that Island. At the same time We are sensible that in both these Cases it is a Governor's Duty as one

branch of the Legislature to see that in the Provisions of those Laws and the mode of framing them a proper regard is had to the form of the Constitution and His Majesty's just Rights and although upon this way of Reasoning we see no grounds to disapprove the Aid Bill in its abstract principle, yet we think the particular Provisions of it and the mode of framing it to be in some cases exceptionable.

The appropriating Money without a certainty that Parliament would grant it or at least without knowing the Sum or the manner in which His Majesty might Recommend such appropriation was certainly irregular and premature and we are likewise of Opinion that the Clauses of the general appropriation of it are too loosely worded and give an improper Power to the Treasurer in the management and disposal of it. As to what concerns the appointment of an Agent it does not appear to Us to be otherwise exceptionable than as it ought to have been provided for by a separate Law as being a matter in its nature separate and distinct from the main purpose of the Act and that the Committee of Correspondence ought to have consisted of some Members of the Council and not to have been entirely composed of the Members of the House of Representatives.

As to the Propriety of dissolving the Assembly it is a matter which must be left to your own discretion upon a consideration of a variety of Facts and circumstances which We cannot be fully informed of at this distance, But we do not think that the conduct of the House of Representatives with respect to the Aid Bill however irregular in form has been such as singly, without other circumstances render such a measure necessary We must however again repeat that this is a matter in which you must from the nature of the case use your own judgment and discretion.

The practise which has prevailed for so long a time in all the Colonies of appointing Publick Treasurers by Act of Legislature and making them accountable only to the General Assembly and in some Cases to one branch of it, is certainly irregular and it is to be wished that it had been properly checked in its infancy, but having prevailed and been acquiesced in for so long a series of years, any attempt to set it aside in the present situation of Affairs would in Our judgment be improper and therefore we cannot advise the repeal of the Aid Act passed by You in 1754, especially when We

consider that a considerable part of the Taxes thereby to be raised would be lost by such repeal.

We are, Sir &c.,

DUNK. HALIFAX
W. G. HAMILTON
JAMES. OSWALD

Whitehall

August 1st 1759.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 58.]

Letter from Governor Dobbs to the Board of Trade dated the 11th Sept^{er} 1759 etc.

MY LORDS,

I received your Lordships letter of the first of June about a fortnight ago, along with a letter of Mr. Pownals of the 30th of May including your report to His Majesty in Council and his Majesty's Repeal of the 7 Acts therein mentioned. Upon receipt of which I summoned the Council whether I should immediately promulge the Repeal of these Acts or wait the arrival of the Chief Justice or Attorney Gener^l till I could consult them upon so critical an Affair or if they should not arrive soon whether I could justify the delay of promulging the Repeal until the Assembly should meet in order to have a proper Bill or Bills past and allow the Courts of Justice to proceed and finish the Causes that are before them until the meeting of the Assembly, & they were unanimously of opinion that I should delay the publishing the Repeal either until the arrival of the Chief Justice and Attorney General or until the meeting of the Assembly in Nov^r next, because in the interim there would be a total stagnation of Justice, For the former Bills about the General Court and Courts of Oyer and Terminer having been repealed, we have no Laws subsisting about them from the year 1715, nor no place appointed to hold them in but at Edenton, the only place then in the Province in the extreme part of the Province; I believe the hasty repeal of these Laws, which certainly wanted to be amended or repealed was inadvertently advised by the Attorney General and Chief Justice, who did not consider that there would be a stagnation of Justice, for I am convinced they would not have done it solely with a view of their own conveniency to have all the Courts held at

Edenton, where they choose to reside, to be so inconvenient to the rest of the Province, and there was such a confusion in the Laws before and since 1715, until the former supreme and County Court Laws were made, that neither Judge nor Lawyers can know how to Act, until these Laws are again amended and enacted, so that I hope your Lordships won't blame me for delaying the publishing the Repeal for two months until new Laws be passed, and then the Repeal hanging over them proper Laws must be passed by the Assembly, the Vestry Law in like manner must be properly amended, for though last winter a Law was passed to allow a better stipend to the Clergy, yet as the Vestry Bill is repealed, there are now no Vestries to levy the Tax for the Clergy until a new Bill be passed.

I find by your Lordships letter that you had only received my letters of Dec^{er} 25th 1757, and of the 20th of December 1758, and that my dispatches of last February were not come to hand, I have heard since that the Vessel which carried them was lost in the Channel but hope ere this the Duplicates I sent by my Son who went in the Packet from New York are safely arrived, with another packet of May last, which I also sent by the Packett. I am extremely sensible of your Lordships goodness to me in your Report to His Majesty upon the suspension of Mr. Rutherford and Murray from the Council and in your Answer to the Lords of the Committee of Council upon Mr. Rutherford's Letter to the Lord President upon it but find the Council have not yet laid your Report before His Majesty.

As I don't find the Lords of the Treasury have yet done anything as to Mr. Rutherford's suspension from being receiver General nor in any relation to the provincial Treasurers I hope the Copy of the Act which you will receive by my son along with my other Letters will come time enough to be laid before them, and will appologize for my passing the Law for fixing the Seat of Government without a suspending Clause as it is sufficiently suspended by the other Bills being thrown out, without which it can't be executed without his Majesty's appropriating part of our proportion of the £50,000 when paid to that purpose, as no Tax is laid to finish the Buildings appointed by the Act. By these Letters you will also see the difficulties I lye under in making out Charters and issuing Writs before I can dissolve this Assembly.

The fixing the Boundary Line being so necessary for the Welfare of both the Northern & Southern Provinces of Carolina, I hope your Lordships will have it decided as soon as you can prudently apply

for it; as it is entirely in his Majesty's pleasure in what manner to fix it, neither Province having any legal Claim to any part of it but from His Majesty's pleasure, nor can the Council have any Difficulty in recommending a proper Line to his Majesty, as they have in proprietary Governments granted by Charter.

Colonel Innes one of His Majesty's Council died at Wilmington the 5th instant by which there are at present 3 vacancies in case His Majesty confirms the suspension of Murray & Rutherford As I have already recommended 3 in their room, Justice Henley who was the 4th being dead, I beg leave to recommend the new Chief Justice whose name I hear is Barry, & John Sampson Esq^{re} of Dupplin County to succeed in place of Col. Innes.

I have had Complaints sent to me that Haglar King of the Catawbass has threatened and dispossessed several of the Planters who had got out Patents within 30 miles of the Catawba's Town, under pretence that Govern^r Glenn had assured them that His Majesty had given them a scope of 30 miles round their Towns, about 18,000,000 of acres for 250 Men capable of bearing Arms. I hope when the French are drove out of America, their Boundary will be also fixed upon a more just footing 300 Tuskeroras were contented with 12000 Acres.

I am with due respect &c

ARTHUR DOBBS.

Brunswick

11th Sept^r 1759.

[FROM NORTH CAROLINA LETTER BOOK OF S. P. G.]

Memorial of the Churchwardens &c of Hanover County in favor of Mr. Smith.

Oct. 1st 1759.

Whereas the Rev^d Mich Smith (being apprehensive of having incurred the displeasure of the venerable society for the propagation of the Gospel, by removing from his late care to the Parish of St. James, New Hanover County) hath besought us, the churchwardens & vestry of the s^d parish to testify of his conduct & morals during his residence amongst us, we do hereby certify that, he has behaved himself with a decency, regularity and diligence becoming his function, and we do firmly believe that he has neither increased his salary nor lessened his labor, nor lost the opportunity of doing equal

good by his exchange. He is obliged to attend at 6 different places, in order to render the benefits of his preaching more diffusive, and curb (if possible) an Enthusiastic sect who call themselves anabaptists, which is numerous & which was daily increasing in this parish & which we affirm has already received a check from his labours. We therefore pray the Ven^{ble} Society, to permit the s^d Mr. Smith to continue amongst us and to give him the usual salary. Since the established income of the clergy here (thro' the bad credit of our currency) does not exceed 50 Guineas in value a year wages (in reality) too small for such labourers, and our circumstances will not admit of its increase, we could wish we were of consequence enough to recommend the whole Province to the Pious care of the Venerable Society; for the Harvest is great indeed & the labourers but few.

In testimony whereof we have hereunto set our hands this 1st day of Oct. 1759.

JOHN LYON, Merchant & Justice of the Peace

CALEB GRAINGER, Planter, Collⁿ of the No. Carolina forces on
the Norⁿ Expedition & Justice of the Peace.

JOHN SQUIRES, Planter

GEORGE MERRICH, Planter & Cap^t of a Provincial Company

JOHN SWANN, Planter memb of his Majesty's council & Collⁿ of
a Provincial regiment.

JOHN ASH, Planter representative in the house of assembly for
New Hanover County.

JONATHAN EVANS, Planter.

BENJAMIN EVANS, Planter.

JAMES PORTIVINT, Planter, Justice of the Peace for New Han-
over County

GEORGE MEARS, Planter, Justice of the Peace for New Hanover
County

We whose names are underwritten, Parishioners of St. James' and inhabitants of Wilmington in New Hanover County, do heartily concur with & join the vestry of the said Parish in Testimonium & request in behalf of the Rev^d Mich Smith, this 1st day of Oct^r 1759.

LEWIS JOHN DEROSSETT, Planter & member of his majesties
counc^l & receiver general of the trust.

SAMUEL SWANN, Planter, Speaker of the house of assembly.

JOHN MOSELEY, Planter

BENJ^r HERON, Lieut in his majestys navy.

WILL^m WALKER, Sheriff of New Hanover County.

WILL^m ROSS, Planter, Judge of the Court of Admiralty
GEO^r MOORE, Planter, Representative in the house of assembly
for New Hanover County.

MARM^{ak} JONES, Merchant & Eminent Lawyer.

JNO DuBOIS, Merchant Justice of the Peace for N. Hanover
County.

JOSHUA TOOMER, Notary Public, Postmaster, Coroner for Wil-
mington

ARCH^d MACLANE, Clerk of the Supreme Court.

JOSEPH BLAKE, Planter.

JOHN SAMPSON, Planter, Collⁿ of a Provincial Reg^t Justice of
the Peace.

EDW^d WIGHT, Doctor of Medicine

MOSES JN^o DEROSSETT, M. D.

JOHN MORRIS, Merchant

FRED^k GREGG, Merch^t Leiut Collⁿ of Provincial Reg^t & Justice
of the Peace

THOMAS JONES, Planter

HENRY HYRNE, Planter

[B. P. R. O. AM. & W. IND. VOL. 72.]

SIR, [SECRETARY PITT]

Tho you may receive earlier Advices from South Carolina, yet as there is a Vessel to sail to-morrow for England from this River, I think it my duty to give you the earliest Intelligence of the Accounts I have received from thence, as it may be of Consequence to give you the earliest Accounts of the French and Indian Transactions to the Southward of this Province, and the Necessity there will be of driving the French from Mobile and the Mississippi to secure these Provinces from future Attacks—By an Express I rec^d from Gov^r Littleton of the 1st instant, which I rec^d the seventh, he informed me that the Cherokees were up in Arms and had cut off the Communication between Fort Prince George and Fort Loudoun in the lower Cherokees, and had way laid & fired at an Express that was dispatched to him from thence with that Intelligence, upon which he had ordered 150 Men of their Troops to be ready to march and sent orders to the 3 frontier Regiments of Militia to assemble and be ready to fire their Beacons upon the first Alarm, and had appointed their Assembly to meet the 4th upon that Emergency and wrote to me to know what

Assistance he cou'd have from this Province, and the Messenger proceeded to Virginia to require their Assistance with Provision and Stores to be sent to Fort Loudoun, upon which I summoned the Council to meet me here the 11th for their Advice before I returned him an Answer; but by the Express sent Letters to New Bern and Edenton to give Notice to the several Colonels of Militia to assemble their Regiments and let me know what Number each had who were ready and fit for service, and to have them ready in order to be draughted to send Detachments if necessary immediately to the Frontiers; having before upon the Murders committed last Summer sent Major Waddell with the greatest part of our 2 Companies of provincials to protect the Frontier Inhabitants, and gave him a Colonel's Commission with a Power of assembling and Commanding the 3 frontier Regiments of Militia of Anson Rowan and Orange if the Incursions were continued; upon the Meeting of the Council we agreed that I should send an Express to Col^o Waddell to assemble these Regiments of Militia, and if War shou'd be declared to join and cooperate with the Forces sent by Gov^r Lyttelton, or with the Virginia Forces in Case it wou'd be necessary to join them to relieve Fort Loudoun, and to follow such Orders as he should receive from Gov^r Lyttelton, and have ordered him a Supply of Barrils of Gunpowder and 4000 weight of Bullets Swan Shot and Lead, & 1500 Flints, of this I acquainted Governor Lyttelton by Express the 12th & the other Detachment shou'd follow if necessary; This is all that is in my Power to do until our Assembly meet at Wilmington the latter End of next Month which is the soonest they can attend, and in Case a War must be proclaimed have told him my Opinion that the 3 Southern Provinces of Virginia and the Carolinas shou'd exert their whole force, enter into and destroy all the Towns of those at War with us, and make as many of them as we shou'd take their Wives and Children Slaves, by sending them to the Islands if above 10 Years old, as the Indians use our Men &c. when taken Prisoners and not killed and scalped, and to allow £10 for every Prisoner taken and delivered in each Province, I have desired Mr. Lyttelton to give me Advice by Return of my Express what further I can do to assist him.

Since that Vessel arrived from Charlestown which left it the 12th and arrived here yesterday, which has brought Advice by Letters that their Assembly had voted 1500 Militia to be immediately drawn together, and that Governor Lyttelton proposed marching at their head with the Independent Companies and Provincials and what Volunteers will join him to attack the Cherokees, and advise further

that an Express arrived there the 10th dispatched from Keowee a Cherokee Town, that Atkin his Majesty's Agent for Indian Affairs, upon holding a Conversation or Talk with one of the Chiefs of the Creeks (I suppose of the Creeks near Alabama Fort) an Indian of that Tribe rushed into the Room and with his Hatchet struck Mr. Atkins over the head and repeated the Blow which laid him senseless on the Ground, and repeated the Stroke which fell short and wounded one of his Attendants who fled to another of their Towns, it was not known whether he was killed or not, but it is said the Indians seized the Assassin in order to be punished.—The Man who escaped sent off a Messenger to Keowee which was sent down to Charlestown; upon which the Alarm Gun was fired at Charles Town for the Militia of the Province to assemble.

This is the base Manner in which the French prevail with the Indians to engage them into a War with these Colonies, & therefore they can have no Peace or Safety whilst a French Power is left on this Continent—. I hope the glorious Success of his Majesty's Arms under the Conduct of Providence will extirpate the French from this Continent as well as the American Islands by the wise and intrepid Measures pursued by his Ministry and the Valour of our Troops by Sea and Land.

I am with great Respect Sir &c

Brunswick

ARTHUR DOBBS.

14 Octob^r 1759.

[B. P. R. O. AM. & W. IND. VOL. 72.]

A Hymn to be sung on the Day of Thanksgiving to the 100 Psalm Tune.

To God, our God's Almighty Name
 Let Britons all their Voice raise,
 And publish by the Mouth of fame
 In songs of Joy our Saviour's Praise.

For when surrounded and at Bay
 By mighty powers gainst Britain join'd,
 Our Allies Country made a prey
 By papal pow'rs jointly combin'd,

Then Christ our God commenced his Reign,
And o'er our Councils did preside,
Did o'er our Fleets and Armies deign
To rule, and all their Actions guide.

The glorious Dawn, the Morning Star
Which ushers in the Sun of Light
Thro the bright glade extended far,
And vanquished all the Powers of Night.

His Church from papal Thralldom freed
And Gallie Powers united Force,
His Great Vicegerent he decreed
O'er Britain's Isle to steer his Course.

From Wood the British Lion roars
Uprears the Christian sanguine Cross,
O'er Eagle, Beast, triumphant roars
With angels riding the white horse.

The happy Era now is nigh
When Gentile Isles receive their King,
When the Earth's utmost Bounds with Joy
In hymns our Saviour's Praises sing.

Let Glory be to God on high,
And on Earth Peace, Good will to Man
Hallelujah our God is nigh,
His Day of Rest is now began.

The Kingdoms of this World begin
To be the Realms of God and Christ;
From the false Prophet, Beast and Sin
For ever freed, and false high Priest.

Now our Redemption is disclosed,
In Heaven's bright Temple long confin'd,
The Cov'nant made with Man exposed,
Decree of the eternal Mind.

Now Angels charged with Vials dire
Of God's Great Wrath gainst papal Beast,
Are poured forth in God's great Ire
O'er Beast, false Prophet, Heathen Priest.

Let Angels then in Chorus sing
With us in Hymns of Joy abroad
Hosanna to our Saviour King,
Hosanna to his Christ our God.

[B. P. R. O. AM. & W. IND. VOL. 72.]

SIR, [SECRETARY PITT]

Having the Opportunity of a Vessel's sailing from hence for London, and having wrote to you of the Situation we are in in Expectation of an Indian War by the Insolence of the Cherokees lately from hence and the attempt to assassinate Mr. Atkins his Majesty's Agent, I think it my Duty to acquaint you that Mr. Atkins was only wounded, and the Creeks secured the Indian who made the Stroke, so that we don't apprehend any Danger from the Creeks.

The lower Cherokees have since sent down a Deputation to Charlestown to endeavour to accommodate Matters, but as the upper Towns who committed the Murders and are still making Inroads have made no Overtures; I have this day, by Express from Gov^r Lyttelton, who proceeds to Virginia, an Account that he had ordered the Troops &c to march the 24th to the Frontier, and he was to follow in a few days desiring that I would send Orders for our Provincials and Militia to co-operate with him, which I have ordered, and if Matters can be accommodated upon the Frontier, and they give up the Murderers or put them to Death, he will then settle Matters, if not proceed against them with Vigour.

When he wrote he had not the Account of our glorious Success and Reduction of Quebec, tho with the Loss of brave Gen^l Wolfe, upon which I sincerely and heartily congratulate you, as also upon the glorious Victory over the French in Germany, which secures to his Majesty the Possession of his Conquests in America; upon this Success I expect the Cherokees must submit and give us Satisfaction.

The glorious and remarkable Interposition of divine Providence against such superior Numbers will I hope induce his Majesty, by your active and intrepid Administration with the Unanimity of the Ministry and Parliament to pursue his Conquests until the French be expelled from this Continent and Mississippi and Mobile, to which we have a prior Right, and which is absolutely necessary for the Peace and Safety of these Colonies to be put in his Majesty's

Possession, and also the Sugar Islands which will effectually ruin the French Marine, and give future Peace to Britain. Upon Account of such glorious Success I have appointed a Day of solemn Thanksgiving, and upon this happy Event and important Crisis have composed a Hymn to be sung that day through this Province, which I beg leave to send to you, as being at present conformable to all the Prophecies according to my Interpretation of them at this happy Era 1760.—for during the whole War I have been a little Enthusiastic in my Expectations; as the Object of my Wishes for near these 30 years in regard to the British Dominion over North America is now so near its Accomplishment.

I beg pardon, Sir, for thus trespassing upon your Patience and Time, but my heart is so full of Joy that I must give it vent and wish that you may long enjoy the Effects which your Zeal and intrepid active Administration has procured to the true Protestant Church and Liberties of Britain to the endless Glory of his Majesty and his illustrious Family.

I am with great Respect Sir &c

ARTHUR DOBBS.

Brunswick

31st Oct^r 1759.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINAS—

George the Second by the Grace of God of Great Britain, France and Ireland King &c. To all to whom these Presents shall come Greeting,

Know ye that we reposing Special Trust and confidence in the loyalty Integrity and Abilities of our trusty and well Beloved Thomas Child Esquire have Constituted & appointed and Do hereby Constitute and appoint him the said Thomas Child our Attorney of and in our Province of North Carolina, To have hold, Exercise and Enjoy during our Pleasure and his Residence within our said Province the office Powers and authorities of Atty General of our Said Province with all and Singular the fees Salaries, Perquisites, Privileges and Emoluments thereto belonging and in all Things whatever relative to the office of our Attorney General of our s^d Province to Act and do as to the duty thereof doth really and truly appertain, In Testimony whereof we have Caused these our Letters to be made Patent.

Vol. VI—5

Witness our Trusty and well Beloved Arthur Dobbs Esq^r our Captain General, Governor and Commander in Chief in and over our said Province under his hand & the Seal of our s^d Province at Brunswick the sixth day of November 1759 in the 33rd year of our Reign.

ARTHUR DOBBS

By his Excellency's Comm^d

RICH^d SPAIGHT. Sec'y

Recorded the 11th Nov. 1759 at Newbern in the Secty's office & Exam^d

RICH^d SPAIGHT Secretary

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

6th Nov. 1759

NORTH CAROLINAS—

George the Second by the Grace of God King of Great Britain France and Ireland, Defender of the Faith &c. To all whom these presents shall come Greeting—

Know ye That we being well assured of the Loyalty, Integrity and Abilities of our trusty and well beloved Charles Berry Esquire, Have constituted and appointed and Do hereby constitute and appoint him the said Charles Berry Chief Justice of and in our Province of North Carolina, To have, use and exercise during our pleasure and his Residence within our said Province the office Powers and authorities of the Chief Justice of the same Province and to hold the Courts of Judicature by and before our Chief Justice of our said Province appointed to be held at such times and in such places as the same are, ought, may or shall be directed to be held within our said Province, And to do and Act in the premises as fully and amply and in as full and ample manner as any Chief Justice of our Said Province heretofore hath or of right ought to have done and acted, and to have, take receive and enjoy the Rights, Profits, Privileges and Emoluments to the office of Chief Justice of our said Province belonging, And in all things whatever, relating to the duty and office of our Chief Justice as aforesaid to perform and Execute the same according to the Laws and Statutes of our province aforesaid.

In Testimony whereof we have caused these our Letters to be made patent.

Witness our Trusty and well beloved Arthur Dobbs Esquire, our Captain General, Governor, and Commander in Chief in and over

our said Province under his hand, and the Seal of our said province at Brunswick the sixth day of November, One thousand seven hundred and fifty nine, In the Thirty third year of our Reign

ARTHUR DOBBS

[Endorsement]

I do hereby certify that Chas. Berry Esq^r on the 6th Day of December 1759. Qualified as Chief Justice of the Province of North Carolina before his Excellency the Gov^r In Council, According to Law.

RICH^d SPAIGHT. Sec'y

[B. P. R. O. B. T. JOURNALS. VOL. 67.]

BOARD OF TRADE JOURNALS.

Wednesday January 17th 1759

Present

Mr. Oswald. Mr. Jenyns.

Mr. Hamilton. Mr. Sloper.

Read a letter from Arthur Dobbs Esq, Gov^r of North Carolina to the Board dated 30 April 1758 respecting the raising of troops for the public service & inclosing

Gov. Dobbs Speech to the Council & Assembly.

Address of the Council to the Governor

Gov^{rs} Answer to the Council's address.

Address of the Assembly to the Gov^r

Gov^{rs} Answer to the Assembly's Address

Proclamation for a public fast

Copy of the Journal of the Council in Nov & Dec. 1757.

Journal of the Upper House of Assembly from 22 Nov. to 14 Dec. 1757.

Journal of Assembly from 22 Nov. to 14 Dec. 1757.

Reports of the Committee of both Houses appointed to examine & state the public accompts in Nov^r Session 1757

Thursday. January 18th 1759.

Their Lordships took into consideration the following Acts passed in the Province of North Carolina together with Sir Matthew Lamb's Reports thereupon Viz:—

An Act to provide indifferent jurymen in all causes Criminal and Civil and for an allowance for the attendance of Jurors attending at the Supreme Courts pass^d Jan^{ry} 1755.

An Act to restrain the exportation of bad and unmerchantable tobacco and for preventing frauds in His Majesty's Customs. Passed January 1755.

An Act for appointing Parishes and Vestries for the encouragement of an Orthodox Clergy for the advancement of the Protestant religion and for the direction of the settlement of Parish accounts. Passed Jan^{ry} 1755.

It appearing to their Lordships that the Law for appointing Parishes and Vestries &c might operate to the præjudice of and interfere with the ecclesiastical jurisdiction of the Bishop of London, the Secretary was ordered to send his Lordship a copy thereof for his sentiments upon it.

Ordered that the Secretary do transmit a copy of the Act to restrain the exportation of bad & unmerchantable tobacco &c. to the Secretary to the Commiss^{rs} of the Customs and desire him to lay it before the Board to the end their Lordships may be informed whether the said Act does or does not affect or interfere with His Maj Revenue of Customs or Regulations made for the importation of tobacco into this Kingdom.

Tuesday, January 23rd 1759.

Their Lordships took into consideration an Act passed in the Province of North Carolina entitled an Act to quiet the Freeholders in the possession of their Lands and for other purposes and it appearing that the provisions of this Act were in substance the same as the provisions for the like purpose contained in an Act passed some time before entitled An Act for securing the payment of Quit Rents due to His Majesty and Earl Granville for quieting the Freeholders in the possession of their lands and for other purposes which Act had a clause in it suspending its execution until His Majesty's pleasure could be Known whereas this Act by the terms of it is to take effect immediately upon its passing their Lordships ordered the draught of a Representation to His Majesty to be prepared proposing that it may for that reason receive His Maj. disallowance.

Wednesday, January 24th 1759.

The draught of a Representation to His Maj. proposing the repeal of an Act passed in North Carolina in 1755 for quieting possessions

&c. having been prepared pursuant to Order was agreed to and ordered to be transcribed—and was signed Jan^{ry} 31st

Their Lordships took into consideration the following Laws passed in the Province of North Carolina, viz:—

An Act for establishing the Supreme Courts of Justice Oyer and Terminer & General Gaol Delivery of North Carolina passed in 1754.

An Act for establishing County Courts for enlarging their Jurisdiction and settling the proceedings therein Passed in 1754.

An Act for appointing Sheriffs and directing their duty in Office and for compelling Collectors of public taxes and persons entrusted with laying out public money to apply and account for the same Passed in 1755.

An Act for regulating Orphans their Guardians and Estates Passed in 1755.

An Act for to amend an Act for establishing the Supreme Courts of Justice Oyer and Terminer and General Gaol delivery of North Carolina Passed in 1756.

Ordered that the Secretary do transmit the said Laws together with that for providing indifferent Jurymen in all causes Civil and Criminal &c. mentioned in the Minutes of the 18th inst to the Chief Justice and Attorney General of that Province now resident here & desire them to meet together and after due consideration of the said Laws to report to their Lordships their opinion thereupon.

Tuesday, February 20th 1759.

Read a letter from Mr. Wood Secretary to the Comm^{rs} of the Customs dated Feb^{ry} 17th 1759 to Mr. Pownall containing the opinion of the said Comm^{rs} upon an Act of North Carolina to restrain the exportation of bad & unmerchantable tobacco and for preventing frauds in His Maj. Customs.

Their Lordships took the said Act into further consideration and agreed that the same should lye until the further operation and effect of it might be known.

Read a letter from the Lord Bishop of London dated Fulham 19 February 1759 containing his observations upon an Act of North Carolina for appointing Parishes & Vestries &c. stating the measures he had taken for regulating & ascertaining ecclesiastical and episcopal jurisdiction in the Colonies & inclosing Some Considerations humbly offered to the King in Council by Thomas Bishop of London relating to ecclesiastical Government in His Maj. Dominions in America.

Their Lordships took into consideration the above mentioned Act of North Carolina for appointing Parishes and Vestries &c. and after some time spent therein ordered the draught of a Representation to His Majesty to be prepared proposing its repeal.—which was agreed to and ordered to be transcribed Feb^{ry} 21st and was signed Feb^{ry} 27th

Tuesday. February 27th 1759.

Read a Report of the Chief Justice and Attorney General of North Carolina upon several laws of that Colony referred to their consideration on the 24th Jan^{ry} last

Ordered that the said Report & Laws be taken into further consideration on Tuesday 6th March and that the Secretary do give notice to the Chief Justice and Attorney General to attend on that day.

Tuesday. March 6th 1759

Their Lordships took into further consideration the Report of the Chief Justice and Attorney General of North Carolina upon several laws passed in that Province since Gov^r Dobbs administration and the Chief Justice and Attorney General attending as desired they were called in and their Lordships had some discourse with them upon the subject matter of the said Laws

It appearing that no notice was taken in their Report of two of the Laws referred to them Viz: that for appointing Sheriffs & that for regulating Orphans their Guardians and Estates the said Laws were redelivered to them and they were desired to consider thereof and report their opinion thereupon to the Board and then they withdrew.

Friday. March 16th 1759.

Read a Memorial of the Merchants of London & others interested in & trading to the Province of North Carolina complaining of two Acts passed there in 1748 & 1754 for emitting Paper Bills of Credit

Ordered that the said Memorial be taken into consideration on Thursday 22^d inst. and that the Secretary do give notice thereof to the Merchants and desire their attendance on that day.

Wednesday. March 28th 1759

Present Earl of Halifax

Mr. Rigby Mr. Jenyns.

Mr. Hamilton. Mr. Sloper.

The Auditors of His Maj. Revenue in America

Their Lordships took into consideration the Memorial of the Merchants of London & others interested in & trading to the Province

of North Carolina complaining of two Acts passed there in 1748 and 1754 for emitting Paper Bills of Credit and several Merchants & others interested in the said Province attending without they were called in and their Lordships having heard what they had to offer upon the subject matter of the said Memorial they withdrew.

Their Lordships after some time spent in the consideration of this affair ordered the draught of a Representation to His Majesty to be prepared proposing that an additional instruction should be sent to the Governor of North Carolina directing him to recommend to the Council and Assembly to pass an Act for amending the said Laws of 1748 and 1754 by making provision that all debts due upon contract for sterling money before they were passed shall be dischargeable in sterling money only and that all debts contracted since or hereafter to be contracted for sterling money be made payable in the said Bills of Credit (if the Creditor is willing to accept the same and not otherwise) not according to the nominal value but according to the actual difference of exchange between such paper bills of credit and sterling money at the time of making such payment and further that provision be made that the Paper Bills of Credit issued by virtue of the said Laws or any Laws hereafter to be passed for issuing Paper Bills of Credit be expressly declared not to be a legal tender in payment of His Maj. Quit Rents or any other His Majesty's Revenue.

Tuesday April 3^d 1759.

The draught of a Representation to His Majesty upon the Memorial of the Merchants of London and others interested in and trading to North Carolina complaining of two Acts passed there in 1748 & 1754 for emitting Paper Bills of Credit having been prepared pursuant to Order was agreed to & ordered to be transcribed—and was signed April 10th

Read a Report of the Chief Justice and Attorney General of North Carolina (without date) upon two Acts passed in North Carolina in 1755 the one for appointing Sheriffs and directing their duty in Office &c. the other for regulating Orphans their Guardians and Estates.

Their Lordships took the said Report and Acts into consideration together with several other Acts passed in the said Province for establishing and regulating Courts and Administration of Justice mentioned in the Minutes of 24th Jan^{ry} last and after some time spent

therein ordered the draught of a Representation to His Maj. to be prepared proposing that the following Acts may be repealed Viz:

An Act for establishing the Supreme Courts of Justice Oyer and Terminer and General Gaol Delivery of North Carolina.. Passed in 1754.

An Act for establishing County Courts for enlarging their jurisdiction and settling the proceedings therein. Passed in 1755.

An Act to provide indifferent jurymen in all causes criminal and civil and for an allowance for the attendance of Jurors attending at the Supreme Courts. Passed in 1755.

An Act to amend an Act for establishing the Supreme Courts of Justice Oyer and Terminer and General Gaol Delivery of North Carolina. Passed in 1756.

An Act for regulating Orphans their Guardians and Estates. Passed in 1755.

Read a letter from Arthur Dobbs Esq. Gov: of North Carolina dated 20 Dec. 1758 inclosing

Gov. Dobbs Speech to the Council and Assembly.

Council's Address to Gov^r Dobbs

Assembly's Address to D^o

Titles of Twenty Acts passed in North Carolina Dec. 1758.

Tuesday April 10th 1759.

The draught of a Representation to His Majesty proposing the Repeal of several Acts passed in North Carolina in 1754 1755 and 1756 having been prepared pursuant to order was agreed to and ordered to be transcribed—and was signed 12th of April.

Wednesday April 25th 1759.

Read a letter from Arthur Dobbs Esq. Gov^r of North Carolina dated Brunswick 22^d Jan^{ry} 1759 containing a variety of matters respecting the proceedings of the Council & Assembly and the state of the Province in general and inclosing

Reports of the Committees of both Houses of Assembly held at Edenton to examine state & settle the public accounts of this Province the 25th day of Nov^r 1758.

Reports of the Committee of Public Claims held at Edenton Monday Nov. 27. 1758

Tuesday May 22nd 1759.

Letter to Mr. Secretary Pitt desiring that he would move His Majesty that Benjamin Turner may be appointed Naval Officer of

North Carolina in the room of Benjamin Wheatley deceased and inclosing Warrant in the usual form in case His Majesty shall approve such recommendation was signed

Wednesday May 23rd 1759.

Read an Order of the Lords of the Comm^{tee} of Council for Plantation Affairs dated 26th April 1759 approving a Representation of this Board upon a Memorial of the Merchants of London and others trading to and interested in the Province of North Carolina in which they complain of two Acts passed there in 1748 & 1754 for issuing Paper Bills of Credit and directing the Draught of an Additional Instruction conformable thereto to be prepared.

The Draught of an Additional Instruction to the Gov^r of North Carolina containing directions with respect to the subject matter of the said Complaint having been prepared was agreed to & ordered to be transcribed as was also the Draught of a Report to the Lords of the Committee of Council thereupon.

Thursday May 24th 1759.

The Draught of a Report to the Lords of the Committee of Council with the Draught of an Additional Instruction to the Governor of North Carolina, authorizing him to recommend it in His Majesty's name to the Council & Assembly to pass an Act for amending two Acts passed in 1748 and 1754 mentioned in yesterday's Minutes was signed.

Friday. June 1st 1759.

Their Lordships took into consideration the several letters received from the Governor of North Carolina since the Board's last letter to him and the Draught of a letter to him in answer thereto was agreed to transcribed and signed.

Tuesday. June 19th 1759

Read a Petition of Thomas Child Esq^{re} appointed Attorney General of North Carolina in 1745 stating his intention of speedily going over to that Province and praying that he may have his Maj. license to resume and exercise his Office of Attorney General upon his arrival

Ordered that the said Petition be taken into consideration tomorrow morning and that Mr. Child be desired to attend.

Wednesday June 20th 1759.

Their Lordships took into further consideration Mr. Child's Petition mentioned in yesterday's Minutes and Mr. Child attending as

desired their Lordships had some discourse with him thereupon and then he withdrew and a question arising whether his Commission of Attorney General of North Carolina was not expired by its own limitation it was ordered that the Draught of a Representation to His Majesty should be prepared proposing that he may have a new appointment—which was agreed to, transcribed and signed June 21st

Wednesday July 18th 1759.

Their Lordships then took into consideration an Act passed in the province of North Carolina in Dec. 1757 intituled

An Act to dock the entail of certain lands now in possession of Harding Jones under a devise in the Will of Frederick Jones Esq. his Grandfather deceased by whom the same were entailed. together with Sir Matthew Lamb's Report thereupon and ordered the draught of a Representation to His Majesty to be prepared proposing that it may be confirmed.—which was agreed to, transcribed and signed July 24th

Wednesday July 25th 1759.

Read a letter from Arthur Dobbs Esq. Gov^r of North Carolina to the Board dated 18 May 1759 respecting his refusing his assent to the Aid Bill and observations upon two other Acts passed & inclosing

Address of the Council to the Governor

Address of the Assembly to Governor Gov. Dobbs' Speech to the Assembly upon their prorogation

A Bill for granting an aid to His Majesty to augment the Troops now in the pay of this Province &c.

Minutes of Council from 26 Nov^r to 23 Dec. 1758.

Minutes of Assembly from 23 Nov^r to 23 Dec. 1758

Minutes of Council in Assembly from 23 Nov to 23 Dec. 1758.

Five Acts passed the 4th May and twenty passed the 22 Dec. 1758.

Ordered that the said Acts be sent to Sir Matthew Lamb for his opinion upon them in point of law.

Ordered that the draught of a letter to the Gov^r of North Carolina in answer to the above be prepared.—which was agreed to, transcribed and signed on August 1st

Wednesday. August 1st 1759.

Their Lordships took into consideration the following Acts passed in North Carolina, Georgia and Jamaica together with Sir Matthew Lamb's Reports thereupon, viz:

An Act to empower the Justices of the Supreme Courts to take the acknowledgement or proof of deeds & for allowing them a Salary Passed in North Carolina in Dec. 1757.

* * * * *

and after some time spent therein Representations to His Majesty praying that the said Acts of Georgia may be approved and those of North Carolina and Jamaica disallowed, were signed.

Wednesday December 12th 1749.

Read a letter from Arthur Dobbs Esq^{re} Gov^r of North Carolina to the Board dated 11th Sept. 1759 acknowledging the receipt of their Lordships letter of 1 June and of His Maj. Order repealing the seven Acts—giving a state of the Council and inclosing

Journal of the Upper House of Assembly from 23rd Nov. to 23 Dec. 1758.

Journal of the Lower House of Assembly from the 8th to the 18th of May 1759.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington on the first day of March 1759.

Present—His Excellency Arthur Dobbs Esq^r Governor

| | | | | | |
|------------------------|---|--------------|------------------------------|---|-------------------|
| The Hon ^{ble} | { | Mathew Rowan | Lewis De Rossett | } | Esq ^{rs} |
| | | James Hasell | Edw ^d Brice Dobbs | | |
| | | James Innes | and | | |
| | | John Swann | Rich ^d Spaight | | |

Read and Granted several Warrants for Land as per Warrant Book

At a Council held at Wilmington on the second day of March 1759

Present—His Excellency the Governor

| | | | | | |
|------------------------|---|--------------|------------------------------|---|-------------------|
| The Hon ^{ble} | { | Mathew Rowan | Lewis De Rossett | } | Esq ^{rs} |
| | | James Hasell | Edw ^d Brice Dobbs | | |
| | | James Innes | and | | |
| | | John Swann | Richd Spaight | | |

His Excellency the Governor and the Council sat in Chancery and went through the Docquet

Ordered that the Hon^{ble} James Hasell and Lewis De Rossett Esq^{rs} be appointed to Tax all Bills of Costs to be brought before them between this and next Court.

At a Council held at Wilmington the third day of March 1759

Present—His Excellency the Governor

| | | | | |
|------------------------|---|--------------|------------------------------|---------------------|
| The Hon ^{ble} | { | Mathew Rowan | Lewis De Rossett | } Esq ^{rs} |
| | | James Hasell | Edw ^d Brice Dobbs | |
| | | James Innes | and | |
| | | John Swann | Richard Spaight | |

The Receiver General laid before the Board a Letter from the Auditor General to the Deputy Auditor of this Province in regard to the present Officers of this Establishment being paid in preference to the arrearages due to former Officers and desired the opinion of the Board concerning the same

Resolved that it is the opinion of this Board that the present Officers of this Establishment should be paid one years Salary and until such time as the Lords of the Treasury shall signify their Pleasure thereupon all arrears to be paid in proportion to the arrears due.

His Excellency laid before the Board the following Resolutions of the Lower House of Assembly,

N Carolina Wednesday 20th Dec^r 1758.

“The Assembly taking into Consideration the necessity of having some person of known ability and Integrity to represent their faithful services and steady attachment to His Majesty and to make known the circumstances of the Province at the Publick Boards in England.

Resolved that James Abercrombie of London Esq^r be appointed Agent for this Province for the purposes aforesaid, And that he for his Services and Expences be allowed and paid with his Majestys Approbation One hundred and fifty pounds p ann. out of the Fifty Thousand pounds Granted by his Majesty and Parliament to North and South Carolina and Virginia towards Reimbursing the said Provinces a part of the Expence they have been at in defending his Majestys Rights and Possessions in North America, And that the Agency of the said James Abercrombie commence on the first day of March next and continue for the space of Two years.

Resolved that Samuel Swann Thos. Barker, John Starkey, George Moore John Ashe Esq^{rs} be appointed a Committee to correspond with the said James Abercrombie and that they from time to time as required do lay before the Assembly all such Letters dispatches and advices as they shall Transmit to and receive from him

A true copy—

W^m HERRITAGE Clk of Ass^y

Upon reading the above Resolutions of the Lower House of Assembly, It is the Opinion of this Board that Samuel Smith Esq^r of London be appointed Agent to solicit and represent the affairs of this province at the several Boards in England.

His Excellency having laid before the Board the necessity of Issuing a Procl. to inform the Inhabitants of this Province that upon the Death of any of the members of Assembly for the Counties of Bertie, Tyrrell Northampton, Edgecomb Hallifax, Granville Rowan, Johnston, Dobbs, Onslow, New Hanover, Duplin, Bladen, Cumberland and Anson, and the Towns of New Bern, Edenton and Wilmington, or upon a Dissolution no writs of Election could issue unless they take out Charters agreeable to his Majestys Instructions

Resolved that it is the Opinion of this Board that his Excellency do Issue his Proclamation accordingly

Upon hearing the Caveat John Pitman agt Abner Neale—It is ordered that the Caveat be discharged and that a Warrant Issue to the said Abner Neale.

Upon hearing the Caveat John Arthur agt Rossiter Simpson, It is Ordered that the Caveat be discharged and that a Patent do issue

Upon hearing the Caveat Tho^s Taylor and Benj^a Weston agt W^m Teague, It is ordered that the Caveat be discharged and that a Patent do issue.

Upon reading the Petition of John Physock—It is ordered that his old Patent be altered agreeable to the Resurvey and that the Record be also altered and the new Plann be annexed to the Patent.

Upon Reading the Petition of Joseph French—It is ordered that the Patent of John Petiver be altered agreeable to the Resurvey

Upon reading the Petition of Eunice Carruthers, David Palmer, and William Powell setting forth that the said David Palmer, William Powell and one Rob. Carruthers deceased obtained Warrants for 200 acres of Land on Brices Creek in Craven and for other 200 acres of Land upon Trent in the said County and Praying that a Patent might issue to the Pet^r Eunice Ex^r of said Robert Carruthers for the Land on Brices Creek and also a Patent to the Petitioner William Powell for the Land on Trent River which was granted and ordered accordingly.

Upon reading the Petition of William Whitehouse It is ordered that his Patent be altered agreeable to his Resurvey.

Upon reading the Petition of Joseph Masters setting forth that he purchased from one John McCubbins a parcell of Land in Craven County, for which said McCubbins had a Warrant which Land has

been lately surveyed and the said John McCubbins have withdrawn himself out of this Province

It is ordered that a Patent do issue to the said Joseph Masters on the said Warrants

Read and Granted several Patents for Land as per Patent Book.

Upon the Receiver Generals laying before this Board the difficulty of Executing his Office by reason of the Sheriffs neglecting to Receive the Quit rents agreeable to his Majestys Instructions.

Resolved that it is the Opinion of the Board that upon the neglect or refusal of Sheriffs to Collect the Quit rents the Receiver General shall have Power to appoint a person to collect the same, and that he be allowed the same perquisites the Sheriff be allowed for so doing.

Upon the Surveyor Generals Laying before the Board his Majestys Warrant appointing him Surveyor General of this Province

Resolved that it is the Opinion of this Board that his Excellency the Governor do issue his Warrant to the Surveyor General for the surveying the several Counties agreeable to his Majesty's Instructions

At a Council held at Wilmington the fifth day of March 1759

Present His Excellency the Governor

The Hon^{ble} { James Hasell Edw^d Brice Dobbs } Esq^{rs}
 { Lewis De Rosset Rich^d Spaight }

Upon reading the Petition of the Rev^d John Bridgens It is ordered that a Warrant do Issue for the Resurveying the said John Bridgens Lands at New Topsail in New Hanover County.

James Jones of Craven County having appeared agreeable to summons and gave in his answer to the Deposition of Joseph Ryal and no person appearing ag^t him was discharged.

At a Council held at Wilmington the sixth day of March 1759.

Present—His Excellency the Governor.

The Hon^{ble} { James Hasell Lewis De Rossett } Esq^{rs}
 { James Innes Edw^d Brice Dobbs }

Alexander McCulloh Esq produced a Commission from the Hon^{ble} and Rev^d Robert Cholmondley Surveyor and Auditor General of all his Majestys Revenues in America appointing him the said Alexander McCulloh his Deputy within this Province which Commission being read the said Alex^r McCulloch took the several Oaths appointed by Law for the Qualification of Publick Officers and the Oath of Office

Upon reading the Petition of John Morris It is ordered that a Warrant do issue to resurvey the Lands of the said John Morris in New Hanover County formerly the Estate of William Faris Esq^r

Read and Granted several Patents for Lands as p Patent Book.

Upon Reading the Petition of John Cannon, It is ordered that the second course in his Patent dated in 1730 be altered by making the same N^o 12 W^t 400 Instead of 100 poles and that the Record be altered agreeable thereto.

At a Council held at Wilmington the seventh day of March 1759.

Present His Excellency the Governor

The Hon^{ble} { James Hasell Lewis De Rosset
 { James Innes Edw^d Brice Dobbs } Esq^{rs}
 { John Swann Rich^d Spaight }

Read and Granted several Patents for Land as p Patent Book.

Whereas several Grants for Patents have Passed this day in Council but the Patents not made out—It is the Opinion of this Board that as there are not any disputes concerning said Patents the same may be perfected by his Excellency the Governor as soon as possible and audited.

At a Council held at New Bern on Tuesday the Eight day of May 1759.

Present—His Excellency Arthur Dobbs Esq^r. Governor

The Hon^{ble} { James Innes John Rieusett
 { John Swann and } Esq^{rs}
 { Lewis DeRosset Rich^d Spaight }

Ordered that a Proclamation do Issue for a General Fast on Wednesday the 30th day of May Instant.

Ordered that a Proclamation do issue to Prorogue the Assembly until to morrow as a sufficient number of Members have not yet attended

At a Council held at New Bern on Monday the 14th day of May 1759.

Present His Excellency the Governor

The Honble { Mathew Rowan Lewis DeRossett }
 { James Innes and } Esq^{rs}
 { John Swann Rich^d Spaight }

Robert Jones Esq^r his Majestys Attorney General having deposed upon Oath that he heard it was Intended by a great Number of Rioters to Petition the Court at Granville to silence the Depon^t and that if no such order was made to Pull Depon^t by the Nose and also to abuse the Court &c Whereupon the said Rob^t Jones was directed to apply to the House of Assembly to know what Reward they

would Impower his Excellency to offer for the apprehending said Rioters, and the House of Assembly having addressed his Excellency thereupon It is ordered that a Proclamation do issue accordingly.

At a Council held at New Bern on Thursday the 17th day of May 1759

Present His Excellency the Governor

The Hon^{ble} { Mathew Rowan Lewis DeRossett }
 { James Innes John Rieusett } Esq^{rs}
 { John Swann Rich^d Spaight } .

The Hon^{ble} John Rieusett Esq^r having informed the Board that Doctor Robert Lennox was by Mistake left out of the Last Commission of the Peace for the County of Chowan

Ordered that the Chairman of the Court of the said County of Chowan do insert the said Robert Lennox name in his Proper place in the Commission of the Peace and Ded^s for the said County

The Hon^{ble} John Swann Esq^r having informed the Board that David Thompson Esq^r was by Mistake left out of the Commission of the Peace of the County of Duplin

Ordered that the Chairman of the Court of the said County of Duplin do insert the said David Thompson's name in the Commission of the Peace and Ded^s for the said County.

Ordered that a new Commission of the Peace and ded^s do issue for the County of Bertie, and that Rob^t Sumner Lillington Lockart Peter West, Thos Slater and James Moore be added to the Commission of the Peace and Dedimus, and that Thos Barker, Needham Bryan, Tho^s Whitmell, Edw^d Bryan, Tho^s Turner refusing to Qualifye and John Harrold Rob^t Hunter, W^m Wynns and John Harrold Jun^r Dec^d and Jacob Blunt and Robt Hardy left the County and Benjⁿ Wynns Clerk of the Court be left out of the new Commission.

Ordered that James Shine be added to the Commission of the Peace for the County of Craven

Upon reading the Affid of John Starkey Esq^r ordered that a Patent Dated 20th April 1745 to John Wallis of one hundred acres in Onslow on the North west Branch of New River be Countersigned Recorded and Audited—

Ordered that the Letters of Administration formerly Granted to Benjamin Willis on the Estate of David Braswell be revoked and that Letters of Administration on said Estate be Granted to Rich^d Braswell and Rob^t Carver.

At a Council held at Wilmington on the 31st day of August 1759

Present His Excellency Arthur Dobbs Esq^r Governor

The Hon^{ble} { Mathew Rowan John Swann
 { James Hasell Lewis DeRossett } Esq^{rs}

His Excellency Informed the Board that he had Received Letters from the Board of Trade Informing him that several Laws of this Province had been repealed by his Majesty in Council Viz^t

An Act for Establishing the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery of North Carolina

“An Act for Establishing County Courts for enlarging their Jurisdiction and settling the Proceedings therein

An Act to Provide Indifferent Jurymen in all Causes Criminal and Civil and for an Allowance for the attendance of Jurors attending the Supreme Courts.

“An Act to amend an Act for Establishing the Supreme Courts of Justice Oyer and Terminer and General Goal Delivery of N^o Carolina

“An Act for regulating Orphans, their Guardians and Estate

“An Act for appointing Parishes and Vestrys and for the Encouragement of an Orthodox Clergy for the advancement of the Protestant Religion and for the direction of the settlement of the Parish Accounts

“An Act to Quiet the Freeholders in the Possession of their Lands, and for other purposes

Resolved that it is the unanimous Opinion of this Board that the Promulgation of such Repeal, would be attended with great confusion and inconvenience to the Publick before the meeting of the Assembly or until the arrival of his Majestys Chief Justice and Attorney General who may be consulted thereupon

Read and Granted several Warrants for Land as p Warrant Book.

At a Council held at Wilmington on the first day of September 1759.

Present—His Excellency the Governor

The Hon^{ble} { Mathew Rowan John Swann
 { James Hasell Lewis DeRossett } Esq^{rs}

Ordered—that a Patent to Francis Sumner of 640 Acres in Onslow County Dated 14th Sept 1737 be Recorded

Upon reading the Petition and affid^t of James Rook Ordered that a Patent to said James Rook of 200 Acres in Onslow Dated 17th Nov^r 1743 be Recorded and countersigned by the Sec^{ry}.

Upon reading the Petition of Joseph Masters setting forth that he had obtained a Patent for 400 Acres of Land in Craven County upon Adams's Creek which he finds Interferes with the Lines of an Elder Patent and praying a Warrant of Resurvey which is granted and Ordered to Issue accordingly

Upon Reading the Petition of Jacob Blount setting forth that he had obtained a Patent in 1735 for a Parcel of Land in Craven County on the East side of Contentney Creek said to contain 500 Acres but that by mistake of the Surveyor the Lands by means of wrong courses being inserted is turned contrary to the intent of the survey and Markt Bounds and Praying a Warrant of Resurvey which is Granted accordingly

Upon Complaint being made that Valentine Wade one of his Majestys Justices of the Peace for the County of Carteret and who keeps a Tavern in the Town of Portsmouth in said County, Permits suffers and encourages disorderly persons, to dance and play at cards and dice in his house upon the Lords Day and upon reading the affid^t of Joseph Ryall and another Affid^t of said Joseph Ryall and John Bragg

It is ordered that the said Valentine Wade appear before his Excellency the Gov^r in Council on Tuesday the 20th day of Nov^r next at Wilmington to shew cause why he should not be struck out of the Commission of the Peace for the said County

At a Council held at Wilmington on the 23^d Day of November 1759—

Present—The Excellency the Governor.

| | | | | |
|------------------------|---|------------------|-----------------|---------------------|
| The Hon ^{ble} | { | Mathew Rowan | John Rieusett | } Esq ^{rs} |
| | | John Swann | and | |
| | | Lewis De Rossett | Richard Spaight | |

His Excellency Ordered the 11th and 30th Articles of his Instructions to be Read which was Ordered to be inserted in the Journals and are as follows.—

Article the 11th—And whereas we are sensible that Effectual care ought to be taken to oblige the Members of our said Council to a due attendance therein in Order to prevent the many inconveniences that may happen for want of a Quorum of the Council to transact Business as occasion may require, It is our Will and Pleasure that if any of the Members of our said Council residing in the Province shall hereafter absent themselves from our Province and continue absent above the space of twelve months together without

leave from you or from our Governor or Commander in Chief of the said Province for the time, and being first obtained under your or his hand and Seal or shall remain absent for the space of two years successively without our leave given them under our Royal Sign Manual. Their Place or Places in our said Council shall or immediately thereupon become void and that if any of the Members of our said Council residing in our said Province shall willfully absent themselves hereafter from the Council Board when duly summoned without a Just and Lawfull Cause and shall persist therein after admonition you suspend the said Councillors absenting themselves untill our further pleasure be known giving timely notice thereof to our Commissioners for Trade and Plantations in Order to be laid before us. And we do hereby will and require you that this our Royal Pleasure be signified to the several Members of our said Council and that it be entered in the Council Books of our said province as a standing Rule.

Article the 30th—

You are not to permit any Clause whatsoever to be inserted into any Law for Levying Money on the Value of Money whereby the same shall not be made liable to be accounted for unto us here in Great Britain and to our Commissioners of our Treasury or to our high Treasurer for the time being and audited by our Auditor Generals of our Plantations or his Deputy for the time being: And we do hereby particularly require and enjoin upon the pain of our highest displeasure to take care that fair Books of Accounts of all Receipts and payments of all Publick Moneys be duly kept and the Truth thereof attested upon Oath, and that all such Accounts be audited and attested by our Auditor General of Our Plantations or his Deputy who is to transmit Copies thereof to our Commissioners of our Treasury or to our High Treasurer for the time being and that you do every half year or oftener send another Copy thereof attested by yourself to our Commissioners for Trade and Plantations and Duplicates thereof by the next Conveyance. In which Books shall be specified every particular sum raised or disposed of together with the names of the Persons to whom any payment shall be made to the End we may be satisfied of the Right and due application of the Revenue of our said Province with the Probability of the Increase or Diminution of it under every Head or Article thereof.

At a Council held at Wilmington on the 24th Day of November
1759

Present—His Excellency the Governor.

The Hon^{ble} { Mathew Rowan John Rieusett
 { John Swann and
 { Lewis De Rossett Rich^d Spaight } Esq^{rs}

Whereas by His Majesty's Orders to His Excellency to have the Several Counties in His Majesty's part of this Province to be surveyed and their Bounds ascertained that no injustice may be done in laying off the same.

It is ordered That the Several Justices and Commissioners of the said Counties in His Majesty's Part of this Province upon the Surveyors giving them Notice of their Intention to run the Lines between the several Counties do assist the Surveyors in laying out and ascertaining their bounds.

At a Council held at Wilmington the 6th day of December 1759

Present—His Excellency the Governor

The Hon^{ble} { Matthew Rowan Lewis De Rossett
 { James Hasell John Rieusett
 { John Dawson and
 { John Swann Rich^d Spaight } Esq^{rs}

Charles Berry Esquire appeared and Qualified as Chief Justice of this Province by taking the usual Oaths with the Oath of Office and declaring and subscribing the Test. Then His Excellency laid before the Board the Instruction about the paper Currency.

At a Council held at Wilmington the 8th Day of December 1759

Present—His Excellency the Governor.

The Hon^{ble} { Mathew Rowan Lewis De Rossett
 { James Hasell John Rieusett
 { John Swann and
 { John Dawson Rich^d Spaight } Esq^{rs}

There was Read and passed several Warrants for Land as p Warrant Book.

Upon Motion, Ordered That William Case Esq^r one of His Majesty's Justices of the Peace for Duplin County appear on Wednesday the 26th Instant to answer such Charges as may be made against him.

At a Council held at Wilmington the 18th Day of December 1759

Present—His Excellency the Governor.

The Hon^{ble} { Mathew Rowan Lewis De Rossett
 { James Hasell John Rieussett
 { John Swann and
 { John Dawson Rich^d Spaight } Esq^{rs}

On Motion Ordered That a New Commission and Dedimus issue to the County of Cumberland.

At a Council held at Wilmington the 22^d Day of December 1759.

Present—His Excellency the Governor

The Hon^{ble} { Mathew Rowan Lewis De Rossett
 { James Hasell and
 { John Dawson Rich^d Spaight } Esq^{rs}

Several Warrants and Patents for Land were Read and Granted as p Warrant and Patent Books.

LEGISLATIVE JOURNALS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 30.]

NORTH CAROLINA—SS.

At an Assembly begun & held at New Bern the Twelfth day of December in the Year of Our Lord One Thousand seven Hundred & Fifty Four, and in the Twenty Eight Year of the Reign of Our Sovereign Lord George the Second by the Grace of God of Great Britain, France, & Ireland King Defender of the Faith etc. and continued from thence by several Prorogations & Adjournments to Tuesday the Eight day of May in the Year of Our Lord One Thousand seven Hundred and Fifty Nine at New Bern being the Eight Session of this present Assembly.

In the Upper House

Present

The Hon^{ble} { James Innes John Rieussett
 { John Swann &
 { Lewis De Rossett Rich^d Spaight } Esq^{rs}

Then the House adjourned until to-morrow morning 9 o'Clock

Wednesday 9th of May 1759. The House met according to Adjournment.

Present.

| | | | | | |
|------------------------|---|------------------|---------------------------|---|-------------------|
| The Hon ^{ble} | { | James Innes | John Rieussett | } | Esq ^{rs} |
| | | John Swann | & | | |
| | | Lewis De Rossett | Rich ^d Spaight | | |

His Excellency the Governor came to House & sent a Messenger to the Assembly & commanded their Immediate Attendance. Whereupon the Speaker attended by the Assembly waited on His Excellency in the Council Chamber where he was pleased to make to both Houses the following Speech.

GENTⁿ OF HIS MAJESTY'S COUNCIL, MR. SPEAKER & GENT^t OF THE ASSEMBLY.

I have by His Majesty's Express & repeated Orders communicated to me by Mr. Secretary Pitt, called you together at the shortest notice possible to lay His Orders before you, that you would exert your utmost force at this Critical Period, when the Divine Providence has so manifestly appeared in favour of the true Protestant Christian Church, & Cause of Liberty.

The Critical and I hope I may say the happy moment is arrived which is to determine the fate of the British Empire in America, and the future Peace, safety, Liberty's and Possessions of all the British Colonies on this Contin^t

Our great God and Saviour by the surprising success of His Majesty's Arms has open'd to us a Passage, to expel our inveterate & insatiable Enemies from this Northern Continent, provided we follow the Stroke, and with suitable Zeal, alacrity and dispatch, exert our force in Conjunction with the regular Troops. His Majesty having by his wise Councils & Vigorous measures exerted the whole power of Britain an immense Expence to finish the War this Campaign by driving the French from this Continent which can only prevent our having any further trouble or Expence from such Hereditary & inveterate Enemies.

Gent^m—You have it now in your Power by raising a suitable Force, to join in the present Operations wherever called for at an expence which will scarcely be felt by the Community, to be eased of all future extraordinary Taxes to secure your future peace, Religion, Liberties & Possessions & secure the friendship of all the Indians & enjoy the Trade of this Northern Continent without a Rival

I am therefore fully convinced of your Prudence & Judgment, from the zeal you have hitherto shown for the Rights of His Majesty

on this Continent, that you will exert your force at this Critical moment, which if delayed is never to be retrieved.

I shall therefore lay Mr. Secretary Pitt's Letters to me before you in his most strenuous words to be the spring of your movement, by which you will find his Majesty's Goodness, in promising to recommend to his Parliament next Session, a Compensation for the Expence we shall be at, as well as what we have been at last Campaign in proportion to our Zeal for his Service.

I shall only add, that I shall always concur with you in every measure, which will support His Majesty's Rights & true British Liberty, and promote the Peace safety Trade & happiness of this and all the British Colonies.

This House took under their Consideration His Excellency's Speech, and ordered the same to be read, which was accordingly done, and the Hon^{ble} John Rieussett and Richard Spaight Esq^{rs} were appointed a Committee to prepare an Address to His Excellency.

His Excellency the Governor laid before this House, the Right Hon^{ble} Mr. Secretary Pitt's Letters of the Ninth and Twenty Ninth of December last which were ordered to be read; Read the same accordingly, Ordered that the Clerk make Copy's thereof & file them in his office.

Then the House adjourned till 3 o'Clock P. M.

The House met according to adjournment.

Present as before

Then the House Adjourn'd till to morrow morning 9 o'Clock.

Thursday 10th of May 1759. The House met according to Adjournment.

Present

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|--------------------------|-----------------|---------------------------|---------------------|
| The Hon ^{ble} { | James Innes | John Rieussett | } Esq ^{rs} |
| | John Swann | & | |
| | Lewis DeRossett | Rich ^d Spaight | |

Then the House adjourned till 3 o'clock in afternoon.

P. M. The House met according to adjournment.

Present

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|--------------------------|--------------|---------------------------|---------------------|
| The Hon ^{ble} { | Mathew Rowan | Lewis DeRossett | } Esq ^{rs} |
| | James Innes | John Reiussett | |
| | John Swann | Rich ^d Spaight | |

The Committee appointed by this House to draw up an Address in Answer to His Excellency the Governor's Speech reported they had prepared the same which was Ordered to be Read, the same was read, approved of, and resolved that the same stand the Address of this House, and be entered on the Journal thereof as follows. viz^t

SIR,

Please to accept the thanks of His Majesty's ever Dutiful and Loyal Subjects the Members of His Council for your Excellency's Speech at the commencement of this Session.

We are highly sensible of the Divine favour so eminently manifested by the great success of His Majesty's Arms during the last Campaign, which we hope will be further extended to us, so as to be soon productive of that greatest of Blessings a safe and Honourable Peace, securing to us & our Posterity, our Holy Religion, Liberties & Properties. His Majestys wise and Paternal Care of his American Dominions, & the Prodigious exertions of the Power of our Mother Country in their Defence appears in a very conspicuous light to us. We should therefore make but an ungrateful return, did we not at this Important Period, do all that lay in our Power to co-operate with those measures calculated to secure our future safety & happiness. We shall therefore cheerfully join with the other House in doing whatever we are able to procure those desirable Ends.

His Majestys gracious Assurances signified by his great and wise Minister the Hon^{ble} Mr. Secretary Pitt of recommending to His Parliament a compensation for the Expences we were at last and shall be this Campaign is a further Instance of His Royal goodness, & claims our gratefulest acknowledgements.

As well know your Excellency's sentiments regarding his Majestys Rights, and the invaluable Blessings of British Liberty, we shall only say that to the extent of our Abilities we shall ever endeavour to procure those Advantage we are sensible you so ardently wish to this, and all the other British Colonies.

Then the House adjourn'd till to-morrow morning 9 o'clock.

Friday 11th of May 1759. The House met according to Adjournment.

Present.

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|------------------------|---|--------------|-----------------|---------------------|
| The Hon ^{ble} | { | Mathew Rowan | Lewis DeRossett | } Esq ^{rs} |
| | | James Innes | John Rieussett | |
| | | John Swann | Richard Spaight | |

Ordered that the Hon^{ble} Lewis DeRossett & Rich^d Spaight Esq^{rs} wait on His Excellency the Governor, & let him know the House is ready to wait on him with the Address thereof, and also to desire him to acquaint the House when he will receive it.

The above Gentⁿ returned, and the Hon^{ble} Lewis De Rossett reported, that in obedience to the Command of the House he with the Hon^{ble} Richard Spaight Esq^{re} waited on His Excellency the Governor and acquainted him the House desire to know when he will receive the Address thereof; And that His Excellency desired their Attendance at 4 o'clock this-afternoon.

Then the House adjourn'd till 4 o'clock in the Afternoon.

The House met according to Adjournment. Present as before

The House waited upon His Excellency the Governor, & by the Hon^{ble} Mathew Rowan Esq^{re} presented him with the Address thereof, to which His Excellency was pleased to make the following Answer.

The grateful sense you express of His Majesty's Paternal Care of these Provinces by the great Expence he has been at in defending and securing the future peace of these Provinces, and for the favours so manifestly testified to us by the kind hand of Providence, and your steady zeal in concurring in all proper Measures for co-operating with His Majesty's Troops is Very Acceptable to me, and a proof of your Duty to the best of Kings and Constant Care for the future peace and safety of this Province, and His Majesty's Rights in America.

Then the House adjourn'd till to-morrow morning 9 o'clock.

Saturday 12th of May 1759.

The House met according to Adjournment.

Present.

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|------------------------|---|--------------|------------------|---------------------|
| The Hon ^{ble} | { | Mathew Rowan | Lewis De Rossett | } Esq ^{rs} |
| | | James Innes | & | |
| | | John Swann | Richard Spaight | |

Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to Adjournment. Present as before.

Received from the Assembly by Mr. John Ashe & Major Waddle the following Message & Resolve.

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL,

It being Certified to this House that the Tuscorora Indians who went on the Expedition against Fort Du Quesne under the command of General Forbes, behaved well on that Expedition, This House therefore have resolved that the sum of One Hundred & Five Pounds be laid out in Presents by Mr. John Campbell and given to the said Indians as and for a Bounty & Reward for their Services, on the said Expedition, Persuant to a Message of this House to the Governor at the close of April Session 1758. And that the said John Campbell be repaid the said sum out of the surplus of the aid granted to his Majesty by an Act for granting an aid to his Majesty for augmenting the Troops now in the pay of this Province etc (passed the fourth day of May 1758) by a warrant for that purpose from His Excellency the Governor, on the Treasurer of the Northern District.

SAM SWANN Speaker

12th of May 1759.

On Motion, Ordered the above resolve be read, read the same accordingly, & was concurred to. Then the House adjourned till Monday morning 9 o'clock.

Monday 14th of May 1759.

The House met according to Adjournment.

Present.

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|------------------------|---|--------------|---------------------------|---------------------|
| The Hon ^{ble} | { | Mathew Rowan | Lewis De Rossett | } Esq ^{rs} |
| | | James Innes | and | |
| | | John Swann | Rich ^d Spaight | |

Received from the Assembly by Mr. Waddle & Mr. Ashe a Bill for granting an Aid to His Majesty to augment the Troops now in the pay of this Province, And to appoint an Agent to lay before His Majesty proper Documents of the Service rendered by this Government in the present War. A Bill for raising Money for finishing the Church of S^t James and S^t Philip in New Hanover County by a Lottery. And a Bill to impower the Justices of Dobbs County to hear and determine all Causes commenced and undetermined in Johnston County Court, before the division of the said County.

On Motion, Ordered the said Bill be read, read the said Bill the first time and passed.

Then the House adjourned till to-morrow morning 9 o'clock

Tuesday 15th of May 1759.

The House met according to Adjournment.

Present.

The Hon^{ble} { Mathew Rowan Lewis DeRossett } Esq^{rs}
 { James Innes and }
 { John Swann Rich^d Spaight }

The House adjourned till 3 o'clock in the Afternoon.

The House met according to Adjournment.

Present as before

Received from the Assembly a Bill for granting an Aid to His Majesty etc.

A Bill for raising money for finishing the Church of S^t James and S^t Philips etc. and

A Bill to impower the Justices of Dobbs County to hear & determine all Causes etc by Mr. Vail & Mr. Murphey.

On motion Ordered the Bill for granting an Aid to His Majesty be read.

Read the same the second time, Amended & passed.

On motion: Ordered the Bill for raising money for finishing the Churches of S^t James & S^t Philips etc be read.

Read the same the second time and passed.

On motion Ordered the Bill to impower the Justices of Dobbs County to hear & determine all Causes etc be read.

Read the same the second time and passed.

Then the House adjourn'd till to morrow morning 9 o'clock.

Wednesday 16th of May 1759. The House met according to Adjournment.

Present.

The Hon^{ble} { Mathew Rowan Lewis DeRossett } Esq^{rs}
 { James Innes and }
 { John Swann Rich^d Spaight }

Received from the Assembly by Mr. Caswell & Mr. Wynne, A Bill for raising money for finishing the Churches of S^t James and S^t Philips etc. And a bill to impower the Justices of Dobbs County to hear and determine all Causes etc

On motion Ordered the said Bills be read, Read both the said Bills the third time and passed, Ordered to be Engrossed.

Then the House adjourned till 3 o'clock in the Afternoon.

The House met according to adjournment.

Present.

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|------------------------|---|--------------|-----------------|---------------------|
| The Hon ^{ble} | { | Mathew Rowan | Lewis DeRossett | } Esq ^{rs} |
| | | James Innes | John Rieussett | |
| | | John Swann | Richard Spaight | |

Received from the Assembly by

A Bill for granting an Aid to His Majesty etc. On motion Ordered the said Bill be read. Read the same the third time. Ordered the following Message be sent to the Assem^{bly}

MR. SPEAKER AND GENTⁿ OF THE ASSEMBLY.

On reading a third time the Bill "for granting an Aid to His Majesty, to augment the Troops now in the pay of this Province, and appointing an Agent to lay before his Majesty, proper Documents of the service rendered by this Government." We observe you have *Stet*^{ed} all those Clauses which we yesterday *Dele*^d We therefore propose that the Bill be put upon the same footing we sent it last down to you, to which if your House agree please to send such of your Members as you shall think proper to see the Alterations made accordingly. For in the present situation of the Bill, we do not think it consistant with His Majesty's Service to pass it.

Then the House adjourned till tomorrow morning 9 o'clk.

Thursday 17th May 1759. The House met according to Adjournment.

Present.

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|------------------------|---|--------------|-----------------|---------------------|
| The Hon ^{ble} | { | Mathew Rowan | Lewis DeRossett | } Esq ^{rs} |
| | | James Innes | John Rieussett | |
| | | John Swann | Richard Spaight | |

Received from the Assembly the following Message. Viz^t

GENT^m OF HIS MAJESTIES HON^{ble} COUNCIL.

Upon reading of your Message of this Day relative to the Bill for granting an Aid to His Majesty etc We observe that you propose to strike out all that part of the Bill which constitutes an Agent to represent the Zeal & Loyalty of the Subjects of North Carolina to his Majesty, and to lay before him and his Ministers proper Documents of the service rendered by this Country in the present War, and say, that you do not think it will be for His Majesty's Service to pass the Bill unless that is done.

In answer to which we must observe, that part of the Bill consists of several Substantial Clauses quite independent of the other parts which grant an Aid to his Majesty and therefore cannot either retard or Expedite his Service, and we can't conceive why you should insist on Expunging that part of the Bill more especially as the same is incerted in conformity to the advice contained in the Letters of the Right Hon^{ble} Mr. Secretary Pitt laid before the Assembly by His Excellency the Governor, nor can we agree to the Alterations you propose as we conceive should we so do, we should be wanting in the discharge of the Trust reposed in us by our Constituents, And hope you will pass the Bill as it was sent to you, this House being of Opinion His Majesty's Service will be most effectually promoted thereby

SAM SWANN Speaker.

16th of May 1759.

On reading the above said Message, it was Ordered, that the Bill for granting an Aid to His Majesty etc be reassumed. The same was reassumed and put, and was rejected.

Then the House adjourned till 3 o'clock in the Afternoon

The House met according to Adjournment.

Present as before

Then the House adjourned till to morrow morning 9 o'Clock.

Friday 18th of May 1759.

Present

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|------------------------|---|--------------|---------------------------|---------------------|
| The Hon ^{ble} | { | Mathew Rowan | Lewis DeRosset | } Esq ^{rs} |
| | | James Innes | and | |
| | | John Swann | Rich ^d Spaight | |

Received from the Assembly the following Resolve. Viz^t

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

Resolved, That the Officers and men who were kept in Garrison in the Forts Johnston and Granville after the Expiration of the Act for granting an Aid to His Majesty for augmenting the Troops of this Province to serve the last Campaign be paid the same Allowance per Diem for the time they were so kept in Garrison as they were intituled to for their service under the said Act of £4000 granted to His Majesty the last Session of Assembly five Pounds Proc: Money to each able bodied man who hath inlisted or who shall voluntarily

inlist to serve his Majesty in either of the Companies by Law now directed to be employed in Garrisoning the said Forts, and that the said surplus or so much thereof as shall be necessary for the purposes aforesaid be paid out of the publick Treasuries to the proper Officers by a Warrant from his Excellency the Governor, and be allowed to the said Officers in their accounts on their producing receipts thereof from the Men To which desire your Honours Concurrence

SAM SWANN Speaker.

18th May 1759.

On Motion. Ordered the above Resolve be Read.

The same was accordingly read and concurred with.

Received from the Assembly the following Resolve Viz^t

GENTⁿ OF HIS MAJESTIES HON^{ble} COUNCIL

This House have resolved that a reward of Twenty Five Pounds be paid out of the Publick Treasury by a Warrant from His Excellency the Governor to each of the two Persons, who shall first make a full discovery on Oath to the Chief Justice or the Attorney General of the Principal Persons who have been concerned in the late Riots, Combinations, and Traiterous Conspiracies in that part of this Province within the Right Hon^{ble} Earle Granville's Proprietary, on the condition of any of the said offenders. To which desire your Honor's Concurrence.

SAM SWANN Speaker

18th May 1759.

On Motion, Ordered the above Resolve be read. Read the same accordingly and was concurred with.

Received from the Assembly the Estimate of Allowances Expences and Ferriages of that House (for this Session of Assembly) for Concurrence, to which this House concurred.

Sent to the Assembly the Estimate of the Allowances to the Members of this House, Clerk, Officers, etc for Concurrence.

Received the said Estimate from the Assembly, Endorsed 18th May 1759. In the Assembly concurred with.

SAM^r SWANN Speaker

His Excellency the Governor came to this House and commanded the immediate Attendance of the Assembly Whereupon the Speaker

Attended by the Assembly waited on His Excellency in the Council Chamber and presented him the following Bill for his Assent, to wit. The Bill for raising of money for finishing the Churches of St James and St Philips in New Hanover County, by a Lottery.

The Bill to empower the Justices of Dobbs County to hear and determine all Causes commenced and undetermined in Johnston County Court before the Division of the said County.

To which His Excellency was pleased to assent and then made a Speech to the Assembly, and prorogued them to the First Tuesday in October next.

True Copy

J^{no} SMITH

Clk of the Upper House of Assembly.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS

At an Assembly begun and held at New Bern the Twelfth day of December in the Twenty Eight Year of the reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King defender of the faith and so forth and in the Year of our Lord One Thousand seven Hundred and fifty four from thence Continued by Several Prorogations and Adjournments to the Eighth day of May in the Thirty Second year of the Reign of our said Sovereign Lord the King to be held at New Bern being the Eighth Session of this Present Assembly—

Tuesday the 8th of May 1759—

Members present

Mr Speaker

Mr. John Fonville

Mr. Thomas Smith

Mr. John Starkey

Mr. Jacob Blunt

Mr. Benjⁿ Harvey

Mr. Stephen Cade

Mr. Joseph Sutton

Mr. Hugle Waddle

Mr. Fra^s Ward

Mr. John Hardy

Mr. Isaac Jones

Mr. W^m Bartram

Mr. Benjⁿ Wynns

Mr. W^m Wyat

Mr. James Davis

Mr. Mich^l Coutanche

Mr. Richard Caswell

and

Mr. Joseph Bell

Mr. W^m Spier

Then the House adjourned till 9 o'clock tomorrow morning

Wednesday the 9th of May 1759—The House met according to Adjournment

Mr. William Houston one of the Members for Duplin County Appeared and took his Seat in the House

His Excellency the Governor sent a Message to the House, requiring the Immediate Attendance thereof in the Council Chamber.

The House waited on his Excellency in the Council Chamber, when his Excellency was pleased to make a Speech to this House and His Majesty's Council

The House returned and Mr. Speaker Acquainted the House that His Excellency had made a Speech to the Council and this House, a Copy of which to prevent mistakes he had obtained, which he laid before the House, together with the Copies of two letters from Mr. Secretary Pitt to his Excellency—

Ordered the said Speech be read, Read the same, and on Motion Ordered the same be Entered on the Journal of the House, and is as follows Viz^t

GENTLEMEN OF HIS MAJESTYS COUNCIL, MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY—

I have by his Majesty's express and repeated Orders, communicated to me by Mr. Secretary Pitt, called you together at the shortest Notice possible, to lay his Orders before you, that you would exert your utmost Force at this critical Period, when the Divine Providence has so manifestly appeared in Favour of the true Protestant Christian Church, and Cause of Liberty.

The critical, and I hope I may say, the happy Moment is arrived which is to determine the Fate of the British Empire in America, and the future Peace, Safety, Liberties and Possessions, of all the British Colonies on this Continent.

Our great God and Saviour; by the surprising Success of his Majesty's Arms, has opened to us a Passage to expell our inveterate insatiable Enemies from this Northern Continent, provided we follow the Stroke, and with suitable Zeal, Alacrity, and Dispatch, exert our Force, in Conjunction with the Regular Troops, his Majesty having by his wise Councils and vigorous Measures, exerted the whole Power of Britain, at an immense Expence, to finish the War this Campaign, by driving the French from this Continent; which can only prevent our having any future Trouble or Expence from such hereditary and inveterate Enemies.

Gentlemen—You have it now in your Power, by raising a suitable Force to join in the present Operations whenever called for, at an Expence which will scarcely be felt by the Community, to be eased of all future extraordinary Taxes, and to secure your future Peace, Religion, Liberties, and Possessions: and secure the Friendship of all the Indians, and enjoy the Trade of this Northern Continent without a Rival

I am therefore fully convinced of your Prudence and Judgment, from the Zeal you have hitherto shown for the Rights of his Majesty on this Continent, that you will exert your Force at this critical Moment; which if delayed, is never to be retrieved

I shall therefore lay Mr. Secretary Pitt's Letters to me before you, in his most strenuous Words, to be the Spring of your Movement; by which you will find his Majesty's Goodness, in promising to recommend to his Parliament next Session a Compensation for the Expence we shall be at, as well as what have been at last Campaign, in Proportion to our zeal for his Service.

I shall only add, that I shall always concur with you in every Measure which will support his Majesty's Rights and true British Liberty; and promote the Peace, Safety, Trade, and Happiness of this and all the British Colonies.

Then the House Adjourned till 9 o'clock Tomorrow morning

Thursday the 10th of May 1759 The House met according to Adjournment.

Mr. John Campbell, one of the Members for Bertie County, Appeared, Mr. Joseph Herron, and Mr. Edward Vail, two of the Members for Chowan County, appeared, Mr. John Ashe, one of the Members for Craven County appeared, and took their Seats in the House.

Received a written Message from his Excellency the Governor by Mr. Powell, Viz^t

MR. SPEAKER

Having received Advice by Express from the Western Frontiers of Several Murders committed by the Indians, supposed to be Cherokees, I desire to have the Advice and Assistance of the Assembly, in what manner to protect the intimidated Inhabitants with least expence to the Province, by fixing a sufficient Patrole there immediately

There being a Necessity of putting such Arms as are in Store in Order, and no Fund to pay the Workmen, it will be proper to order a Payment for that Purpose, out of some particular Fund—

ARTHUR DOBBS.

10th May 1759.

Resolved—the following Message be sent to his Excellency the Governor Viz^t.

Sir—In answer to your Excellencys Message in regard to the Murders Committed by the Indians on the Western Frontiers and requiring the Advice and Assistance of the Assembly, in what manner to protect the intimidated Inhabitants with least Expence to the Public; and also, regarding a Provision for the payment of Workmen, to be employed in putting such Arms as are in Store in proper Order. The House are of Opinion, that by the Act of Assembly, intituled An Act for the better regulating the Militia of this Province; and other Purposes; your Excellency is authorized to order the Militia to march against the Enemy in Case they invade or distress the Inhabitants of this Province, and hath settled the Pay of the Officers and Men, which shall be so employed and think it more for the Benefit of the Public on this Occasion, that your Excellency will please to order the Militia of the Country and those next adjoining, where the Murders were committed, to be ready and marched for the Defence of the Frontier Inhabitants, as directed by the before mentioned Act—

The House further acquaint your Excellency, they will endeavour to make Provision for the payment of Workmen to be employed to put the Arms in Store in proper Order for Service S. S. S.

10th May 1759—By Order W^m H. Clk—

Then the House adjourned till to-morrow Morning 9 °Clock—

Friday the 11th of May 1759.

The House met according to Adjournment

Mr. W^m Murfree, one of the Members for Northampton County appeared, and took his Seat in the House

On Motion, Ordered That Mr. Starkey, Mr. Ashe, Mr. Campbell, Mr. Waddle, Mr. Wynn Mr. Caswell. and Mr. Vail prepare an Address in Answer to his Excellency the Governor's Speech, and lay the same before the House for Approbation—

Mr. Fonville presented a Certificate from the County Court of Craven, recommending Richard Johnston of said County to be exempt from paying public Dues and doing public Services—

Ordered he be exempt accordingly

Then the House adjourned till 3 o'Clock Afternoon—P. M.

The House met according to Adjournment

Mr. Starkey from the Committee appointed to prepare an Address in Answer to His Excellency the Governors Speech reported that the Committee had prepared the same which he presented to the House

Ordered the same be read—The same was read And Approved of—

Resolved the same stand the Address of the House and be Entered on the Journal thereof as follows Viz^t

To His Excellency Arthur Dobbs Esq, Capt General, Governor and Commander in Chief in and over the Province of North Carolina

Sir—We his Majesty's Most dutiful and loyal Subjects the Members of the Assembly of North Carolina beg leave to return your Excellency our Thanks for your Speech at the Opening of this Session. The great Advantages gained last Campaign over the common Enemy in America, opens to us a prospect of future Peace and Safety, the Enjoyment of our Rights and Possessions, and getting rid of the Encroachments of the French forever hereafter on this Continent

And although we are most sensibly affected with the distressed Circumstances of many of our Constituents, who, by the unreasonable Weather last Summer, now suffer for want of Bread, and are scarcely able to pay the Burthensome Taxes, already laid on them, to raise the former Aids by us granted for his Majestys Service in prosecuting this just and necessary War: Yet willing to demonstrate our duty to the best of Kings, and Zeal for the Common Cause, we will on this critical Event, raise such further Supplies as the impoverished Circumstances of the Public will bear; trusting that the Goodness of the British Parliament, upon his Majesty's Recommendation, will induce them, in Compassion to the Indigency of our Circumstances, to make us a suitable Compensation for the Expences and Disbursements we have been at, in prosecuting the present War, in Vindication of His Majesty's just Rights and Possessions on this Continent, as we shall take care to authorize an Agent faithfully to represent the same, and produce necessary Documents thereof—

We are sensible of your Excellency's steady Regard for the Service of His Majesty, the Welfare and Prosperity of the People under your Government, and the Trade and Happiness of all his Majesty's

Subjects; and ardently wish that your Administration may be long and happy—

His Excellency the Governor sent a Written Message as follows—

Sir,—The Tuscarora Indians have made a Complaint to me, that one Humphrey Bates has settled on their Lands against their Will which I desire you will inquire into, That Justice may be done them I also recommend the Indians to the Consideration of your House for what Provisions and Necessaries they shall want during their stay here

To Mr. Speaker.

ARTHUR DOBBS

11th May 1759.

On Motion, Resolved, That Mr. John Fonville provide necessary Provisions for the Indians during their stay in Town and that he be reimbursed the Expence thereof by the Treasurer—

Then the House Adjourned till to Morrow Morning 8 O'clock—

Saturday the 12th of May 1759—The House met according to Adjournment

Mr. Robt Jones jun^r Appeared and took his seat in the House—

Ordered, that Mr. Campbell and Mr. Waddle wait on his Excellency the Governor and let him know the House is ready to wait on him with the Address thereof and also desire him to acquaint the House when he will receive them—

The above Gentlemen being returned Mr. Campbell reported that in obedience to the Command of the House he with Mr. Waddle had waited on his Excellency the Governor and Acquainted him the House desire to know when he will please to receive the Address thereof—

That his Excellency returned for Answer he would receive them in half an Hour in the Council Chamber

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber where Mr. Speaker presented him with the Address of the House to which his Excellency was pleased to return an Answer a Copy of which to prevent mistakes Mr. Speaker Obtained—

Then the House returned and Mr. Speaker laid before the House his Excellency's Answer which was Ordered to be read—

The same was read, and Ordered to be Entered on the Journal of the House and is as follows Viz^t

The just sense you have of his Majesty's Goodness and resolution of defending his just rights in America and securing the further peace and Safety and Happiness of this and the other Colonies from our Inveterate Enemies and the Hardy Zeal you have always shown in doing your utmost in the Impoverished State of this Province and readiness in doing your utmost to co-operate in the Cause of Religion and Liberty I shall faithfully lay before his Majesty and are very gratefull to me I return you thanks for your kind Acceptance of my Endeavours to serve his Majesty and to increase the Trade and Happiness of this province and all his Majestys Subjects which shall be my Constant Care—

It being Certifyed to the House that Eighteen of the Tuscarora Indians behaved well on the Expedition against Fort Du Quesne under General Forbes Therefore On Motion—Resolved That the sum of One Hundred and five pounds proclamation Money be laid out in presents by Mr. John Campbell and given to the said eighteen Indians as and for the Bounty and reward for their Services on the said Expedition pursuant to a Message of this House to the Governor at the Close of April Session 1758—

Resolved—That the said John Campbell be repaid the said Sum out of the Surpluss of the Aid Granted to his Majesty by an Act for Granting an Aid to his Majesty for Augmenting the Troops now in the pay of this province &c past the fourth day of May 1758 by a warrant for that purpose from his Excellency the Governor on the Treasurer of the Northern District

Resolved, the following Message be sent to the Council (Viz)

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

It being Certified to this House That the Tuscaroro Indians who went on the Expedition against Fort Du Quesne under the Command of General Forbes behaved well on that Expedition—This House therefore have Resolved That the sum of one Hundred and five pounds be laid out in presents by Mr. John Campbell and given to the said Indians as and for a Bounty and reward for their Services on the said Expedition pursuant to a Message of this House to the Governor at the Close of April Session 1758 And that the said Mr. John Campbell be repaid the said sum out of the Surpluss of the Aid Granted to his Majesty by an Act for Granting an aid to his Majesty for Augmenting the Troops now in the pay of this province &c, pass the 4th day of May 1758 by a Warrant for that

purpose from his Excellency the Governor on the Treasurer of the Northern District

S. S. Speaker

By order W. H. Clk
12th May 1759.

Sent the above Message to the Council by Mr. Waddle and Mr. Ashe—

Then the House adjourned till 4 °Clock Afternoon.

P. M. The House met according to Adjournment

On Motion, Resolved the House Resolve into a Committee of the whole house to take into Consideration his Excellency the Governors Speech and the two letters from Mr. Secretary Pitt to his Excellency the Governor and which his Excellency was pleased to lay before this House.

The House resolved into a Committee of the whole House to Consider on the Subject matter of His Excellencys Speech and the two letters from Mr. Secretary Pitt to his Excellency and Unanimously Chose Mr. John Starkey Chairman who was placed in the Chair Accordingly.

The Committee having taken the same into Consideration came to several Resolutions which Mr. Chairman was directed to Report to the House for Approbation. Then on motion Mr. Chairman Resumed the Chair

Mr. Chairman Reported that the Committee of the whole House Appointed to Consider the Governors Speech and Mr. Secretary Pitt's two Letters to his Excellency the Governor and of ways and means for raising £6,000 to be granted to his Majesty, for augmenting the forces now in the pay of this Province; had Considered the same and came to several resolutions, as follows, Viz

Resolved—That it will be for His Majesty's Service and the Good of the Common Cause to Augment the forces now in the pay of this Province to 300 Effective men Exclusive of Officers.

Resolved—That an Aid of £6,000 be Granted to his Majesty for Augmenting the said Forces and Subsisting and paying them when Augmented.

Resolved, That the Treasurers of this Province Sign and Emitt Public Notes of Credit to the Amount of £6,000 the better to Expedite the said Service and that the Proportion of this province in the Grant of £50,000 made by his Majesty and Parliament to North and

South Carolina and Virginia be substituted a fund for redemption of the said Notes unless his Majesty shall be pleased to apply the same agreeable to the Address of this Assembly to his Majesty in their last Session

Resolved, That in Case the said Proportion shall be applied Agreeable to the said Address that the said Notes be sunk by a Tax of Two Shillings and six pence p poll, to be levied for the Years 1761 and 1762 respectively.

Resolved, That an Agent be Appointed and Authorized to lay before his Majesty's Ministers, necessary Documents of the Expences this province hath been at in the Support of the Common Cause against the French and their Indian Allies.

To which Resolves the House Agreed—and on Motion ordered Mr. Robert Jones, Mr. Starkey and Mr. Campbell do prepare and bring in a Bill agreeable to the above resolves.

Received from the Council the Message sent to them this day regarding the Allowance of the Sum of One Hundred and five pounds to the Tuscarora Indians.

Endorsed In the Upper House Concurred with

Jno SMITH Clk.

MATT ROWAN P. C.

12th May 1759—

Then the House Adjourned till Monday Morning 9 o'Clock.

Monday the 14th of May 1759—The House met according to Adjournment

Mr. Robert Jones from the Committee appointed to prepare and bring in a Bill for Granting an Aid to his Majesty to Augment the Troops now in the pay of this Province And Appointing an Agent to lay before his Majesty proper Documents of the Service Rendered by this Government in the present War—Reported that in Obedience to the order of the House of Saturday last the Committee had prepared the said Bill which he laid before the House for the Approbation thereof.

Ordered the same be read—Read the same the House Approved thereof and Ordered the same be sent to the Council

Sent the same to the Council by Mr. Waddle and Mr. Ashe

Mr. Ashe moved for leave to present a Bill, For raising of Money for finishing the Churches of St. James and St. Phillips in New Hanover County by a Lottery.

Ordered he have leave accordingly

Mr. Ashe presented the said Bill; and on Motion

Ordered, That the same be read, Read the same passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Caswell and Mr. Houston.

Mr. Caswell moved for leave to bring in a Bill to Impower the Justices of Dobbs County to hear and determine all Causes Commenced and undetermined in Johnston County Court before the Division of the said County.

Ordered he have leave and that he prepare and bring in the same.

Mr. Caswell brought in the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Caswell and Mr. Houston.

Mr. Wynns presented a Certificate from the County Court of Bertie recommending John Rondit of the said County to be Exempt from paying Public Duties and Taxes.

Ordered to be exempt accordingly

Mr. Bryan presented a Certificate from the County Court of Craven recommending Martin Hagan of said County to be Exempt from paying public Taxes and doing public Duties.

Ordered he be exempt accordingly

Then the House adjourned till to-morrow Morning 9 o'Clock

Tuesday the 15th of May 1759.

The House met according to Adjournment

Received from the Council the Bill for Granting an Aid to his Majesty &c.

Endorsed 14th May 1759.

In the Upper House read the first time and passed

Received from the Council the Bill to Impower the Justices of Dobbs County to hear and determine all Causes Commenced and undetermined in Johnston County Court before the Division of the said County.

And the Bill for raising Money for the finishing the Churches of St James and St Phillips in New Hanover County by a Lottery

Endorsed 14th May 1759.

In the upper House read the first time and passed

On Motion, Ordered, the Bill for raising Money for finishing the Churches of St James and St Phillips in New Hanover County by a Lottery be read the second time. Read the same a second time amended and passed.

On Motion, Ordered the Bill to Impower the Justices of Dobbs County to hear and determine all Causes Commenced and undetermined in Johnston County Court before the Division of the said County—be read the second time. Read the same a second time passed and Ordered to be sent to the Council.

Sent the above two Bills to the Council by Mr. Vail and Mr. Murphree.

On Motion, Ordered, the Bill for Granting an Aid to his Majesty &c. be read Read the same and on Motion Resolved the House Resolve into a Committee of the whole House to Consider the Subject matter of the said Bill.

The House resolved into a Committee of the whole House for the purposes aforesaid and unanimously Chose Mr. John Starkey Chairman who was placed in the Chair Accordingly.

Then the Committee ordered the said Bill be read the same was read and several Amendments were proposed thereto which Mr. Chairman was directed to report to the House.

Then on Motion Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had Considered the said Bill and proposed Several Amendments thereto which he was Directed to lay before the House for the Approbation thereof which said Amendments proposed by Mr. Chairman were approved of by the House and Ordered they be Incerted in the Bill. The same are Incerted accordingly and on Motion Ordered the Bill be read a second time Read the same a second time with the said Amendments passed and Ordered to be sent to the Council.

Sent the same by [to] the Council.

On Motion, Ordered, That Mr. Campbell, Mr. Jones Jun^r and Mr. Vail prepare an Address to his Excellency the Governor requesting him to issue a Proclamation to discover and punish the Authors of Several Riots, Routs and unlawful Assemblies in that part of this Government within the Lord Granvills District and give a Sutable reward out of the public Treasury to such persons as shall make a full discovery of them. And also to displace every person Concerned therein as have any Commission under his Majesty either civil or Military and render them incapable of bearing any office whatever.

Then the Housed Adjourned till 4 °Clock Afternoon

P. M. The House met according to adjournment.

Mr. Campbell from the Committee appointed to prepare an Address

to his Excellency the Governor regarding the Riots, Routs and Unlawful Assembling of sundry Persons in this Government within the Earl Granvilles district Reported That the Committee had prepared an Address which he Presented to the House and on Motion ordered to be read, the same was read and the House approved thereof and Ordered the same be Entered on the Journal of the House, as follows—viz

TO HIS EXCELLENCY ARTHUR DOBBS, ESQ CAPTAIN GENERAL GOVERNOR AND COMMANDER IN AND OVER THE PROVINCE OF NORTH CAROLINA

Sir—We his Majesty's dutiful and loyal Subjects, the Assembly of North Carolina beg leave to represent to your Excellency

That sundry Persons inhabiting in that part of this Government within Lord Granvilles Proprietary, have combined together in traitorous Conspiracies, and committed several Riots and Routs; and particularly that a number of the said Inhabitants, about the Twenty-fourth of January last, did enter the House of the Hon^{ble} Francis Corbin Esq; one of the Members of his Majesty's Honourable Council, in the Night Season, and with Force, carried him about 70 or 80 miles from his Home, and held him in Duress, until he, by giving them a Bond of a most unusual Nature, procured his Release.

That no Measures hitherto have been taken or used to suppress the said Disorders or apprehend or punish the Authors thereof; and as this Assembly are truly sensible, that suffering such Outrages and Violations of the Laws to pass with Impunity, must tend to subvert all Rule, Order and Government; they request that your Excellency would be pleased immediately to issue a Proclamation, thereby requiring the Chief Justice, and others, Justices of the Supreme Courts—Justices of the County Courts, and others intrusted with the executive Power of the Law, as also, all Sheriffs, Constables, and Ministers of Justice, to exert themselves in their respective Stations, in apprehending and bringing to Justice the said Offenders, agreeable to Law, and their Demerit.

And that all and every of the said Offenders, who enjoy any Commission under his Majesty, either civil or Military, may be displaced and declared incapable thereof.

And that the said Offenders may not escape being discovered and punished; we beg leave to recommend it to your Excellency, to offer a free and gracious Pardon to any two of the said Offenders who

shall first make a full discovery, on Oath, to the Chief Justice, any other Justice or the Attorney General, of the Principal Persons who have been concerned in perpetrating, advising, or committing the said Crimes; and also a Reward of Twenty five pounds to each Person making such discovery; to be paid out of the Public Treasury, upon Conviction of the Offenders, or any of them.

And that the Endeavours to apprehend and bring the Authors of the said Crimes to condign Punishment may be rendered effectual, this Assembly would further humbly request, that in Case it shall be any ways needful the Officers of the respective Regiments of Militia within this province, upon Notice, may be enjoined to raise the Troops within their respective Counties or such of them as will be sufficient to assist the civil Powers Cause obedience to the Laws, and restore Peace and good Order. S. S. S.

By Order W^m H. Clk.

Received from the Council the Bill for granting an Aid to his Majesty &c. Endorsed 15th May 1759—In the Upper house read the second time Amended and passed.

The Bill to Impower the Justices of Dobbs County to hear and Determine all Causes Commenced and Undetermined in Johnston County Court &c.

And the Bill for Raising Money for finishing the Churches of St. James and St. Phillips in New Hanover County by a Lottery.

Endorsed 15th May 1759. In the upper house read the second time and passed.

Then the House Adjourned till to-morrow morning Eight o'Clock

Wednesday the 16th of May 1759. The House met according to Adjournment.

Mr. Joseph Bell acquainted the House that Mr. Thos Lovick one of the Members for Carteret County is Dead and moved that his Excellency be desired to direct the Clerk of the Crown to Issue a Writ for Electing a Member for the said County in the room and stead of the said Mr. Thomas Lovick to sit and Vote in this present Assembly.

Resolved, a Message be sent accordingly

Sent the following Message to His Excellency the Governor Viz^t

SIR—This House being informed that Mr. Tho^s Lovick one of the Members for Carteret County is dead—Therefore desire your

Excellency will be pleased to direct the Clerk of the Crown to Issue a Writ Electing a Member for the said County in the Room and stead of the said Thos Lovick Deceased to sit and vote in the present Assembly. S. S. S.

By Order W. H. Clk
16th May 1759

On Motion, Ordered, that the Bill to Impower the Justices of Dobbs County to hear and determine all Causes Commenced and Undetermined in Johnston County &c. be read a third time. Read the same a third time passed and Ordered to be sent to the Council

On Motion Ordered, That the Bill for raising of Money for finishing the Churches in the Parishes of St James and St Phillips in New Hanover County by a Lottery, be read the third time—Read the same a third time Amended and passed. Ordered to be sent to the Council

Sent the above Two Bills [to] the Council by Mr. Caswell and Mr. Wynn.

On motion, Ordered, that Col^o Robert Murden and Mr. Edward Vail be added to Mr. John Harvey, Mr. W^m Mackay and Mr. Joseph Herron who last Session were appointed a Committee to View Fort Granville and that the said Mr. John Harvey junr, Mr. W^m Mackey, Mr. Joseph Herron, Mr. Robert Murden and Mr. Edward Vail or the Majority of them do report to the Assembly whether the Money appropriated to building the same hath been properly applyed the conveniency or inconveniency of their Scituation the Condition in which the said Forts is in and whether it will be for his Majestys Service to Continue a Garrison therein that the same may be a rule for the future Conduct of the Assembly as well in regard to granting more money for finishing the said Fort as placing a Garrison therein

Resolved the following Message be sent to his Excellency the Governor Viz^t

Sir. In answer to your Excellencys Message relating to Humphrey Bates his keeping possession of, and Cultivating Land of the Tuscarora Indians The Assembly are to acquaint your Excellency that the Attorney General has informed that he has already Exhibited an Information against the said Bates for the said offence

And also that they have accommodated the Indians with Provisions and Necessaries agreeable to the other part of your Message.

By Order. W. H. Clk.
16th May 1759

S. S. S

Sent the above Message by Mr. Harvey & Mr. Smith

On Motion, Ordered, the Bill for granting an Aid to His Majesty to Augment the Troops now in the pay of this Province and Appointing an Agent to lay before His Majesty proper Documents of the Service rendered by this Government in the present War be read a third time—Read the same a third time Amended and passed, Ordered to be sent to the Council.

Sent the same to the Council by Mr. Waddle and Mr. Harvey.

Received from the Council the Bill to Impower the Justices of Dobbs County to hear and determine all Causes Commenced and Undetermined in Johnston County &c. And the Bill for raising of Money for finishing the Churches of the parishes of St. James and St. Phillip in New Hanover County by a Lottery.

Endorsed 15th of May 1759. In the Upper House read the third time and passed. Ordered to be Engrossed.

Mr. Benj Harvey Informed the House that Mr. John Harvey one of the Members for Hyde County is dead and moved that a Message be sent to his Excellency the Governor to desire him to direct the Clerk of the Crown &c for electing a Member.

Sir: The House having been informed that Mr. John Harvey late Member for Hyde County is dead, that Mr. Joseph Blount and Mr. Timothy Walton two of the Members for Chowan County, Mr. Jno Brothers one of the Members for Pasquotank County Mr W^m Shergold and Mr. John Woodhouse two of the Members for Currituck County have Accepted the Office of Inspectors in the several Counties which they represent whereby by Law their Several Seats in this House are become Vacant—Therefore desire your Excellency will be pleased to direct the Clerk of the Crown to Issue Writs to the Several Counties for Electing Members to represent the same in this present Assembly.

By Order W. H. Clk.

S. S. S.

16th May 1759.

Then the House Adjourned till 3 o'Clock Afternoon.

P. M. The House met according to Adjournment.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On Reading a third time the Bill for Granting an Aid to his Majesty to Augment the Troops now in the pay of this Province; And Appointing an Agent to lay before his Majesty proper Documents of the Service rendered by this Government We observe you

have *Stet^{ed}* all those Clauses which we yesterday *Dele^d*. We therefore propose that the Bill be put upon the same footing we sent it last to you to which if your house agree please to send such of your Members as you shall think proper to see the Alterations made Accordingly for in the present Scituation of the Bill We do not think it Consistent with his Majestys Service to pass it

Resolved, The following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

Upon reading your Message of this day relative to the Bill for Granting an Aid to his Majesty we observe that you propose to strike out all that part of the Bill which Constitutes an Agent to represent the Zeal and Loyalty of the Subjects of North Carolina to his Majesty and to lay before him and his Ministers proper Documents of the Service rendered by this County in the present War and say that you do not think it will be for his Majesty's Service to pass the Bill Unless that is done In Answer to which we must observe That part of the Bill Consists of Several Substantial Clauses quite Independent of the other parts which grants an Aid to his Majesty and therefore Cannot either retard or Expedite his Service and we Cant Conceive why you should insist on Expunging that part of the Bill, more Especially as the same is inserted in Conformity to the Advice contained in the Letters of the Right Hon^{ble} Mr. Secretary Pitt layed before the Assembly by his Excellency the Governor nor can we agree to the alteration you propose as we conceive should we so do we should be wanting in the discharge of the trust reposed in us by our Constituents and hope you will pass the Bill as it was sent you this House being of Opinion his Majesty's Service will be most Effectually promoted thereby

S. S. S.

By Order W^m HERRITAGE Clk
16th May 1759.

The above Message sent by Mr. Ashe and Mr. Smith
The House Adjourned till 9 oClock tomorrow morning

Thursday the 17th of May 1759. The House met according to Adjournment.

Received a Written Message from His Excellency the Governor by Mr. Powell Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

The Companies which served upon the Ohio last year having been disbanded by Act of Assembly Upon their return into this Province and a Gratuity of £5 having been allowed to all such as should return into the province and as the most part of them upon their return through Virginia dispersed and carried off their Arms, and a very small number returned to receive that Gratuity—And as the Two small Companies in the Forts were also disbanded except a few with a Serjeant or Corporal to stay in the Forts untill they were relieved by the Two Companies to be raised for that Purpose an no Allowance being given by the Act for a Bounty to such Soldiers who should Enlist the Officers could not Compleat their Companies And as I found it for his Majestys Service to have the Companies immediately compleated upon this Pressing Emergency that they might be ready to march where Ordered—I gave Orders to the Captains to give £5 advance money out of the Pay in their Hands until the Assembly should meet, And the Assembly have granted no further supply, or Money to the Officers for such Advance Money as was and will be necessary to Compleat the Companies—I believe you will think it reasonable to allow such Soldiers who have Continued in the Service and to those who have or shall Inlist to Compleat the Companies the £5 Advance Money which I have Ordered the Captains to pay. And that I may Issue the Warrants upon the Treasurers to pay it to the Officers who have or shall Inlist them out of the Saving allowed to such Soldiers who were disbanded and out of the pay the deficient members in the Two Companies since the passing of the last Act and also to pay such men who had been kept in pay in the Forts and not disbanded Until after the passing the last Act or until relived, As I have no Power to Draw upon Money appropriated to other purposes.

ARTHUR DOBBS.

17th May 1759.

Resolved—the following Message be sent to His Excellency the Governor (Viz)

Sir—In Answer to your Excellencys Message this day by Mr. Powell this House beg leave to acquaint your Excellency that they already have by the Bill for Granting an Aid to his Majesty to Augment the Troops now in the pay of this province And Appointing an Agent to lay before his Majesty Proper Documents of the Service rendered by

this Government in the present War, Allowed a Bounty of five pounds Proclamation Money as an Encouragement to each able bodied man as well already Inlisted as that shall enlist till the forces now in pay in this Province be Augmented to three Hundred Effective men Exclusive of Officers, and also allowed Twenty Shillings proclamation Money to the Officers for each man they shall enlist to Compleat the said Number, And till we know whether the said Bill will pass into a Law by the other parts of the Legislature we can only Assure you that in Case it should not, yet that nothing may be wanting on our parts to promote his Majestys Service we will agree the surplus of the Money you Mention shall be applied to the purposes you propose And at the same time we request your Excellency will direct that the Accounts of the Application of the Séveral Aids Granted to his Majesty by this province During the Present War be laid before the Assembly at their next Sessions that the same may be Examined and Settled and the Surplussages or deficiencies in them or any of them may appear.

W. H. Clk.

S. S. S.

17th May 1759.

Sent the above message to the Governor by Mr. Harvey and Mr. Murphree.

Then the House Adjourned till 3 °Clock Afternoon.

P. M. The House met According to Adjournment

Received a Written Message from his Excellency the Governor by Mr. Powell—

MR. SPEAKER—The Aid Bill being laid aside in the Upper House, I must recommend to you to have a resolve passed in Concurrence with the Upper House that the Savings on the Bounty to the disbanded Soldiers be Applied towards the Bounty which I have Directed to be given to such as have or shall Inlist in the Two Companies now in pay that I may be Enabled to Issue Warrants for the same

ARTHUR DOBBS

Then the House adjourned until to-morrow Morning 7 °Clock

Friday the 18th of May 1759. The House met according to Adjournment

Resolved, That the Officers and Men who were kept in Garrison in the Forts Johnston and Granville after the Expiration of the Act for Granting an Aid to his Majesty for Augmenting the Troops of this Province to serve in the last Campaign be paid the same Allowance ~~per~~ Diem for the Time they were so kept in Garrison as they were so Intitled to for their Service under the said Act and that there be paid out of the Surplus of the Aid of £4,000 granted to his Majesty the last Session of Assembly five pounds Proclamation Money to each able bodied Man who hath uplifted or who shall voluntarily enlist to serve his Majesty in either of the Companies by Law now Directed to be Employed in Garrisoning the said Forts

And that the said Surpluss or so much thereof as shall be necessary for the purposes aforesaid be paid out of the Public Treasury's to the proper Officer by a Warrant from his Excellency the Governor and be allowed to the said Officers in their Accounts their Producing receipts thereof from the Men.

18th May 1759.

Sent the above resolve to the Council by Mr. Caswell and Mr. Harvey for Concurrence

By Order W^m HERRITAGE

Received from the Council the above Resolve Endorsed 18th May 1759. In the Upper House Concurred with

MATT ROWAN P. C.

Resolved, That a Reward of £25 Proclamation Money be paid out of the Public Treasury by a Warrant from his Excellency the Governor to Each of the Two Persons who shall first make a full discovery On Oath to the Chief Justice any other Justice or the Attorney General of the Principal Persons who have been concerned in the late Riots, Routs, Combinations and Traterous Conspiracies, in that Part of this province within the Right Honorable Earl Granvilles Proprietary, on the Conviction of any of the said Offenders

Resolved the above Resolve be sent to the Council for Concurrence.

Sent the above Resolve to the Council by Mr. Spier and Mr Wyatt

Received the above Resolve from the Council. Endorsed 18th May 1759. Concurred with.

MATT ROWAN, P. C.

Sent the Estimate of the Allowances to the Members of the Assembly, Clerk and Officers &c, of the Assembly and other Persons to the Council for Concurrence.

Received, the Estimate from the Council. Endorsed May 18th 1759. In the Upper House Concurred with

MATT ROWAN, P. C.

Received from the Council the Estimate of Allowances, Expences and Ferriages of that Board, Clerk and Officers therèof for this Session of Assembly

Resolved, this House concurr thereto.

Sent the above mentioned Estimate to the Council.

Endorsed, In the Assembly—Concurred with

His Excellency the Governor Sent a Message by Mr. Smith thereby requiring the Attendance of the House with the Engrossed Bills

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber and Mr. Speaker presented the following Bills for his Excellency Assent (to wit)

The Bill for raising of Money for finishing the Churches of St James and St Philips in New Hanover County by a Lottery

The Bill to empower the Justices of Dobbs County to hear and Determine all Causes Commenced and undetermined in Johnston County &c.

To which two Bills his Excellency was pleased to Assent and then made a Speech to the Assembly and Prorogued the said Assembly to the first Tuesday in October next.

Then the Members returned, and Mr. Speaker acquainted them— That he had together with the House waited on his Excellency the Governor in the Council Chamber, and presented him the Engrossed Bill for raising of Money to finish the Churches of St James and St Philips &c

And the Bill to empower the Justices of Dobbs County to hear and determine all Causes Commenced and undetermined in Johnston County Court &c to which his Excellency did Assent and made a Speech to the House in Writing a Copy whereof he requested but his Excellency was pleased to refuse the same; and further that his Excellency had prorogued this Assembly till the first Tuesday in October next and that this House is prorogued accordingly.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 30.]

NORTH CAROLINA—SS.

At an Assembly begun and held at New Bern the Twelfth Day of December in the Year of our Lord One Thousand Seven Hundred & fifty four, and in the Twenty Eight Year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain, France etc. King Defender of the Faith etc, and continued from thence by several Prorogations & Adjournments to the Twenty third day of November in the Thirty Third Year of the reign of our said Lord the King to be then held at Wilmington being the ninth Session of this present Assembly.

In the Upper House

Present.

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|------------------------|---|-----------------|-----------------|---------------------|
| The Hon ^{ble} | { | Mathew Rowan | John Rieussett | } Esq ^{rs} |
| | | John Swann | & | |
| | | Lewis DeRossett | Richard Spaight | |

His Excellency the Governor came to this House, & sent a Messenger to the Assembly commanding their immediate attendance. Whereupon the Speaker attended by the Assembly waited on His Excellency in the Council Chamber where he was pleased to make to both Houses the following Speech.

GENT^{tn} OF HIS MAJESTY'S COUNCIL, MR. SPEAKER & GENTⁿ OF THE ASSEMBLY.

The surprising and glorious success of his Majesty's Arms by the merciful Dispensation of Divine Providence, by inspiring his Majesty & his Council with Wisdom, Unanimity & Intrepidity & his Allies, Fleets & Armies with Courage in Defence of our Holy Religion & Cause of Liberty, has so manifestly appeared these two Years in delivering Europe & these Provinces in particular from a dreadful and cruel Enemy; that the supplies required for the Aid of the Northern Provinces are no longer necessary, but as the war may probably continue until we have a safe & honourable peace by driving the French from this Continent, receiving their Marine & as a dangerous War may break out with the Cherokees which by our late success, & the vigorous measures entered into by this the Neighbouring Provinces will I hope be prevented. I must still recommend to you the keeping on foot the Two Companies now on pay to defend the Forts on the Sea Coast & back Settlements, & to provide for the necessary Expence already incurred for raising & marching the frontier Militia to join the forces of South Carolina to pro-

cure satisfaction for the Depradations & Murders committed by the Indians & for future Contingencies.

His Majesty in Council having repealed seven Acts passed in this Province which I shall lay before you, particularly the Acts for Establishing the Supreme & County Courts & for the appointing Parishes & Vestries it will be necessary for you to enact new Laws without the Clauses objected to, in such a manner as may be for the General benefit of this Province, & the Establishment of our Holy Religion against prevailing Sectaries, & as I hope the great Expences this Province has been at will, be over in another Campaign, I must also recommend to you the making a Provision for schools to educate the youth and rising Generation of this Province, I am also instructed to lay before you the state of our Paper Currency & the great discount it is now under, & how much the Trade & Credit of this Province suffers by the Injustice to Creditors in Brittain & this Province by paying off English Debts, & Bills in our Paper Currency at $33\frac{1}{3}$ when the real discount is now from 70 to 90 per: cent: to sterling money, this if not rectified must end in the loss of the credit of this Province, & the ruin of Trade. You will also consider the loss which the poor must suffer by the torn and worn out Bills which should be called in & exchanged for others of equal value which should be issued for that purpose only.

Gentⁿ of the Assembly

I have nothing further to ask from you at present, but what you will judge necessary for your own Defence & future safety, & whatever sum you think proper to raise for the benefit of Trade & Improvement of the Province.

GENTⁿ OF HIS MAJESTY'S COUNCIL. M^r SPEAKER & GENTⁿ OF THE ASSEMBLY.

As the future peace & Welfare of this Province will depend upon the Union & Harmony of the several parts of this Province, & branches of the Legislature, I therefore recommend to you, that in these Bills now necessary to be enacted & amended, that you will consider the future general good of this increasing Colony that a perfect harmony may be preserved, Which I shall to the utmost of my Power and Capacity promote by uniting His Majesties just Pro-rogative with the Rights and Liberties of the People.

The House took under Consideration His Excellency's Speech, & ordered the same to be read, which was accordingly done.

And the Hon^{ble} Lewis De Rossett and John Rieussett Esq^{rs} were appointed a Committee to prepare an Address to His Excellency.

Then the House adjourned till 3 o'clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Then the House adjourned till 9 o'clock to-morrow morning.

Saturday 24th November 1759. The House met according to Adjournment.

Present as before.

Then the House adjourned till Monday 3 o'clock in the Afterⁿ

Monday 26th November 1759. The House met according to Adjournment.

Present.

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|--------------------------|------------------|---------------------------|---------------------|
| The Hon ^{ble} { | James Hasell | John Rieussett | } Esq ^{rs} |
| | John Swann | & | |
| | Lewis De Rossett | Rich ^d Spaight | |

His Excellency the Governor laid before this House the 11th Article of His Majesty's Instructions to him, which on motion was ordered to be read, the same being read was ordered to be entered on the Journal as follows.

And whereas we are sensible that effectual Care ought to be taken to oblige the Members of our said Council to a due Attendance therein in order to prevent the many inconveniences that may happen for want of a Quorum of the Council to transact business as occasion may require. It is our Will & Pleasure that if any of the Members of our said Council residing in the Province shall hereafter absent themselves from our Province & continue absent for above the space of Twelve months together without leave from you or from our Governor or Commander in Chief of our said Province for the time being first obtained under your or his hand & seal, or shall remain absent for the space of two Years successively without our leave given them under our Royal sign Manual their Place or Places in our said Council shall immediately thereupon become void, and that if any of the Members of our said Council residing in our said Province shall wilfully absent themselves hereafter from the Council Board when duly summoned without a just & lawfull Cause, & shall persist therein after Admonition you suspend the said Councillors so absenting themselves till our further pleasure be known

giving timely notice thereof to our Commissioners for Trade & Plantations in order to be laid before us. And we do hereby Will & require you that this our Royal Pleasure be signified to the several Members of our said Council; And that it be entered in the Council Books of our said Province as a Standing Rule.

Then the House adjourned till 9 o'clock to-morrow morning

Tuesday 27th November 1759. The House met according to Adjournment.

Present as before.

The Committee appointed by this House to draw up an Address in Answer to His Excellency's Speech, reported they had prepared the same, which was ordered to be read. The same was read approved of, and resolved that the same stand the Address of this House, & be entered on the Journal thereof, as follows, Viz^t

Sir—We the Members of his Majesty's Council now met in General Assembly return your Excellency our thanks for your Speech at the Commencement of this Session.

We are highly sensible of the gracious interposition of Providence in directing his Majesty's Council's supporting his Allies, and conducting his Fleets & Armies in the glorious Conquests they have made during the Course of these two last years. Those successes with the prudent Measures that have been taken by this & the adjoining Provinces, we hope will prevent a rupture with the Cherokee Indians, and that in due time a lasting and Honourable Peace may Crown all those Blessings.

We however assure your Excellency, that we will willingly concur with the other House in granting whatever supplies shall be judged expedient for the protection of the Province in its present situation.

We will also contribute our part to Enact such Laws in lieu of those repealed by His Majesty, as will be for the advantage of the Province & not liable to the objections made to the former ones, & in all other matters recommended by your Excellency or that may occur for the good of the Province will cheerfully join with the other Branches of the Legislature, & to the utmost of our Power endeavour to preserve that Union & Harmony which your Excellency's Example so much recommends & which is so essential to the happiness & prosperity of the Province.

Received from the Assembly by Mr. Harnett & Mr. Ashe the following Message :

GENT^a OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House have appointed Mr. John Harvey, Mr. George Moore, Mr. Benjamin Harvey, Mr. Joseph Harrow, Mr. Michael Coutanch, Mr. Cornelius Harnett & Mr. Maurice Moore a Committee of this House to state and settle the Public Accounts; and Mr. Starkey, Mr. Ash, Mr. Vail, Mr. Caswell, Mr. Bartram, Mr. Mackay, Mr. Wynns, a Committee of this House to settle & allow Public Claims in conjunction with such of your Hon^{rs} as you shall think proper to appoint for those purposes.

SAM^l SWANN Speaker.

On motion. Ordered the following Message be sent to the Assembly, Viz^t

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY

In Answer to your Message relative to the Committees, we have appointed the Hon^{ble} James Hasell & John Rieussett Esq^{rs} a Committee of this House to state and settle the Public Accounts, and the Hon^{ble} John Swann & Richard Spaight Esq^{rs} a Committee of this House to settle & allow Public Claims.

Received from His Excellency the Governor the following Message, Viz^t

GENTⁿ OF HIS MAJESTY'S COUNCIL

Having received by an Express from Col. Waddel a Letter sent to him by Governor Littleton & a letter acquainting me that the Militia refuse to march against the Cherokee's under pretence that it is out of this Province, & by the Law they are not obliged to march out of their Province. I therefore send you the several letters & Papers sent to me, & as there is no time to be lost hope you will immediately pass some resolutions thereupon & pass a short Bill to explain & enforce the Militia Law & to oblige the Militia to Act when ordered for the Publick good & defence of the Province & to procure satisfaction for the depredations of hostile Indians.

ARTHUR DOBBS.

26th November 1759.

The House adjourned till 3 o'clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Then the House adjourned till to-morrow morning 9 o'clock.

Wednesday 28th November 1759. The House met according to Adjournment.

Present.

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|------------------------|---|--------------|------------------|---------------------|
| The Hon ^{ble} | { | Mathew Rowan | Lewis De Rossett | } Esq ^{rs} |
| | | James Hasell | John Rieussett | |
| | | John Swann | Richard Spaight | |

Received from the Assembly by Mr. Vail, Mr. Churton, a Bill to Amend & Continue an Act intituled An Act for the better Regulation of the Militia & for other Purposes.

On motion, Ordered the said Bill be read. Read the same the first time & passed.

Ordered that the Hon^{ble} Richard Spaight Esq^r wait on His Excellency the Governor, & let him know the House is ready to wait on him with the Address thereof. And also to desire him to acquaint the House, when & where he will receive it.

The above Gentⁿ returned & reported. That in Obedience to the Command of the House, he had waited on his Excellency & acquainted him the House desire to know, when he will receive the Address of the House [His Excellency was pleased to reply] in the Council Chamber at 11 o'clock this forenoon.

The House waited on His Excellency & by the Hon^{ble} Mathew Rowan Esq^{re} presented him with the Address thereof, to which His Excellency was pleased to make the following Answer.

The grateful sense you have of the Merciful Interpositions of Divine Providence in favour of His Majesty's Arms & the Assurances you give in concurring in all Measures for the future safety of this Province, & in re-enacting & amending such Laws as have been objected to, & repealed by His Majesty, and also in promoting Unity & Harmony in the Province, are what your zeal for His Majesty and Public service have always testified and are very agreeable to me.

Received from the Assembly by Mr. Ashe & Mr. Johnston, A Bill to amend and continue an Act intituled An Act for the better regulation of the Militia and for other purposes.

On motion. Ordered the said Bill be read. Read the same the second time & passed.

Received from the Assembly by Mr. Harvey & Mr. Harnett A Bill to amend and continue an Act, intituled An Act for the better regulation of the Militia & for other purposes.

On motion. Ordered the said Bill be read Read the same the third time & passed, ordered to be Engrossed.

Then the House adjourned till 3 o'clock in the Afternoon.

The House met according to Adjournment.

Present as before.

His Excellency the Governor came to this House, & sent a Messenger to the Assembly commanding the immediate attendance in the Council Chamber. Whereupon the Speaker attended by the House waited on his Excellency & presented him with the following Bill. Viz^t

A Bill to amend and continue an Act intituled an Act for the better Regulation of the Military & other Purposes. To which he was pleased to Assent.

Then the House adjourned till 9 o'clock to-morrow morning.

Thursday 29th November 1759. The House met according to Adjournment.

Present as before.

Then the House adjourned till 3 o'clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Received from the Assembly by Major Harold & Col. Taylor the following resolve.

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House have resolved That the several Sums following to wit £192.3.3 (being the Ballance of £500 appropriated for building a Fort at Bear Inlet) in the hands of John Starkey Esq^{re} & £186.6.8 being the Ballance of £1873.13.5½ in the hands of the Hon^{ble} Richard Spaight Esq^{re} as by the report of the Committee of Accounts at November Session of Assembly in Edenton appears, On this present emergency be borrowed & deposited in the hands of Col. Hugh Waddle towards payment of the Militia of this Province under his Command, And that the same be replaced out of the neat [next] aid that shall be granted to His Majesty for payment of the Militia of this Province to be raised for the service thereof. To which desire your Honor's Concurrence.

SAM^l SWANN Speaker.

29th November 1759.

Which resolve on Motion was read, & concurred with.

Then the House adjourned till 9 o'clock to-morrow morning.

Friday 30th November 1759. The House met according to Adjournment.

Present as before.

Then the House adjourned till 9 o'clock to-morrow morning.

Saturday 1st December 1759. The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Churton & Mr. Harris, A Bill for establishing a Town on the Land formerly granted to Mr. Churton Gentⁿ lying on the North side of the River Enae in the County of Orange.

Then the House adjourned till 9 o'clock Monday morning.

Monday 3^d December 1759. The House met according to Adjournment.

Present as before.

Then the House adjourned till 9 o'clock to-morrow morning.

Tuesday 4th December 1759. The House met according to Adjournment.

Present as before.

Then the House adjourned till 9 o'clock to-morrow morning.

Wednesday 5th December 1759. The House met according to Adjournment.

Present.

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| The Hon ^{ble} | { | Mathew Rowan | Lewis DeRossett | } Esq ^{rs} |
| | | James Hasell | John Rieussett | |
| | | John Swann | & | |
| | | John Dawson | Rich ^d Spaight | |

Received from the Assembly by Col. Harvey & Mr. Gray A Bill for the better management & Security of Orphans & their Eestates.

Received from the Assembly by Major Harvey & Col. Taylor, A Bill to establish inferior Courts of Pleas & Quarter Sessions in the several Counties in this Province; And a Bill for establishing Superior Courts of Pleas, and grand Sessions & regulating the proceedings therein.

On motion. Ordered the said Bills be read The said Bills [were read] the first time & passed.

Received from the Assembly by Mr. Houston & Mr. Fonvielle a Bill directing the Method of appointing Jurymen in all Causes Criminal & Civil.

On motion. Ordered the Bill for Establishing a Town on the Land formerly granted to Mr. Churton Gentⁿ etc be read, Read the same the first time & Passed.

Then the House adjourned till 10 o'clock to-morrow morning.

Thursday 6th December 1759. The House met according to adjournment.

Present as before.

On Motion. Ordered the Bill for the better Management and Security of Orphans and their Estates. And a Bill directing the Method of appointing Jury-Men in all Causes Criminal & Civil be read. Read the same Bills the first time & passed.

Then the House adjourned till 3 o'clock in the afternoon.

The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Bartram & Mr. Wynne A Bill to establish the Vestry of the several Parishes of this Province last chosen agreeable to a late Act of Assembly & to direct the method of electing future Vestries to provide for an Orthodox Clergy & for settling Parish Accounts.

On Motion. Ordered the said bill be read., Read the same the first time & Passed.

Then the House adjourned till 10 o'clock to morrow morning.

Friday 7th December 1759. The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Caswell & Mr. Davis, A Bill to establish Warehouses for the Inspection of Tobacco in the County of Dobbs.

On Motion. Ordered the said Bill be read, Read the same the first time & passed.

Then the House adjourned till 3 o'clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Ashe & Mr. Mackay the following Resolve.

GENTⁿ OF HIS MAJESTYS HON^{ble} COUNCIL.

This House on reading the Petition of Elizabeth Chapel herewith sent you, have Resolved, That the sum of Twenty Pounds Proc. Money be paid by the Public Treasurer into the hands of the Hon^{ble} Mathew Rowan Esq^{re} for the use of the said Elizabeth Chapel out of the Money paid into the Treasury for defraying the Charges of Government. To which desire your Honors Concurrence.

SAM^r SWANN Speaker.

7th December 1759.

Received from the Assembly by Mr. Moore & Mr. Ashe A Bill to enable Mr. Dry Esq^{re} to finish Fort Johnston at the mouth of Cape Fear River.

On Motion. Ordered the said Bill be read. Read the same the first time, & Ordered it lie on the Table till Wednesday next, and that Mr. Dry have notice thereof in order to lay his Accounts before this House.

Received from the Assembly by Mr. Smith & Mr. Ward A Bill directing the Method to be taken with Strays etc. On motion, Ordered the said Bill be read. Read the same the first time & passed.

Then the House Adjourned till 10 O'Clock to-morrow morning.

Saturday 8th December 1759. The House met according to Adjournment.

Present as before.

Then the House Adjourned till Monday 3 o'Clock in the Afternoon.

Monday 10th December 1759. The House met according to Adjournment.

Present

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| The Hon ^{ble} | { | Mathew Rowan | Dewis De Rossett | } | Esq ^{rs} |
| | | James Hasell | John Rieussett | | |
| | | John Dawson | Rich ^d Spaight | | |

Received from the Assembly by Mr. Harris & Mr. Jones, A Bill for dividing Granville County & other Purposes. And the following resolve.

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House having resolved that the Forces now in pay of this Province, and the Militia thereof not exceeding Five Hundred to be raised

by order of the Governor & Council in Virtue of the Assembly of this Province passed the 28th day of November last to join the Forces of South Carolina now under the Command of Governor Littleton be kept in pay until the 10th day of Feb^{ry} next if his Majesty's Service so long require it, Desire your Honor's Concurrence thereto.

SAM^L SWANN Speaker

10th December 1759.

On Motion, Ordered the said Resolve be concurred with.

On Motion.—Ordered the Bill for dividing Granville County etc be read. Read the same the First time & Passed.

Then the House adjourned till 9 o'Clock to-morrow morning.

Tuesday 11th December 1759. The House met according to Adjournment.

Present as before.

Then the House adjourned till 10 o'Clock to-morrow morning.

Wednesday 12th December 1759. The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Harvey & Mr. Vail, a Bill for dividing Granville County & other Purposes, & a Bill for granting an aid to his Majesty for paying & subsisting the Forces and Militia now in the pay of this Province & for other Purposes.

On Motion.—Ordered the Bill to Enable Mr. Dry Esq^{re} to finish Fort Johnston etc be read. Read the same the first time. Amended & passed.

On Motion. Ordered the Bill for granting an Aid to his Majesty etc be read, Read the same the first time & Passed.

Then the House adjourned till 3 o'Clock in the afternoon.

The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Harris & Mr. Jones, a Bill to Establish Warehouses for the Inspection of Tobacco in the County of Dobbs. Also by Mr. Mackay & Mr. Bell a Bill for establishing superior Courts of Common Pleas & Grand Sessions & regulating the Proceedings therein.

Then the House adjourned till 10 o'Clock to-morrow morning.

Thursday 13th December 1759. The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Mackay & Mr. Wynne, a Bill to enable Mr. Dry Esq^{re} to finish Fort Johnston etc

On Motion. Ordered the Bill for Establishing Superior Courts of Pleas and Grand Sessions etc be read. Read the same the second time and Rejected.

Then the House adjourned till 3 o'Clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Gray and Mr. Churton, a Bill to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province, and a Bill to empower Lawrence Thompson his Heirs etc to collect the 2 shillings tax etc.

On Motion. Ordered the bill to empower Lawrence Thompson his Heirs etc. to Collect the two shillings Tax etc be read. Read the same the first time & passed.

Then the House adjourned till 9 o'clock to-morrow morning.

Friday 14th December 1759. The House met according to Adjournment.

Present.

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| The Hon ^{ble} { | Mathew Rowan | Lewis De Rossett | } Esq ^{rs} |
| | James Hasell | & | |
| | John Dawson | Richard Spaight | |

Received from the Assembly by Mr. Gray & Mr. Churton, a Bill for establishing a Town on the Land formerly granted to Mr. Churton Gentⁿ lying on the North side of the River Enoe etc.

On motion. Ordered the said Bill be read. Read the same the second time amended & Passed.

On motion. Ordered the Bill to Establish Warehouses for the Inspection of Tobacco in the County of Dobbs, be read. Read the same the second time & passed.

On motion. Ordered the Bill for dividing Granville County etc be read. Read the same the second time & rejected.

Then the House adjourned till 3 o'clock in the Afternoon.

The House met according to adjournment.

Present as Above.

Then the House adjourned till 9 o'clock to-morrow morning.

Saturday 15th December 1759. The House met according to Adjournment.

Present as before.

Then the House adjourned till Monday 3 o'clock in the Afternoon.

Monday 17th December 1759. The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Churton & Mr. Gray a Bill for Establishing a Town on the Land formerly granted to Mr. Churton Gentⁿ etc and a Bill to impower Lawrence Thompson his Heirs etc to collect the two shillings Tax.

Received from the Assembly by Mr. Wyal & Mr. Spruel a Bill to Establish the Vestry of the several Parishes of this Province etc and by Mr. Caswell & Mr. Vail a Bill to Establish Warehouses for the Inspection of Tobacco in the County of Dobbs etc. And by Mr. Fonvielle & Mr. Barrow the following Resolve.

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House have resolved that Mr. Cornelius Harnett provide necessary Provisions & Drink for the Tuscarora Indians now in Town during their stay, and that the Publick Treasurer repay him such money he shall so advance, and be allowed the same on passing his Acc^{ts} with the Public. To which desire your Honor's Concurrence.

SAM^l SWANN Speaker.

On motion. Ordered the above resolve be concurred with.

On motion. Ordered the Bill to impower Lawrence Thompson his Heirs etc to collect the two shillings Tax etc be read. Read the same the second time & passed.

On motion. Ordered the Bill for Establishing a Town on the Land formerly granted to W^m Churton Gentⁿ etc be read. Read the same the third time & passed. Ordered to be Engrossed.

On motion. Ordered the Bill to Establish Warehouses for the Inspection of Tobacco in the County of Dobbs etc be read. Read the same the third time & passed. Ordered to be Engrossed.

Then the House adjourned till 9 o'clock to-morrow morning.

Tuesday 18th December 1759. The House met according to Adjournment.

Present as before.

Then the House adjourned till 9 o'clock To-morrow morning.

Wednesday 19th December 1759. The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Coutanch & Mr. Harvey a Bill for erecting part of Chowan, Bertie & Northampton into a County & Parish and a Bill to enable the Commission^{rs} of Port Bath & Port Beaufort to amend the Navigation & for other Purposes.

On motion. Ordered the said Bills be read. Read the said Bills the first time & Passed.

Then the House Adjourned till 3 o'clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Then the House Adjourned till 9 o'Clock to-morrow morning.

Thursday 20th December 1759. The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Coutanch & Mr. Gray, a Bill to impower Lawrence Thompson his Heirs etc to collect the two shillings Tax etc. A Bill to enable the Commissioners of Port Bath & Port Beaufort to amend the Navigation etc. And a Bill directing the Method to be taken with Strays etc. And by Mr. Caswell & Mr. Johnston a Bill for Establishing a Court of Kings Bench, Court of Common Pleas, & Courts of Oyer & Terminer & General Goal Delivery for the Province of North Carolina.

Then the House adjourned till 3 o'clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Wynne and Mr. Vail, a Bill for enlarging the time allowed for saving Lots in the Town of Halifax preventing the Building of Wooden Chimneys therein & other purposes. And a Bill for Erecting part of the Counties of Chowan, Bertie & Northampton into a County and Parish. Also by Mr. Churton & Mr. Johnston, a Bill for adjourning the County Court of Edgecombe and other Purposes.

Then the House adjourned till 9 o'clock to-morrow morning.

Friday 21st December 1759. The House met according to Adjournment.

Present as before.

On motion. Ordered the Bill for Establishing a Court of Kings Bench, Courts of Comon Pleas, etc be read; Read the same the first time, amended & Passed.

On motion. Ordered the Bill to impower Lawrence Thompson his Heirs etc to collect the two shillings Tax etc be read. Read the same the third time & Passed. Ordered to be Engrossed.

On Motion. Ordered the Bill to enable the Commissioners of Port Bath etc be read. Read the same the second time and Passed.

On motion. Ordered the Bill for enlarging the time allowed for saving Lots in the Town of Halifax etc be read; Read the same the first time & passed.

On motion. Ordered the Bill for erecting part of the Counties of Chowan, Bertie & Northampton into a County and Parish etc be read. Read the same the second time. Amended and passed.

On Motion. Ordered the Bill directing the Method to be taken with Strays be read. Read the same the second time Ordered it lie on the Table for further Consideration.

Then the House adjourned till 3 o'clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Then the House adjourned till 9 o'clock to-morrow morning.

Saturday 22nd December 1759. The House met according to Adjournment.

Present as before.

Then the House adjourned till 9 o'clock Monday morning.

Monday 24th December 1759. The Hon^{ble} Lewis De Rossett Esq^{re} appeared & adjourned the House till 9 o'clock to-morrow morning.

Tuesday 25th December 1759. The Hon^{ble} Lewis De Rossett Esq^{re} appeared & adjourned the House till 9 o'clock to-morrow morning.

Wednesday 26th December 1759. The House met according to Adjournment.

Present.

| | | | | | |
|------------------------|---|--------------|---------------------------|---|-------------------|
| The Hon ^{ble} | { | Mathew Rowan | Lewis De Rossett | } | Esq ^{rs} |
| | | James Hasell | and | | |
| | | John Dawson | Rich ^d Spaight | | |

Then the House adjourned till 9 o'clock to-morrow morning.

Thursday 27th December 1759. The House met according to Adjournment.

Received from the Assembly by Mr. Wyat and Mr. Spruel, a Bill for altering the Method of working on the Roads & appointing Publick Ferries in the Counties of Duplin, Bladen, Cumberland, Anson & Rowan; Which Bill being taken into Consideration was ordered to lie on the Table till this day Month.

On Motion; Ordered the Bill to Establish the Vestry of the several Parishes in this Province etc was taken into Consideration & rejected.

Received from the Assembly the following Resolve.

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House have resolved that the Committee who Viewed Fort Granville (by order) in July last be allowed the sum of Thirty Eight Pounds for Sloop hire & expence in that service, And that the Committee who Viewed Fort Dobbs by order of this House be allowed Nine Pounds for their Expences on that Service, and that the said sum be paid by the Commissioners out of the money appropriated for the use of the said Forts, to which desire your Honor's Concurrence.

SAM^l SWANN Speaker.

22 December 1759.

Which resolve being taken into Consideration was concurred with.

On Motion. The Bill for adjourning the County Court of Edgcomb etc was taken into Consideration; Ordered that the said Bill lie on the Table until this day Month.

Then the House adjourned till 9 o'clock to-morrow morning.

Friday 28th December 1759. The House met according to Adjournment.

Present as before.

Then the House adjourned till 3 o'clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Wynne & Mr. Smith A Bill for establishing a Court of Kings Bench, Courts of Common Pleas etc.

Received from the Assembly by Mr. Ward & Mr. Isaac Jones

A Bill for appointing Commissioners for finishing the Court House already begun in the Town of New Bern & for other Purposes.

A Bill to enable the Commissioners of Port Bath & Port Beaufort to amend the Navigation etc.

A Bill for enlarging the time allowed for saving Lots in the Town of Halifax etc &

A Bill for granting Aid to his Majesty etc also by

Mr. Johnston & Major Harvey, A Bill for the appointment of Vestries.

Then the House adjourned till 9 o'clock to-morrow morning.

Saturday 29th December 1759. The House met according to Adjournment.

Present as before.

On Motion. Ordered the Bill for Establishing a Court of Kings Bench, Courts of Common Pleas etc be Read. Read the same the second time amended & Passed.

On Motion. Ordered the Bill to enable W^m Dry Esq^{re} to finish Fort Johnston etc be read. Read the same the second time, amended & Passed.

Received from the Assembly by Mr. Wynne & Mr. Caswell A Bill for erecting part of the Counties of Chowan, Bertie Northampton into a County & Parish.

On Motion the resolve relative to Elizabeth Chappel was taken into Consideration & concurred with.

On Motion; Ordered the Bill to establish Inferior Courts of Pleas & Quarter Sessions etc be read Read the same the second time amended & Passed.

On motion, Ordered the Bill for Erecting part of the Counties of Chowan Bertie & Northampton into a County & Parish; And a Bill to enable the Commissioners of Port Bath & Port Beaufort to amend the Navigation etc be read; Read the said Bills the third Time & passed; Ordered to be Engrossed.

On motion. Ordered the Bill for the appointment of Vestries be read; Read the same the first time & passed.

Then the House adjourned till 3 o'clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Then the House adjourned till 9 o'clock Monday morning.

Monday 31st December 1759. The House met according to Adjournment.

Present as before.

Then the House adjourned till 3 o'Clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Gray & Mr. Bravard,

A Bill for Establishing a Court of Kings Bench, Courts of Common Pleas etc.

A Bill to Establish Inferior Courts of Pleas & Quarter Sessions ect, and,

A Bill to amend an Act entituled, An Act for Building & maintaining of Court Houses, Prisons & Stocks in every County within this Province & appointing Rules for each County, Prison & Debtors.

Then the House adjourned till 9 o'clock to-morrow morning.

[For Journals of the subsequent days of the Session see A. D. 1760.—EDITOR.]

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

At an Assembly begun and held at New Bern the twelfth day of December in the Twenty Eight year of the reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland, King Defender of the Faith (and so forth) and from thence Continued by several Prorogations and Adjournments to the Twenty third day of November in the thirty third Year of the Reign of our said Lord the King to be then held at Wilmington being the Ninth Session of this present Asssmbly

Tuesday the 23^d of November 1759

Members present

Samuel Swann Esq—Speaker

Mr. George Moore

Mr. W^m Bartram

Mr. John Ashe

Mr. Jn^o Bravard

Mr. Joseph Bell

Mr. John Starkey

Mr. Samuel Spruell

Mr. John Fonville

Mr. John Harvey
Mr. Francis Ward
Mr. W^m Mackay
Mr. Thos Smith
Mr. Stephen Cade
Mr. Maurice Moore
Mr. Richard Caswell

Mr. W^m Wyatt
Mr. Corn^s Harnett
Mr. Mich^l Coutaneh
Mr. Benj Harvey
Mr. Joseph Herron
Mr. Isaac Jones
Mr. Edward Vail

His Excellency the Governor sent a Message to this House requiring the immediate Attendance thereof in the Council Chamber.

Mr. Speaker with the Members waited on his Excellency the Governor in the Council Chamber and afterwards returned, and Mr. Speaker Acquainted the House That His Excellency made a Speech to His Majesty's Council and this House and to prevent mistakes he had obtained a Copy thereof which on Motion is Ordered to be read. The same was read accordingly—and on Motion ordered to be Entered on the Journal of this House and is as follows (viz^t)

GENTLEMEN OF HIS MAJESTY'S COUNCIL, M^r SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

The Surprising and Glorious Success of His Majesty's Arms by the Mércifull Dispensation of Divine Providence by Inspiring His Majesty and his Council with Wisdom unanimity and Intrepidity and his Allies, Fleets and Arms with Courage in Defence of our Holy Religion and Cause of Liberty has so Manifestly Appeared these Two Years in Delivering Europe and these Provinces in particular from a Dreadfull and Cruel Enemy, That the supplies required for the Aid of the Northern Colonies are no longer Necessary but as the War may Probably Continue until we have a safe and Hon^{ble} Peace, by driving the French from this Continent and ruining their Marine, and as a dangerous War may break out with the Cherokees, which by our late success and the vigorous Measures entered into by this and the Neighboring Provinces will I hope be Prevented I must still recommend to you the keeping on foot the two Companies now on pay to Defend the Forts on the Sea Coast and back Settlements, and to Provide for the Necessary Expence already incurred for raising and Marching the Frontier Militia to join the Forces of South Carolina to Procure Satisfaction for the depredations and Murders Committed by the Indians and for future Contingencies—

His Majesty in Council having repealed Seven Acts passed in this Province, which I shall lay before you, Particularly the Acts for Establishing the Supreme and County Courts and for the Appointing parishes and Vestries, it will be necessary for you to enact new Laws without the Clauses objected to in such a manner as may be for the General benefit of this Province and the Establishment of our holy religion against prevailing Sectaries And as I hope the Great Expence this Province has been at will be over in another Campaign, I must also recommend to you in making a provision for Schools to Educate the Youth and Rising Generation of this Province.

I am also Instructed to lay before you the state of your paper Currency and the Great Discount it is now under, and how much the Trade and Credit of this Province Suffers by the Injustice to Creditors in Britain and this province by Paying of English Debts and Bills in our Paper Currency at $33\frac{1}{3}$ when the real Discount is now from 70 to 90 p Cent to Sterling Money. This if not rectified must end in the loss of the Credit of this Province and the ruin of your Trade.

You will also Consider the loss which the poor must suffer by the torn and worn out Bills which should be Called in and Exchanged for others of Equal Value which should be Issued for that purpose only.

GENTLEMEN OF THE ASSEMBLY—

I have nothing further to ask of you at Present but what you will Judge necessary for your own defence and future Safety and whatever Sums you may think proper to raise for the Benefit of Trade and Improvement of the Province.

GENTLEMEN OF HIS MAJESTYS COUNCIL, MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY—

As the future peace and Welfare of this Province will depend upon the Union and Harmony of the Several Parts of this Province and Branches of the Legislature I therefore recommend to you that in those Bills now necessary to be re-inacted and amended that you will consider the future General good of this Increasing Colony that a Perfect Harmony May be preserved which I shall to the utmost of my Power and Capacity Promote by uniting his Majesty's just Prorogative with the Rights and Liberties of the People.

The Clerk of the Crown returned a Certificate of the return of a Writ for Electing a Member for Pasquotank County to sit and vote in this present Assembly in the room of Mr. John Brothers who disqualified himself to sit and vote in this House as a Member for said County by Accepting the Office of an Inspector in the said County whereby it appears Mr. Thomas Taylor is Elected a Member for Pasquotank County aforesaid in the room and stead of the said Mr. John Brothers.

The Clerk of the Crown also returned a Certificate of the return of a Writ for Electing a Member for Hyde County to sit and vote in this Present Assembly in the room and stead of Mr. John Harvey who is deceased whereby it Appears that Mr. Thomas Barron is Elected a Member for Hyde County in the room and stead of the said John Harvey Deceased

The House adjourned till 4 °Clock Afternoon.

P. M. The House met according to adjournment

The Clerk of the Crown returned a Certificate of the return of a Writ for Electing a Member for Carteret County to sit and vote in this present Assembly in the room and stead of Col^o Tho^s Lovick who is deceased, Therefore it Appears That Mr. Mozes Houston is Elected a Member for said County in the room and stead of the said Col: Lovick Deceased.

Pursuant thereto and also in Pursuance of the above Two other returns—Mr. Mozes Houston Mr. Tho^s Taylor and Mr. Tho^s Barron Appeared and took the Oaths Appointed for their Qualification Subscribed the Test and took their Seats in the House Accordingly.

Mr. Jn^o Harvey moved that a Committee be Appointed [to] prepare an address in Answer to his Excellency the Governors Speech and lay the same before the House for Approbation—And Mr. Starkey, Mr. John Harvey, Mr. Mau: Moore Mr. Cornelius Harnett, Mr. John Ashe, Mr. Benjⁿ Harvey and Mr. Geo: Moore are accordingly Appointed to prepare the same

Resolved, That the Absent Members be sent for in Custody by a Warrant from Mr. Speaker at the Expençe of such absent Members, to wit,

Mr. Dempsey Sumner of Chowan County, Mr. James Davis of New Bern, Mr. Joseph Bryan of Craven County, Mr. W^m Murphree of Northampton County, Mr. Tho^s Relf and Mr. Griffin Jones of Pasquotank County, Mr. Anthony Hutchins of Anson County Mr. Robert Harris and Mr. James Paine of Granville County and Mr. W^m Churton of Orange County.

Then the House Adjourned till to Morrow 10 °Clock.

Saturday the 24th of November 1759. The House met according to Adjournment

Mr. Benjⁿ Wynns one of the Members for Bertie County Appeared and took his Seat in the House

Mr. John Gray one of the Members for Orange County appeared and took his seat in the House

Mr. Starkey moved That a Committee be appointed to Examine State and Settle the Public Accounts of this Province And Mr. John Harvey, Mr. Geo. Moore, Mr. Benjⁿ Harvey, Mr. Joseph Herron, Mr. Michael Coutanch, Mr. Cornelius Harnett and Mr. Maurice Moore were Accordingly Appointed

On motion, Ordered that Mr. Starkey, Mr. John Ashe, Mr. Vail, Mr. Caswell, Mr. Bartram, Mr. Mackay and Mr. Wynns be a Committee to Settle and allow Public Claims—And that the following Message be sent to the Council Viz

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

This House have appointed Mr. Jno Harvey, Mr. Geo. Moore, Mr. Benjⁿ Harvey, Mr. Jos. Herron, Mr. Michael Coutanch Mr. Cornelius Harnett and Mr. Maurice Moore a Committee of this House to State and Settle the Public Accounts And Mr. Starkey, Mr. Ashe, Mr. Vail, Mr. Caswell, Mr. Bartram, Mr. Mackay and Mr. Wynns a Committee of this House to settle and Allow Public Claims in Conjunction with such of your Hon^{rs} as you shall think proper to appoint for those Purposes.

SAMUEL SWANN, Speaker

By Order W^m HERRITAGE, Clk.

Sent the above Message by Mr. Harnett and Mr. Ashe.

Then the House Adjourned till 9 °clock to morrow Morning.

Tuesday the 27th of November 1759. The House met according to Adjournment.

Received from his Excellency the Governor a Written Message by Mr. Powell as follows

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY—

Having received by an Express from Col. Waddell a Letter sent to him by Gov^r Lyttleton and a Letter Acquainting me that the

militia refuse to march against the Cherokees under pretence that it is out of the province I therefore send you the several Letters and Papers sent to me and as there is no time to be Lost, hope you will Immediately pass some resolutions thereupon and pass a short Bill to explain and Inforce the Militia Law and oblige the Militia to Act where Ordered for the Public Good and defence of the Province and to Procure Satisfaction for the depredations of Hostile Indians

ARTHUR DOBBS.

26th November 1759.

On Motion, Resolved the House resolve into a Committee of the whole house to Consider his Excellencys Message of this day regarding the Marching the Militia and also the several Papers therein referred.

The House resolved into a Committee of the whole House for the purposes aforesaid and unanimously chose Mr. George Moore Chairman who took the Chair Accordingly After some time spent therein the Committee came to the following Resolutions Viz

That a Committee be Appointed by the House to prepare and bring a Bill to Explain amend and Continue for six Months and from thence to the End of the next Session of Assembly, An Act Intituled an Act for the better Regulation of the Militia and for other Purposes.

Then on Motion Resolved That Mr. Speaker resume the Chair.

Mr. Speaker resumed the Chair.

Then Mr. Chairman Reported That the Committee had Considered the Governors Message and the Several papers referred to therein and had come to the following resolutions Viz^t

That [in] the present Emergency a Committee be appointed by the House to prepare and bring in a Bill to amend and Continue for six months and from thence to the End of the next Session of Assembly, An Act Intituled an Act for the Better Regulation of the Militia and for other purposes.

To which the House agreed And On Motion—Resolved that Mr. Maurice Moore, Mr. John Harvey, Mr. Cornelius Harnett, Mr. Starkey and Mr. Ashe do Immediately prepare and bring in the said Bill

Received from the Council the following Message Viz

MR. SPEAKER AND GENTⁿ OF THE ASSEMBLY

In answer to your Message relative to the Committee we have Appointed the Hon^{ble} James Hasell and John Rieussett Esq^{rs} a Com-

mittee of this House to state and Settle the Public Accounts—And the Hon^{ble} John Swann and Richard Spaight Esq^{rs} a Committee of this House to Settle and allow the Public Claims

In the Upper House—27th November 1759

Then the House Adjourned till 4 °Clock Afternoon

P. M. The House met according to Adjournment

Mr. Robert Harris one of the Members for Granville County, Mr. William Churton one of the Members for Orange County Appeared and took their Seats in the House.

The Clerk of the Crown laid before the House a Certificate of the return of a Writ for Electing Two representatives to sit and vote in this present Assembly for Chowan County in the room and stead of Mr. Joseph Blount and Mr. Timothy Walton whose seats in this House became Vacant by their Accepting the Office of Inspectors in the said County whereby it appears That Samuel Johnston and Mr. Luke Sumner were duly Elected Members for said County of Chowan to sit and vote in this present Assembly in the room and Stead of the said Mr. Jos. Blount and Mr. Timothy Walton.

Whereupon Mr. Samuel Johnston Appeared took the Oath Appointed by Law for his Qualification Subscribed the Test and took his seat in the House Accordingly.

Then the House adjourned till 10 °Clock tomorrow morning

Wednesday the 28th of November 1759. The House met according to Adjournment

Mr. Starkey from the Committee appointed to prepare an Address in Answer to his Excellency the Governors Speech Reported that the Committee had prepared the same which he read in his place and laid the same before the House for Approbation.

The House Approved thereof and Ordered the same stand the Address of the House and be Entered on the Journal thereof as follows—(to wit)

NORTH CAROLINA—SS.

TO HIS EXCELLENCY ARTHUR DOBBS ESQ^r CAPTⁿ GEN^l GOV^r AND
COMMANDER IN CHIEF IN AND OVER THE SAID PROVINCE—

We his Majestys most dutifull and loyal subjects the Assembly of North Carolina beg leave to return your Excellency our Sincere thanks for your Speech at the Opening of this Session.

The Repeated Successes of the two last Campaines so truly Glorious to his Majesty and Beneficial to all the Colonies Demand our most Exalted praises and thankfulness to the Author of all Mercies, And a Grateful sense of the Wisdom Courage and Conduct of those that have been the Happy Instruments of them; By the prosperous turn of Affairs the future Safety of the British America we hope will be secured and all future Expences on that Account prevented, We persuade ourselves that the Vigorous Measures lately taken to Check the Insolencies And obtain in Satisfaction for the Murthers Committed by some of the Cherokee Indians on the Frontiers of this and our Neighbouring Provinces will have the desired Effect, And we assure your Excellency that we shall now and at all times pursue such Measures and Chearfully raise such necessary supplies for our Defence against our Enemies as the Exigency of the Case may require and the Indigent Circumstances of our Constituants (already heavy loaded with Taxes) will admit.

It is with very sensible Concern we find so many of our Laws (In our Apprehension) well Calculated for the advancement of Religion and distribution of Justice thro' the several Parts of this large and Extended province and the Quieting the freeholders in their possessions—Met with his Majesty's Royal Disallowance. We persuade ourselves had an Agent been duly Authorised at home to have represented to his Majesty and his Ministers the Importance and Utility of those Laws and their propriety as Adapted to the Circumstances of the Inhabitants of this Province in a true Light they might not thro' the misrepresentation of any Interested Person Contrary to the General Good of the Province have been Reported to His Majesty for the Royal Disallowance, And as it is Absolutely Necessary to Enact other Laws to Answer the Purposes Intended by those repealed, In the Bills we shall prepare for that End shall endeavor to avoid Incerting Clauses which may be lyable to any Just Exception. We observe what your Excellency mentions relating to the Schools so much Wanted and desired, A former Assembly Granted £6.000 for the founding of a School which is still under a suspending Clause, and until his Majesty shall be pleased to declare his pleasure therein we are at a Loss to proceed. The Depretiation of our Currency is too well known and felt, but all remedies hitherto proposed have proved Abortive, We are of Opinion that the Growing Demand to pay our Taxes and the Gradual Decrease by the Sinking fund, Whereby the Torn and Worn out Bills are Yearly burnt must soon Enhance their Value.

If it please your Excellency to Cause the Accounts of the disposal of the several Sums granted for the Service of the War to be laid before us We should be enabled to see what Savings there may be which is Appropriated to payment of Contingencies and thereby form some Judgment what may be further needful to support the Charge of Government which we shall always readily provide for.

As we are sensible nothing Conduces to the Prosperity of any Community more than a Mutual Agreement among the several Members of it, We assure your Excellency that as we hitherto have so we constantly shall use our best Endeavours to cultivate the same, That His Majestys Service and the prosperity of His Good Subjects in this Province which are always Inseparable may be preserved and promoted—

SAMUEL SWANN Speaker

28th November 1759

Mr. Harnett from the Committee Appointed to prepare and bring in a Bill to Amend and Continue for six Months and from thence to the End of the next Session of the Assembly an Act Intituled an Act for the Better Regulation of the Militia and for other purposes Reported that the Committee had prepared the said Bill which he read in his place and is approved of and Ordered the same pass and be sent to the Council—

Sent the same to the Council by Mr. Vail and Mr. Churton

Received from the Committee the Bill to Amend and Continue &c. an Act Intitled an Act for the better regulation of the Militia and for other purposes.

Endorsed 28th November 1759—In the Upper House read the first time and passed

On Motion Ordered, on the present Emergency that the Bill to Amend and Continue for six Months &c an Act Intitled an Act for the better regulation of the Militia and for other purposes be read the second time—Read the same a second time Amended and passed and Ordered to be sent to the Council

Sent the above mentioned Bill to the Council by Mr. Ashe and Mr. Johnston

Mr. Starkey moved that a Committee be appointed to prepare and bring in a Bill to Establish Superior Courts of Pleas and Grand Sessions—And also a Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province—And Mr. Starkey, Mr. Johnston, Mr. John Harvey, Mr. Caswell, Mr. Maurice Moore, Mr. Wynns and Mr. Cornelius Harnett are accordingly appointed

Mr. Jno Harvey moved that a Committee be appointed to prepare and bring in a Bill for the better management and security of Orphans and their Estates. And Mr. John Starkey, Mr. Johnston, Mr. Jno Harvey, Mr. Caswell, Mr. Maurice Moore, Mr. Wynns and Mr. Harnett are accordingly appointed—

Received from the Council the Bill to amend and Continue for six Months &c, an Act Intituled an Act for the better Regulation of the Militia and for other purposes

Endorsed 28th November 1759 In the Upper House read the second time and passed

On Motion, Ordered, on the Present Emergency that the Bill to Amend and Continue for six Months &c -An Act Intituled an Act for the Better regulation of the Militia and for other Purposes be read a third time, Read the same a third time—Amended passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Col. Harvey and Mr. Harnett

Received from the Council the Bill to Amend and Continue for six months &c an Act Intituled an Act for the better Regulation of the Militia and for other Purposes.

Endorsed in the Upper House read the third time and passed
Ordered to be engrossed.

Then the House Adjourned till 4 °Clock Afternoon

P. M. The House met according to Adjournment.

His Excellency the Governor sent a Message to this House whereby he let them know that he was ready to receive their Address thereof Immediately in the Council Chamber.

Mr. Speaker with the House waited On his Excellency the Governor in the Council Chamber and Mr. Speaker presented him with the Addrsss of this House to which his Excellency was pleased to return an Answer a Copy of which to prevent Mistakes Mr. Speaker Obtained and is as follows (to wit)

The true sense you have of the Manifestation of the divine providence in our Defence, And your Approbation of the Vigorous Measures Entered into by this and the Neighbouring Province are very Agreeable to me, And a Confirmation of your Zeal for his Majesty's Service and the future peace and Safety of this province by procuring an Adequate Satisfaction for the Murders and depredations Committed against this and the Neighbouring Colonies as also your Assurance of Incerting such Clauses in the Bills to be

re-enacted and Amended as to be lyable to no Objections I shall not fail in recommending the Issuing such Bills as were Intended for the Erecting of Public Schools Upon their being repaid to the Treasurers I shall give Orders to have the Public Accounts laid before you but the Accounts relative to the Troops sent to New York, having not been yet sent to me it will be impossible to Liquidate them untill I shall receive them.

I return you thanks for the assurance you give that you will promote the peace and harmony of this Province so necessary for its Welfare.

Then Mr. Speaker acquainted his Excellency the Governor that the Assembly had passed a Bill to amend and Continue an Act Intituled an Act for the better Regulation of the Militia and other Purposes which he presented to his Excellency for his Assent.

His Excellency was pleased to Assent thereto and then directed the House to return and proceed on further Business.

Received from His Excellency the Governor a Written Message by Mr. Powell Viz—As follows.

Mr. Speaker—Col Waddel having found it Necessary for his Majesties Service to Apply to me for a Sum not less than fifteen hundred Pounds for procuring Waggons, Provisions and other Necessarys for the Militia to Act Under him Against the Cherokees And the Treasurer having acquainted me that he had not so much in his hands to Answer that Service I must therefore apply to your House that you would resolve in Conjunction with the Upper House that the Treasurers may Apply so much as is in their hands upon any other Appropriation* (to be repaid out of the Supplies that shall be Granted) to make up the Deficiency of the sum required to be forwarded by the Express—

Ordered the said Message lye till to-Morrow for Consideration—

Then the House Adjourned till 10 °Clock to Morrow Morning

Thursday the 29th of November 1759 The House met according to Adjournment

The Order of the Day being read the House took into Consideration his Excellencys Message—And on Motion Resolved that the House Resolve into a Committee of the whole House to Consider the said Message and unanimously chose Mr. Geo: Moore Chairman who-was placed in the Chair Accordingly—After some time the Com-

mittee came to the following Resolutions which Mr. Chairman was Ordered to report to the House Viz^t

Resolved—That the several sums following (to wit) £192.3.3 (being the ballance of £500 Appropriated for building a Fort at Bear Inlet) in the hands of John Starkey Esq^r £186.6.8 being the Ballance of £1,873.13.5½ in the hands of the Hon^{ble} Richard Spaight Esq^r as by the report of the Committee of Accounts at November Session of Assembly in Edenton Appears, On this present Emergency be borrowed, and deposited in the hands of Col: Hugh Waddel towards payment of the Militia of this Province under his Command, And that the same be replaced, Out of the next aid that shall be Granted to His Majesty for payment of the Militia of this Province to be raised for the service thereof—Then on Motion Mr. Speaker resumed the Chair

Mr. Chairman reported that the Committte had resolved as above mentioned which was read to which the House agreed and Ordered the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House have resolved that the Several Sums following to-wit £192.3.3. being the balance of £500 appropriated for Building a Fort at Bear Inlet in the Hands of John Starkey Esq. And £186.6.8 being the Ballance of £1,873.13.5½ in the hands of the Hon^{ble} Richard Spaight Esq^r as by the Report of the Committee of Accounts at November Session of Assembly in Edenton Appears, On this present Emergency be Borrowed, And Deposited in the Hands of Col Hugh Waddel towards payment of the Militia of this Province Under his Command And that the same be replaced Out of the next Aid that shall be Granted to his Majesty for payment of the Militia of this Province to be raised for the Service thereof.

To which desire your Honors Concurrence.

SAMUEL SWANN Speaker.

By Order W. H. Clk.

Sent by Major Harvey and Col Taylor.

On motion Resolved, that the following Message be sent to his Excellency the Governor.

Sir—This House on Considering your Message of Yesterday have Resolved That the several Sums following (to-wit) £192.3.3 (being the Ballance of £500 Appropriated for the Building a Fort at Bear Inlet)

in the hands of John Starkey Esq^r. And £186.6.8 being the Balance of £1,873.13.5½ in the hands of the Hon^{ble} Richard Spaight Esq^r as by the Report of the Committee on Accounts at November Session of Assembly in Edenton Appears, On this present Emergency be borrowed, and deposited in the hands of Col. Hugh Waddel towards payment of the Militia of this Province Under his Command, and that the same be replaced out of the next Aid that shall be Granted to His Majesty for Payment of the Militia of this province to be raised for the services thereof—These sums being all the Money that can be now borrowed and issued without breach of the Public Faith as well as causing confusion in its Accounts. We hope with the sum of £775.14.4 paid by the Treasurer of the Southern District on your Excellencys Warrant to him for £15000, you mention Col. Waddel had applied for may Answer the present Occasion till further provision can be made as is intended by the House.

S. S. S

29th Nov. 1759.

Then the House Adjourned till 4 °Clock Afternoon.

P. M. The House met according to Adjournment.

Mr. Harris laid before the House a Certificate from the County Court of Granville thereby Certifying that Cornelias McCarty son of David McCarty is a very infirm person and recommending him to be Exempt from paying Public Taxes. Ordered he be exempt accordingly.

Received from the Council the message sent to them this day regarding the Application of the Sum of Money in the hands of John Starkey Esq^r the Hon^{ble} Richard Spaight Esq Endorsed 29th Nov. 1759 In the Upper House Concurred with

MATT ROWAN, P. C.

Then the House adjourned till to-morrow morning 10 °Clock.

Friday the 30th of November 1759. The House met according to Adjournment.

On motion Resolved, That a Committee be appointed to prepare and bring in a Bill to Establish the Vestry of the Several Parishes of this province last Chosen agreeable to a late Act of Assembly and to direct the method of Electing Vestries to provide for an Orthodox Clergy and for settling parish Accounts.

And Mr. Coutanch, Mr. Starkey, Mr. Moore, Mr. Taylor, Mr. Vail, Mr. Ashe and Col Mackay, Mr. Fonville and Mr. Harris are appointed accordingly.

Mr. Wynns laid before the House a Certificate from the County Court of Edgecombe thereby Certifying that Thos. Sessions son of Nicholas Sessions of the said County be Exempt from Public Taxes and Services.

Ordered he be exempt accordingly.

Mr. Churton presented to the House a Petition of Sundry of the Inhabitants of the County of Orange Setting forth Amongst other things that the Land whereon the Court House and other Public buildings are Erected in the said County of Orange is very Commodiously situate for an Inland town Praying that Four hundred Acres of the said Land may be allotted and Established for a Town &c.

Ordered that Mr. Churton bring in a Bill pursuant to the prayer of the Petition.

Mr. Churton brought in the said Bill Intituled a Bill for Establishing a Town on the Land formerly Granted to W^m Churton Gent^a lying on the North side of the River Enoe in the County of Orange—which he read in his place and delivered in at the Table where the same was again Read by the Clerk Passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Churton and Mr. Harris.

Then the House adjourned till 9 °Clock to-morrow morning.

Saturday the 1st December 1759—The House met according to Adjournment

Then the House adjourned till Monday Morning 10 °Clock

Monday the 3rd of December 1759—The House met according to Adjournment

Mr. James Davis appeared and took his seat in the House—

Then the House adjourned till 9 °Clock to-morrow morning

Tuesday the 4th of December 1759—The House met according to Adjournment

Then the House adjourned till tomorrow 10 °Clock—

Wednesday the 5th of December 1759 The House met according to Adjournment

Mr. Anthony Hutchins one of the Members for Anson County Appeared and took his seat in the House—

Mr. John Harvey presented a petition of Several of the Inhabitants of New Hanover County and others setting forth—That several persons who have obtained the liberty of the several prisons they are confined in in this Province earn large sums of money whilst under such Confinement the part of which might be applied towards payment of their several and respective Debts—Praying relief

Ordered, the said Petition lye for Consideration

Mr. Smith presented to the House a Certificate from the County Court of Hyde thereby recommending Thos. Goodwin to be exempt from paying Public Taxes and doing public Duties—

Ordered he be exempt accordingly—

Mr. Smith presented to the House a Certificate from the County Court of Hyde thereby Recommending Elias Gurganus to be Exempt from doing Public Duties and Paying Public Taxes—

Ordered he be exempt Accordingly—

Mr. Starkey from the Committee appointed to prepare and bring in a Bill for Establishing Superior Courts of Pleas and Grand Sessions Reported that the Committee had prepared the said Bill which he presented to the House—

Ordered the same be read—Read the same passed and Ordered to be sent to the Council

Sent the same to the Council by Major Harvey and Col Taylor—

Mr. Caswell from the Committee Appointed to prepare and bring in a Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province Reported that the Committee had prepared the said Bill which he presented to the House—

Ordered the same be read—Read the same passed and Ordered to be sent to the Council

Sent the same to the Council by Major Harvey and Col Taylor—

Mr. John Harvey from the Committee Appointed to prepare and bring in a Bill for the better Management and Security of Orphans and their Estates Reported that the Committee had prepared the said Bill which he presented to the House—

Ordered the same be read—Read the same and Ordered the said Bill pass and be sent to the Council

Sent the same to the Council by Col^o Harvey and Mr. Gray—

Then the House adjourned till 4 °Clock Afternoon.

P. M. The House met according to adjournment

Mr. Robert Jones jr one of the Members for Northampton County Appeared and took his seat in the House

Mr. Caswell moved for leave to bring in a Bill Directing the Method of Appointing Jurymen in all Causes Criminal and Civil and for an Allowance for their Attendance at the Superior Courts— Ordered he have leave and that he prepare and bring in the same—

Mr. Caswell brought in the above said Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council—

Sent the same to the Council by Mr. Houston and Mr. Fonville
Then the House adjourned till 9 o'clock tomorrow morning.

Thursday the 6th of December 1759—The House met according to Adjournment

Mr. Coutanche from the Committee Appointed to prepare a Bill to Establish the Vestry of the Several Parishes of this Province last Chosen Agreeable to a late Act of Assembly to direct the Method for electing future Vêstries to provide for an Orthodox Clergy for settling Parish Accounts—

Reported—That the Committee had prepared the same which he presented to the House, Ordered the same be read, read the same passed and ordered to be sent to the Council

Sent the above said Bill to the Council by Mr. Bartram and Mr. Wynne.

Received from the Council the Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province.

And the Bill for Establishing a Town on the Land formerly granted to William Churton lying on the North side of the River Enoe in the County of Orange.

And the Bill for Establishing Superior Courts of Pleas and Grand Sessions and regulating the proceedings therein.

Endorsed 5th December 1759. In the Upper House read the first time and passed

Received a Written Message from his Excellency the Governor—
Viz^t—

Mr. Speaker—This Session having Continued a fortnight and no aid Bill being yet brought in and the two Companies upon the provincial pay being now on Actual Service must be disbanded upon the 12th Instant when their Term by the Law Expires I must therefore recommend it to the Assembly to pass a Resolution in Concurrence with the Upper House that they may be Continued on pay for

a Longer Term untill they return from the Service they are now upon or untill a proper Bill be past to Continue them for another Year or untill a peace shall be concluded which is absolutely Necessary for the Safety of this province

ARTHUR DOBBS

December 6th 1759.

Then the House Adjourned till 4 °Clock Afternoon

P. M. The House met according to Adjournment

Received from the Council the Bill for the better Management and Security of Orphans and their Estates.

And the Bill Directing the Method of Appointing Jurymen in all Causes Criminal and Civil and for an Allowance for their Attendance in the Superior Courts.

Endorsed 6th December 1759. In the Upper House read the first time and passed

Then the House adjourned till to-morrow morning 9 °Clock.

Fryday the 7th of December 1759. The House met according to Adjournment.

Mr. Caswell presented a Petition from Several of the Inhabitants of Dobbs County setting forth that it would Encourage Commerce and promote the Navigation of Nuse River if Warehouses were Erected in the said County for the reception and Inspection of Tobacco &c

Praying that the Warehouses and other Conveniences may be Erected On the Several places therein mentioned for the reception and Inspection of Tobacco &c.

Then on Motion, Ordered, Mr. Caswell prepare and bring in a Bill pursuant to the Prayer of the said Petition

Mr. Caswell according to Order brought in a Bill to Establish Warehouses for the Inspection of Tobacco in the County of Dobbs—which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Caswell and Mr. Davis

Received from the Council the Bill to Establish the Vestry of the Several Parishes of this Province last Chosen Agreeable to a late Act of Assembly and to direct the Method for Electing future Vestries, to provide for an Orthodox Clergy and for settling parish Accounts.

Endorsed 6th December 1759. In the Upper House read the first time and passed.

Mr. Ashe presented a Petition of Elizabeth Chappel setting forth that her husband James Chappel who was enlisted by Col. Granger and afterwards killed at the Ohio Praying relief &c.

The House taking the Petⁿ under Consideration

Resolved that the sum of Twenty pounds Proclamation Money be paid by the Public Treasurer into the hands of The Hon^{ble} Matthew Rowan Esq. for the use of the said Elizabeth Chappel out of the Money paid into the Treasury for the defraying the contingent Charges of Government and that this Resolve be sent to the Council for Concurrence.

Sent the above resolve to the Council for Concurrence by Mr. Ashe and Mr. Mackay.

Mr. Robert Jones Jr. moved for leave to bring in a Bill for Enlarging the time allowed for saving Lots in the Town of the Halifax preventing the Building Wooden Chimneys therein and other purposes.

Ordered he have leave and that he prepare and bring in the same.

Mr. Ashe laid before the House several Proposals made by William Dry for fully Compleating and finishing Fort Johnston at the Mouth of Cape Fear River in three years from the day of Agreement.

The House taking the said proposals into Consideration Ordered, That Mr. Maurice Moore prepare and bring in a Bill to Enable W^m Dry Esq to finish Fort Johnston at the Mouth of Cape Fear River &c.

Received from the Council the Bill to Establish Warehouses for the Inspection of Tobacco in Dobbs County &c.

Endorsed 7th December 1759. In the Upper House read the first time and passed.

Mr. Jones moved that the Bill to Establish Warehouses for the Inspection of Tobacco in Dobbs County be Committed for Amendment.

Ordered, The Bill be Committed to Mr. Jones and Mr. Caswell and that they Report to the House the Amendments necessary to the said Bill.

Received from his Excellency the Governor a Written Message by Mr. Powell Viz^t.

* MR. SPEAKER—Having received an Instruction from his Majesty which prevents me from passing any Paper Bills of Credit unless a

Clause be Incerted that neither these nor the former Bills shall be a lawful Tender I therefore lay that Instruction before you and as there is a necessity that the Troops and Militia now employed should be supported I must recommend it to the Assembly that out of what money has been paid in to the Treasurers which was borrowed from the sums issued for school and purchasing Glebes &c and towards sinking the Treasurers Notes so much may be applied towards the Maintenance of the Troops and Contingencys upon this Expedition to be replaced by the Taxes to be levied by any Aid Bills which you shall agree to, There being no other Money in the Treasurers Hands to Answer the Public Service upon many future Emergencys.

ARTHUR DOBBS.

7th December 1759

Then the House adjourned till 3 °Clock Afternoon.

P. M. The House met according to Adjournment

Mr. John Harvey moved for leave to bring in a Bill directing the Method to be taken with Estrays—

Ordered, he have leave and that he prepare and bring in the same

Mr. Harvey brought in the above said Bill which he read in his place and Delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council—

Sent the same to the Council by Mr. Smith and Mr. Ward

On Motion, Ordered, That Mr. Maurice Moore, Mr. Jno Harvey, Mr. Jno Starkey, Mr. John Ashe, Mr. Cornelius Harnett, Mr. Benjⁿ Wynn and Col Taylor do prepare and bring in a Bill for Regulating Executions and Distresses

Mr. Maurice Moore according to Order brought in a Bill to Enable William Dry Esq to finish Fort Johnston at the mouth of Cape Fear River which he read in his place and Delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent the above Bill to the Council by Mr. Moore and Mr. Ashe

Mr. Maurice Moore moved that the House Resolve into a Committee of the whole house to consider His Excellency the Governors Message of yesterday and also that of this day—

Resolved the House resolve into a Committee of the whole House to Consider the said Messages and Report the Resolutions of the said Committee thereon to the House

The House Resolved into a Committee of the whole House to Consider the said Messages &c. and unanimously chose Mr. Geo: Moore Chairman who took the Chair accordingly—after some time spent, on Motion ordered the Committee rise and that Mr. Speaker resume the Chair, the Committee arose and Mr. Speaker Resumed the Chair—Mr. Chairman Reported that the Committee not having time thoroughly to discuss the said Two Messages desired leave to sit again Resolved the said Committee sit again.

Then the House adjourned till 9 °Clock to-morrow morning

Saturday the 8th of December 1759 The House met according to adjournment—

On Motion resolved the following Message be sent to his Excellency the Gov—Viz^t—

NORTH CAROLINA—SS.

To His Excellency Arthur Dobbs Esq^r Capt^t Gen^l Gov. and Commander in Chief in and over the said province

SIR—In answer to your Message of yesterday the Assembly would observe that passing a Bill for Emission of Paper Currency under the restrictions mentioned in his Majesty's Instructions which you were pleased to lay before us will greatly Affect the payment of Quitrents and other Branches of the Revenue of the Crown within this Province must depretiate the present Paper Currency and prove a means of destroying the Credit of the Country. Therefore as they cannot without Introducing these fatal mischiefs pass a Bill for Emitting Paper Currency to pay and subsist the Troops now in the pay of this province and the Militia Included to be sent with the Troops of South Carolina against the Cherokees The Assembly would desire your Excellency to acquaint them what Number of the Militia is Intended to be sent on that Duty—That Provisions may be made for supporting them out of the money replaced for schools purchasing Glebes &c and at the same time would inform your Excellency that there is only £4,000 of that Money replaced so that should it require more to support them than that Sum they must remain unprovided for, And the Public faith be violated, A Matter the Assembly above all things would wish to avoid.

SAM^l SWANN, Speaker

By Order W^m HERRITAGE, Clk.

8th Dec 1759.

Sent by Mr. Moore and Mr. Vail.

Mr. Johnston presented a petition of the Principal part of the Freeholders and Inhabitants of Edgcomb County—Setting forth that thro' mismanagement and a Secret and Clandestine Manner an Act was passed last Session of Assembly to fix the Courthouse of the said County at Redmans old field on Tyoncoca which is found to be near the verge of said County and Inconvenient to the Inhabitants to attend the said County Courts Praying Relief &c.

On Motion ordered that Mr. Johnston prepare and bring in a Bill pursuant to the prayer of the said Petition

Mr. Harris presented a Petition of several of the Inhabitants of Granville County Setting forth That Granville and St Johns parishes in the said County are very unequally divided—Praying an Equal division of the said Parishes and that the County be divided &c.

On Motion, Ordered, That Mr. Harris do prepare and bring in a Bill pursuant to the prayer of the said Petition.

Mr. Harris according to Order brought in a Bill for dividing Granville County and other purposes which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the Bill to the Council by Mr. Harris and Mr. Jones.

Received from His Excellency the Governor a Written Message by Mr. Powell (Viz) as follows—

MR. SPEAKER—I have received your Answer to my Message sent yesterday In answer to which I must inform you That I have given Orders that the Militia to be sent to co-operate with Gov. Littleton should be a number not to exceed five hundred, as can be raised and properly manned.

I must also observe that you have made no mention of the Companies now in pay, whether you continue them as they must be disbanded by Law on Monday next, without you form a Resolution to keep them on foot in Concurrence with the Upper House, That I may be justified in keeping them on foot on the present Emergency

ARTHUR DOBBS

On Motion Resolved, that the Consideration of the above Message be referred to the Committee of the whole House Appointed to Consider His Excellencys Message of the 6th and 7th Instant.

The Order of the day being read The House resolved into a Committee of the whole House to Consider the above Messages and Mr. Chairman took the Chair

The Committee having Considered the several Messages referred to them for Consideration and came to the following Resolutions (to wit)

Resolved That the Forces now in the pay of this province, And the Militia thereof not Exceeding 500 Men to be raised by Order of the Governor and Council in Virtue of an Act of the Aſſembly of this province passed the 28th day of November 1759 to joyn the Forces of South Carolina now under the Command of Governor Littleton be kept in pay until the 10 day of Feb^r next if his Majesty's Service shall so long require it

Resolved that an Aid of £5,000 be Granted to His Majesty to defray the Expende of keeping the said forces and Militia

Resolved, That the sum of £4,000 now in the Treasury for Erecting Schools and Purchasing Glebes &c. and also [the] sum of £1000 of the same fund as the same shall be paid into the Treasury be borrowed for the payment of the said Forces and Militia

Resolved, That a Tax of two shillings be laid on Each Taxable person in this Province for the Years 1760 and 1761 for replacing the said £5,000.

To which Resolves the House agreed—And on Motion Ordered That Mr. Jones, Mr. Starkey and Col Harvey do prepare and bring in a Bill pursuant to the above resolves.

Then the House adjourned till Monday Morning 9 °Clock.

Monday the 10th of December 1759. The House met according to Adjournment

Mr. Jones and Mr. Caswell according to Order Reported to the House several Amendments necessary to the Bill to Establish Ware Houses for the Inspection of Tobacco in the County of Dobbs which were read and approved of by the House and Ordered to be Inserted in the said Bill

The said Amendments are Incerted Accordingly and on Motion, Ordered the said Bill be read a second Time, Read the same a second time with the said Amendments passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Harris and Mr. Isaac Jones.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House having Resolved That the forces now in the pay of this Province And the Militia thereof not Exceeding 500 Men to be raised by Order of the Gov^r and Council in virtue of an Act of the Assembly of this Province passed the 28th day of November last to join the forces of South Carolina now under the Command of Governor Littleton be kept in pay until the 10th day of February next if his Majestys Service shall so long require it desire your Concurrence.

SAM^l SWANN Speaker

By order W^m HERRITAGE Clk.
10th Dec 1759.

Sent by Mr. Harriſ and Mr. Jas Jones

Then the House Adjourned till to morrow Morning 9 °Clock.

Tuesday the 11th December 1759—The House met according to Adjournment

Mr. Smith presented a Certificate from the County Court of Beaufort therein recommending W^m Newman of said County to be Exempt from paying public Taxes and doing public Duties.

Ordered he be Exempt Accordingly.

On Motion, Resolved the House Resolve into a Committee of the whole House to Consider the Amendments necessary to the Bill for Establishing Superior Courts of Pleas and Grand Sessions and regulating proceedings therein.

The House resolved into a Committee of the whole House to Consider the Amendments necessary to the said Bill and unanimously Chose Mr. John Starkey Chairman who was placed in the Chair Accordingly after some time spent therein and several Amendments proposed which Mr. Chairman was directed to report to the House.

Mr. Speaker resumed the Chair.

Mr. Chairman Reported that the Committee had Considered of Several Amendments necessary to the said Bill and that the Committee not having time to reduce them into form desire leave to sit again.

Resolved, the Committee have leave to sit again to morrow.

Mr. Jones presented a Certificate from the County Court of Northampton recommending Arthur Oneil of said County to be exempt from paying Public Taxes &c.

Ordered to be exempt accordingly

Received from the Council the Bill for dividing Granville County and other purposes—Endorsed 10th Dec 1759—In the Upper house read the first time and passed

Received from the Council the Resolve of this House of Yesterday regarding the pay of the forces and Militia of this province Endorsed 10th Dec. 1759—In the Upper House concurred with.

MATT ROWAN P. C.

And further Endorsed Assented to 10th December 1759.

ARTHUR DOBBS.

Then the House adjourned till tomorrow morning 9 °Clock.

Wednesday the 12th December 1759—The House met according to Adjournment

Mr. Harvey from the Committee appointed to prepare and bring in a Bill Pursuant to the Resolves of this House on Saturday last Reported that the Committee had prepared the said Bill which he laid before the House

Then on Motion, Ordered, the said Bill be read the same [was read] passed and Ordered to be sent to the Council

Señt the same to the Council by Mr. Harvey and Mr. Vail

On Motion, Ordered, the Bill for dividing Granville County and other purposes be read the Second time, Read the same a second time passed and ordered to be sent to the Council.

Sent the same to the Council by [Mr.] Harvey and Mr. Vail.

The Order of the day being read the House Resolved into a Committee of the whole House and Mr. Chairman took the Chair.

Mr. Chairman Reported to the Committee that he had reduced the several Amendments necessary to the Bill for appointing Superior Courts &c into form which he read and was directed to report the same to the House Then on Motion Mr. Speaker resumed the Chair

Mr. Chairman Reported that the Committee had taken into Consideration the several amendments necessary to the Bill for appointing Superior Courts and to which on reading thereof the House agreed and Ordered the said Amendments to be Incerted in the said Bill, the same are Incerted accordingly.

Then on motion, Ordered the said Bill be read the second time with the Amendments. Read the same a second time with the said Amendments passed and ordered to be sent to the Council.

Sent the same to the Council.

Then the House adjourned till 3 °Clock Afternoon.

The House met according to Adjournment.

Received from the Council the Bill for Granting an Aid to his Majesty for paying and subsisting the forces and Militia now in the pay of this province and for other purposes. Endorsed 12th December 1759. In the Upper House read the first time and passed.

And the Bill to Enable W^m Dry Esq to Finish Fort Johnston at the mouth of Cape Fear River &c. Endorsed 12th Dec 1759. In the Upper House read the first time and passed with Amendments.

On motion, Resolved, The House Resolve into a Committee of the whole House to Consider the Amendments necessary to the Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province.

The House Resolved into a Committee of the whole House for the purposes aforesaid and unanimously chose Mr. John Starkey Chairman who took the chair Accordingly.

The Committee took the said Bill under Consideration—And agreed to several Amendments thereto but not having time to reduce them into form it was Resolved That the Chairman Acquaint the House thereof and desire leave to sit to-morrow and then on motion the Committee arose and Mr. Speaker resumed the Chair.

Mr. Chairman Reported that the Committee had considered of several amendments necessary to the said Bill but not having time to reduce them into form desired leave to sit again to-morrow. Resolved the Committee have leave to sit to-morrow.

On motion Ordered, The Bill to Enable W^m Dry Esq^r to finish Fort Johnston at the mouth of Cape Fear River be read a second time. Read the same a second time passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Mackay and Mr. Wynn.

Then the House adjourned till to-morrow morning 8 o'clock.

Thursday the 13th of December 1759. The House met According to Adjournment

Received a Verbal Message from the Governor by Mr. Powell desiring to know if this House will join with him and the Council in an Address to his Majesty.

The House on Considering the same Resolved that the following Message be sent to his Excellency Viz^t

TO HIS EXCELLENCY THE GOVERNOR—

SIR—In answer to your Message by Mr. Powell signifying that your Excellency and the Honourable Members of his Majestys Coun-

cil had prepared an Address to his Majesty Congratulating him on the signal success and victories of His Fleets and Armies the last Campaign and desiring to know whether this House will join in the same—The Assembly would Acquaint you they are Willing and ready to Concurr therein.

S. S. Sp^r

13th December 1759.

Sent by Col. Harvey and Mr. Moore.

The Order of the day being read The House resolved into a Committee of the whole House and Mr. Chairman took the Chair. Mr Chairman reported to the Committee that he had reduced the several Amendments necessary to the Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province which were read in the Committee And the Chairman was directed to report the same to the House.

Then on motion Mr. Speaker resumed the Chair.

Mr. Chairman Reported that the Committee had taken into Consideration the Several Amendments Necessary to the said Bill. To which the House agreed and Ordered the said Amendments be Inserted in the said Bill. The same are Inserted accordingly.

Then on motion ordered—The said Bill be read a second time with the said Amendments. Read the said Bill a second time with the said Amendments passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Churton and Mr. Gray.

Mr. Gray moved for leave to bring in a Bill to Impower Lawrence Thompson his Heirs &c to Collect two shillings tax &c.

Ordered, he have leave and that he prepare and bring in the same.

Mr. Gray brought in the said Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Gray and Mr. Churton.

The Messenger who was sent for the absent Members (to wit) Mr. Churton and Mr. Payne returned that he had been for the said Members and it is adjudged that the distance he has travelled from Wilmington is about Two Hundred Miles—Therefore Resolved That he be paid £9.5.0 and it appearing to the House That Mr. Robert Harris had been very sick—notwithstanding which he set out from home on his Journey to this Assembly and was near Wilmington when the Messenger sett off for him therefore Resolved that one third of the said sum be paid by the Public Treasurer to

the said Messenger and that he be allowed the same on passing his Accounts with the Public and also that the said Treasurer pay five pounds to Jacob Blacklive and that he be repaid the same by the Members for whom he the said Jacob went in May Session 1758 the other two Thirds of the said £9.5.0 be paid Equally to said Messenger by Mr. Churton and Mr. Paine.

On Motion, Ordered, the Bill for Establishing a Town on the Land formerly Granted to W^m Churton Gentⁿ lying on the North side of Enoe River in the County of Orange be read the second time. Read the same a second time and passed. Ordered to be sent to the Council

Sent the same to the Council by Mr. Churton and Mr. Gray

Then the House adjourned till 3 °Clock Afternoon

P. M. The House met according to Adjournment

On Motion, Resolved the Bill to Establish the Vestry of the Several Parishes of this Province last Chosen Agreeable to a late Act of Assembly and to direct the Method of Electing future Vestries to provide for an Orthodox Clergy and for Settling Parish Accounts be read the second time. Read the said Bill the second time, passed. Ordered to be sent to the Council

Sent the same to the Council by Mr. Wyat and Mr. Spruel.

On Motion, Ordered, the Bill for Granting an Aid to his Majesty Paying and subsisting the forces and Militia now in the pay of this Province and for other purposes be read the second time. Read the same a second time.

And on Motion Resolved the House Resolve into a Committee of the whole House to morrow Morning to consider the said Bill

Mr. Harvey laid before this House the Report of the Committee Appointed last Session of Assembly to View Fort Granville—As follows—

Pursuant to a resolve of the Assembly the 19th day of December 1758—We John Harvey, William Mackay and Joseph Herron in July last viewed Fort Granville its Scituation and Conveniency, And do Report that in our opinion the said Fort is best Scituated to Protect the Trade of Port Roanoke; Port Bath, and Port Beaufort it can possible be and think it for the advantage of this province that the said Fort should be Compleated and a proper Garrison Continued therein during the present War and we do herewith lay before the House a Plan of the said Fort And an Account of the Artillery and Amunition at that time in the Fort It also Appears to us by Capt

McNair^s Accounts with the Commissioners that the sum of Three Thousand seven hundred and ninety-five pounds fourteen Shillings and Eleven pence farthing had then been Expended on the said Fort Gov^{ers} House &c which is humbly submitted to the House by John Harvey W^m Mackay and Jos: Herron.

Then on motion, Ordered the same be referred to the Committee to be appointed to Consider the said Bill.

Then the House adjourned till to-morrow morning 9 °Clock.

Fryday the 14th of December 1759. The House met according to Adjournment.

The Order of the Day being read the House resolved into a Committee of the whole House as well to Consider the Aid Bill as the report of Mr. Harvey, Mr. Mackay and Mr. Harron regarding Fort Granville and unanimously Chose Mr. John Starkey Chairman who took the Chair Accordingly.

The Committee took the said Bill under Consideration and agreed to several amendments directed the Chairman to report the same to the House then on motion Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had considered of and agreed to several Amendments. necessary to the said Bill which he read in his place and were agreed to by the House and on motion Ordered the said Amendments be inserted in the said Bill. These Amendments are accordingly Inserted.

Then on motion, Ordered the said Bill be sent to the Council with the said Amendments by Mr. Ward and Mr. Jones.

Received from the Council the Bill to Impower Lawrence Thompson his heirs &c to collect the two shillings Tax &c. Endorsed 13th Dec. 1759. In the Upper House read the first time and passed.

The Bill to Establish the Warehouses for the Inspection of Tobacco in the County of Dobbs—Endorsed 14th Dec^r 1759 In the Upper House Read the second time and passed.

And the Bill for Establishing a Town on the Land formerly Granted to W^m Churton Gen^t &c Endorsed 14th Dec 1759 In the Upper House read the second time amended and passed

Mr. Starkey moved a Committee be Appointed to prepare and bring in a Bill Establishing a Court of Kings Bench and Courts of Common Pleas and of Oyer and Terminer for the Province of North Carolina and Mr. Jones, Mr. Johnston, Mr. Maurice Moore, and Mr. Richard Caswell and Mr. John Starkey are accordingly appointed

Mr. Harnett moved for leave to bring in a Bill to Impower and direct Commissioners within mentioned to lay out and make a new road from the East End of the White Marsh Causway in Bladen County to Livingston Creek Bridge on the Bounds of New Hanover County.

Ordered, he have leave and that he prepare and bring in the same.

Mr. Harnett brought in the above said Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk

Then the Motion was made and the Question put whether the same pass or not and was carried in the negative.

Then the House adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment.

On Motion, Ordered, the Bill to impower Lawrence Thompson his Heirs &c, to Collect the 2 shillings Tax &c, be read the second time—Read the same a second time passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Churton and Mr. Gray.

On Motion, Ordered, the Bill for Establishing a Town on the Land formerly Granted to W^m Churton lying on the North side of the River Enoe in the County of Orange be read the third time—Read the same a third time amended and passed—Ordered to be sent to the Council.

Sent the same to the Council by Mr. Churton and Mr. Gray.

Then the House adjourned till to morrow 9 o'Clock

Saturday 15th December 1759. The House met according to Adjournment.

On Motion Ordered the Bill to Establish Warehouses for the Inspection of Tobacco in the County of Dobbs and other purposes be read the Third time. Read the same a third time amended and passed. Ordered to be sent to the Council

Sent the same to the Council by Mr. Caswell and Mr. Vail

Then the House Adjourned till Monday Morning 10 o'Clock.

Monday the 17th December 1759. The House met according to Adjournment.

On Motion, Resolved, That Mr. John Harvey, Mr. W^m Mackey and Mr. Joseph Herron be allowed the sum of £38.5.0 for their Sloop hire Trouble and Expence in viewing Fort Granville in July

last and that the said sum be paid by the Commissioners out of the Money Appropriated for the use of the said Fort.

On Motion, Resolved, the Committee that viewed Fort Dobbs be allowed £9 for their Expences &c in viewing said Fort.

The House being Acquainted that several of the Tuscorora Indians are now in Town and require some Assistance—It is therefore Resolved that Mr. Harnett do provide necessary provisions and drink for the said Indians during their stay in Town and that the public Treasurer repay him all such Money he shall so advance and be allowed the same on passing his Accounts with the Public.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL—

This House have resolved that Mr. Cor^{ns} Harnett provide necessary provisions and drink for the Tuscorora Indians now in Town during their stay and that the Public Treasurer repay him such money he shall so advance and be allowed the same on passing his Accounts with the Public to which desire your Honours Concurrence.

S. S. S.

17th December 1759.

Mr. Taylor acquainted the House that Mr. Rob^t Murden one of the Members for Pasquotank County is dead and moved That his Excellency be desired to direct the Clerk of the Crown to issue a Writ for Electing a Member for the said County to sit and Vote in this present Assembly in the room and stead of the said Robert Murden deceased.

Sent a Message to His Excellency by Mr. Coutanch and Major Harvey accordingly.

Then the House adjourned till tomorrow morning 9 o'clock

Tuesday the 18th of December 1759 The House met according to Adjournment.

Read the Petition of Sundry of the Inhabitants of the Western Part of Chowan County and the Northern part of Bertie County and the Eastern part of Northampton County—Setting forth that the Inhabitants of the said Parts of the said three Counties are very remote from the several Court Houses of the several and respective Counties aforesaid &c Praying an Act may pass for their relief &c

On Motion Ordered, Mr. Wynn prepare and bring in a Bill pursuant to the prayer of the said Petition—Mr. Wynn according to

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Order brought in the above said Bill which he read in His place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Coutanch and Major Harvey.

Mr. Coutanch moved for leave to bring in a Bill to Enable the Commissioners of Port Bath and Port Beaufort to amend the navigation and for other purposes.

Ordered he have leave and that he prepare and bring in the same.

Mr. Coutanch brought in the above said Bill which he read in his place and Delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Coutanch and Major Harvey.

Then the House adjourned till to morrow Morning 9 o'Clock.

Wednesday the 19th December 1759. The House met according to Adjournment

Received from the Council the following Bills (to wit)

The Bill to Establish Warehouses for the Inspection of Tobacco in the County of Dobbs and other purposes. Endorsed 17th December 1759 In the Upper House read the third time and passed Ordered to be engrossed.

A Bill to Impower Lawrence Thompson his Heirs &c. to Collect the two shillings Tax &c. Endorsed 17th December 1759. In the Upper House read the second time and passed

The Bill to enable the Commissioners of Port Bath and Port Beaufort to amend the Navigation and for other purposes.

And the Bill for Erecting Part of the Counties of Chowan Bertie and Northampton into a County and Parish Endorsed 19th December 1759. In the Upper House read the first time and passed.

On motion, Ordered, the Bill for Erecting Part of the Counties of Chowan, Bertie and Northampton into a County and Parish be Committed to the Members of the said Counties for Amendment

Mr. Jones from the Committee Appointed to prepare and bring in a Bill Establishing a Court of Kings Bench and Courts of Common pleas and Courts of Oyer and Terminer and General Goal Delivery for the province of North Carolina Reported that the Committee had prepared the same which he presented to the House for the reception thereof. The House received the same and Ordered the said Bill be read. Read the same passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Caswell and Mr. Johnston.

Received from the Council the Resolve of this House of Monday last regarding the Providing Necessarys for the Tuscorora Indians now in Town Endorsed 17th December 1759 In the Upper House Concurred with

MATT. ROWAN, P. C.

Then the House Adjourned till 3 °Clock Afternoon

P. M. The House met according to Adjournment

On motion, Ordered, The Bill Directing the Method to be taken with Strays &c be read the second time. Read the same a second time Amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Coutanch and Mr. Gray.

On motion, Ordered, the Bill to Impower Lawrence Thompson his heirs &c to collect the two shillings Tax &c be read the Third time. Read the same a third time passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Coutanch and Mr. Gray.

On motion Ordered, the Bill to Impower Lawrence Thompson his heirs &c to collect the two shillings Tax &c be read the third time Read the same a third time passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Coutanch and Mr. Gray

On motion, Ordered, The Bill to Enable the Commissioners of Port Bath and Port Beaufort to Amend the Navigation and for other purposes to [be] read the second time. Read the same the second time passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Coutanch and Mr. Gray.

Then the House adjourned till tomorrow morning 9 °Clock.

Thursday the 20th December 1759. The House met according to Adjournment.

Mr. Jones moved for leave to bring in a Bill for Enlarging the time for saving Lots in the town of Halifax preventing the Building Wooden Chimneys therein and other purposes.

Ordered he have leave and that he prepare and bring in the same.

Mr. Jones brought in the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Wynns and Mr. Vail.

Mr. Jones one of the Committee to whom the Bill for Erecting part of the Counties of Chowan, Bertie, and Northampton into a County and parish &c. was Committed reported that the Committee

had prepared Several Amendments thereto which he laid before the House were approved of and Ordered to be inserted in the Bill—The same are accordingly Incerted.

Mr. Jones presented the Petition of Sundry of the Inhabitants of the County of Northampton Setting forth their disapprobation of the said Bill which being read and Considered by the House It is resolved that the said Petition be rejected.

Then on motion, Ordered, the said Bill pass with the said Amendments and be sent to the Council.

Sent the same to the Council by Mr. Wynns and Mr. Vail.

John Burnett Sergeant at Arms having returned the Warrant to him directed to take into his Custody the Several Members following (to-wit) Mr. Dempsey Sumner, Mr. Thos Relf, Mr. W^m Murfree, Mr. Jacob Blount, Mr. Griffith Jones, Mr. James Davis, Mr. Jos: Bryan that he had Executed the same.

It is therefore Ordered That the Public Treasurer pay the sum of £14.10 to the said Sergeant and that the same be repaid the said Treasurer by the said Members (to-wit) £2.1.6 Each.

Mr. Harnett laid before the House the Report of the Committee Appointed at November Session of Assembly 1758 to view Fort Johnston &c. as follows (to wit)

We the Subscribers being appointed by a Resolve of the Assembly in November Session 1758 to view Fort Johnston at the mouth of Cape Fear River and to report the present Condition thereof Do find the Scituation Convenient and was the fort finished Agreeable to the proposed plan would be a great Protection to the trade of that River.

But we are sorry to report that its present Appearance does no ways Answer the large sums Expended in Erecting it, the back part (being the remains of the first Palisadoed Fort is Rotten and falling in Ruins) the fort being now built of Stone below and Tably work above is good, but not yet carried high enough. The Platforms are rotten, the barracks not built neither is there a Magazine or Well. We have not seen the Commissioners account which puts it out of our Power to report how the money hath been Applied, but would recommend it to the House to Order that their Accounts may be laid before the Committee of Public Accounts for their Inspection.

We are of Opinion that it will be for his Majesty's Service to have the said Fort Finished and that the agreeing with an Undertaker for a sum Certain to Compleat it in a short time under proper Regulations will be the most saving method, and that in the mean time,

a Sufficient Number of Men under one officer may be kept in pay there to guard the Guns, Stores &c which is submitted by—

SAM^l SWANN
JOHN STARKEY
COR^s HARNETT

On Motion, Resolved his Excellency be addressed to direct the Commissioners of Fort Johnston to lay their Accounts of the Moneys by them laid out and Expended in building the said Forts before the Committee of Public Accounts that the said Committee may make a Report thereon to this House.

Mr. Johnston moved for leave to bring in a Bill for adjourning the County Court of Edgecomb and other purposes.

Ordered he have leave and that he prepare and bring in the same.

Mr. Johnston brought in the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Johnston and Mr. Churton.

Sent the following Message to his Excellency the Governor—
viz^t—

SIR—This House having under Consideration the State of Fort Johnston Desire your Excellency will be pleased to Direct the Commissioners of the said Fort to lay the Account of the Money by them laid out and Expended thereon before the Committee Appointed to state and settle the Public Accounts of this Province.

S. S. S.

20th December 1759.

Then the House adjourned till to morrow Morning 9 o'Clock

Fryday the 21st of December 1759. The House met according to Adjournment

Received from the Council the Bill for Establishing a Court of Kings Bench Courts of Common Pleas and Courts of Oyer and Terminer and General Goal Delivery for the province of North Carolina

Endorsed 21st December 1759 In the Upper House read the first time and passed.

And the Bill for Establishing a Town on the Land formerly Granted to William Churton Gent^a lying on the North Side of the River Enoe in the County of Orange

Endorsed 17th December 1759. In the Upper House read the third time and passed.

Ordered to be engrossed.

Then the House adjourned till 3 °Clock Afternoon

P. M. The House met according to adjournment

On Motion Ordered the Bill for Establishing a Court of Kings Bench Courts of Common Pleas &c be Committed for Amendments to Mr. Jones, Mr. Starkey, Col Harvey, Mr. Johnston, Mr. Maurice Moore, Mr. Wynns, Mr. Caswell, and that they report to the House the Amendments necessary thereto.

Then the House Adjourned till tomorrow morning 9 °Clock

Saturday the 22^d December 1759 The House met according to Adjournment

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House have resolved That the Committee who viewed Fort Granville by order in July last be allowed the sum of Thirty Eight Pounds and five shillings for Sloop hire and Expences on that Service—And that the Committee who viewed Fort Dobbs by order of the House be Allowed Nine pounds for their Expences on that Service and that the said Two sums be paid by the Commissioners out of the Money Appropriated for the use of the said Forts to which desire your Honours Concurrence. S. S. Speaker.

By order WM. HERRITAGE Clk

22^d December 1759.

Sent the above message to the Council by Mr. Harris and Mr. Churton.

Mr. Harnett presented the Petition of Several Tanners and Merchants in behalf of themselves and others—Setting forth that thro' the Great Mortality of the Stocks of Cattle in this Province belonging to the Inhabitants, thereby the said Stocks are greatly Diminished—Praying a Bill may be brought in to prevent the driving Cattle out of this province &c—which Petition he read in his Place and on Motion Ordered the said Petition lye on the Table for Consideration.

Then the House adjourned till Monday Morning 9 °Clock.

Monday 24th December 1759 The House met according to adjournment

Mr. Jones from the Committee to whom the Bill for Establishing a Court of Kings Bench, Courts of Common Pleas &c was Committed—Reported that the Committee had considered the said Bill and proposed several Amendments thereto which he laid before the house.

The House approved of the said Amendments and ordered they be Inserted in the said Bill the same was accordingly Inserted

Then on motion Ordered the said Bill be read a second time Read the said Bill a second time with the said Amendments passed and Ordered to be sent to the Council

Then the House adjourned till Wednesday morning 9 °Clock.

Wednesday 26th December 1759. The House met according to adjournment

Mr. Houston moved for leave to bring in a Bill to alter the method of Working on the roads in the County of Duplin

Ordered he have leave and that he prepare and bring in the same.

Mr. Houston brought in the above mentioned Bill which he read in his place passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Wyatt and Mr. Spruel

Then the House adjourned till 9 °Clock tomorrow morning.

Thursday the 27th December 1759. The House met according to Adjournment.

Resolved, the following Message be sent to His Excellency the Governor Viz^t

SIR—His Majesty having thought proper to repeal the Act of Assembly for Establishing Supreme Courts, the Assembly have prepared a Bill for Constituting Courts of Justice within this Province in which they have taken Especial Care to preserve to his Majesty his just rights and prerogative and to obviate the Objections which Occasioned the repeal of the said Act But as the Extensive Settlements of this Province render it Impracticable for Suitors Jurors Evidences and others to Attend a Supreme Court of Judicature at any one place within the Government, The Assembly would propose to Divide the province into five Several Districts and a Court may be Established in Each of them Invested with Competent powers for Executing the Laws and rendering the Administration of

Justice easy and Expeditionous and would therefore desire your Excellency to Appoint proper places for holding such Courts at, That the Assembly may Proceed to perfect the said Bill.

Sent the above Message by Mr. Jones and Mr. Moore.

Mr. Jones acquainted the House that he together with Mr. Moore had according to Order waited on his Excellency the Governor with the above Message and that his Excellency directed them to acquaint the House That such places as the Assembly should appoint (to-wit) New Bern, Wilmington, Edenton, Halifax and Salisbury would be agreeable to him and by Order the said places are Accordingly Inserted in said Bill.

Received from the Council the Bill for Enlarging the time allowed for saving Lotts in the Town of Halifax &c. Endorsed 21st December 1759. In the Upper House read the first time and passed.

The Bill to Enable the Commissioners of Port Bath and Port Beaufort to amend the Navigation &c. Endorsed 21st of December 1759. In the Upper House read the second time and passed.

And the Bill for Erecting Part of the Counties of Chowan, Bertie and Northampton. Endorsed 21st Dec 1759. In the Upper House read the second time Amended and passed.

Then the House Adjourned till 3 °Clock Afternoon

P. M. The House met according to Adjournment

On Motion, Ordered, the Bill for Establishing a Court of King's Bench Courts of Common Pleas and Courts of Oyer and Terminer and General Goal Delivery for the Province of North Carolina be sent to the Council by Mr. Wynns and Mr. Smith

Sent the same to the Council by Mr. Wynns and Mr. Smith.

Then the House Adjourned till 9 °Clock tomorrow Morning.

Friday the 28th of December 1759. The House met according to Adjournment.

Mr. Davis moved for leave to bring in a Bill for Appointing Commissioners for finishing the Court house Already begun in the Town of New Bern and for other purposes.

Ordered he have leave and that he prepare and bring in the same.

Mr. Davis brought in the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Ward and Mr. Joⁿ Jones

On Motion Ordered, the Bill to Enable the Commissioners of Port Bath and Port Beaufort to amend the Navigation and for other purposes be read the third time. Read the same a Third time amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Ward and Mr. Jones.

On Motion, Ordered, the Bill for Enlarging the time allowed for saving Lots in the Town of Halifax &c, be read the second time, Read the same a second time passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Ward and Mr. Jones.

Pursuant to the Order of Friday the 14th Instant Sent the Bill for Granting an Aid to his Majesty &c. to the Council by Mr. Ward and Mr. Jones.

Then the House adjourned till 3 o'Clock Afternoon.

P. M. The House met according to Adjournment

Mr. Jones moved for leave to bring in a Bill for the Appointment of Vestries

Ordered he have leave and that he prepare and bring in the same.

Mr. Jones brought in the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Johnston and Major Harvey.

Received a written Message from his Excellency the Governor—
Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

I having by his Majesty's Orders by Commission Appointed a Store keeper for the Ordnance Stores sent as a Present to this province for fort Johnston and for the use of this province to the Value of £3,448 Sterling and taken Security of £2,000 Sterling for the discharge of his Trust and to be Accountable for the same And am Ordered to annex a Proper Salary to the said Office and to recommend it to the Assembly to provide for the payment thereof, And as I find that only £12 proclamation Money p Annum has been hitherto allowed for the Store keeper which is not Equivalent for the Trouble, Care and Correspondence he must Carry on with the Ordnance Board, and not suitable for a Gentleman Commissioned and recommended by his Majesty to the Assembly, I must therefore recommend it to you to provide a suitable Salary to the Office Equivalent

to the Trust Care and Trouble Attending the same pursuant to my Orders from his Majesty.

ARTHUR DOBBS.

December 27th 1759.

On, Motion, Resolved the said Message lye for Consideration
Then the House adjourned till to morrow morning 9 °Clock.

Saturday the 29th December 1759. The House met according to Adjournment.

On Motion, Ordered the Bill for Erecting part of the Counties of Chowan, Bertie and Northampton into a County and parish be read the third time. Read the same a Third time amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Wynns and Mr. Caswell.

Received from the Council the Bill for Establishing a Court of King's Bench, Courts of Common Pleas &c.

Endorsed 29th Dec 1759—In the Upper House read the second time amended and passed

Received from the Council the Bill to Enable W^m Dry Esq to finish Fort Johnston at the Mouth of Cape Fear—And the Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province

Endorsed 29th Dec 1759—In the Upper House read the second time amended and passed

Received from the Council the Message of the 7th Instant regarding the allowance of £20 to Elizabeth Chappel and also the Resolve of this House of the 22^d Instant for an Allowance to the Committees who viewed Fort Granville and Fort Dobbs at Corè Sound—the latter Endorsed Dec 27th 1759—the former Endorsed 29th Dec 1759—In the Upper House—Concurred with. MATT ROWAN P. C.

On Motion, Ordered the Bill for Establishing a Court of Kings Bench Courts of Common Pleas and Courts of Oyer and Terminer and General Goal Delivery for the Province of North Carolina be read the third time Read the same a third time Amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Gray and Mr. Bravard.

Then the House adjourned till 3 °Clock Afternoon

P. M. The House met according to Adjournment

Then the House adjourned till Monday Morning 10 °Clock.

Monday the 31st of December 1759—The House met according to Adjournment

Received from the Council the Bill to Impower Lawrence Thompson his Heirs &c to Collect the 2 shillings Tax in Orange County &c— And the Bill for Erecting Part of the Counties of Chowan, Bertie and Northampton into a County and Parish The former Endorsed 21st Dec 1759—The latter Endorsed 29th Dec 1759—In the Upper House read the third time and passed

Ordered to be Engrossed

And the Bill to Enable the Commissioners of Port Bath and Port Beaufort to amend the Navigation and for other purposes Endorsed 29th Dec 1759—In the Upper House read the third time and passed.

Ordered to be engrossed.

Mr. Jones moved for leave to bring in a Bill to amend an Act Intituled an Act for Building and maintaining of Court Houses, Prisons and Stocks in every County within this Province and appointing Rules for each County Prison for Debtors.

Ordered he have leave and that he prepare and bring in the same.

Mr. Jones brought in the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Gray and Mr. Bravard.

Then the House adjourned till 3 °Clock Afternoon.

P. M. The House met according to Adjournment

On motion Ordered The Bill for the better Management of Orphans and their Estates be read a second time. Read the same a second time amended passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Major Harvey and Col^o Mackay.

Then the House adjourned till to-morrow morning 9 °Clock.

[For Journals of succeeding days of the Session see A. D. 1760.—
EDITOR.]

1760.

LEGISLATIVE JOURNALS—CONTINUED.

[In the Upper House]

Tuesday 1st January 1760. The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Harvey & Col. MacKay, A Bill for the better Management & Security of Orphans and their Estates, And by Mr. Bell & Mr. Wynne, A Bill for dividing the Parish of Christ Church in the County of Craven.

On Motion, Ordered the Bill for Establishing a Court of Kings Bench & Courts of Common Pleas etc be read; Read the same the third time.

Ordered that the following Message be sent to the Assembly. Viz^t

MR. SPEAKER & GENT^l OF THE ASSEMBLY.

On reading a third time the Bill for Establishing a Court of Kings Bench & Courts of Common Pleas etc, This House think the following Amendments necessary to wit, That the Restrictive Clause on the Chief Justice concerning the Clerks should be struck out. That the Clause should be reinstated (which you have *Dele^d*). That where the Parties live in different Districts the Plaintiff should have his Choice in bringing his Action in the Court of Kings Bench or where the Defendant lives. That the Salaries for the Justices of the Kings Bench being too much, we think One Thousand Pounds an adequate Compensation for their Services. That a Clause be inserted when the Chief Justice sets off to hold any Court and should be delayed by sickness or any other unavoidable accident he should have the Twenty Six Pounds allowed him by this Bill for holding such Court. That a Poll Tax be laid for paying the Justices of the Kings Bench, and that the Clauses for appropriating the sinking fund for that purpose be struck out. To which Amendments if your House agree please to send such of your Members as you shall think proper to see the same done.

On Motion, Ordered the Bill for dividing the Parish of Christ Church in the County of Craven be read; Read the same the first time & Rejected.

On Motion, Ordered the Bill to amend an Act, intituled an Act for building & maintaining of Court Houses, Prisons & Stocks in every County within this Province etc. And a Bill for appointing Commissioners for finishing the Court House already begun in the Town of New Bern etc be read.

Read the said Bills the first time & passed.

On Motion.—Ordered the Bill for enlarging the time allowed for saving Lots in the Town of Halifax etc, And a Bill for granting an Aid to his Majesty etc be read.

Read the said Bills the second time & Passed.

Then the House adjourned till 3 o'Clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Then the House adjourned till 9 o'Clock to-morrow morning.

Wednesday 2nd January 1760. The House met. according to Adjournment.

Present.

| | | | | | |
|------------------------|---|--------------|-----------------------------|---|-------------------|
| The Hon ^{ble} | { | Mathew Rowan | LewisDe Rossett | } | Esq ^{rs} |
| | | James Hasell | Rich ^d Spaight & | | |
| | | John Dawson | Charles Berry | | |

Then the House adjourned till 3 o'Clock in the Afternoon.

The House met according to Adjournment.

Present as above.

Received from the Assembly the following Message.

GENT^l OF HIS MAJESTY'S HON^{ble} COUNCIL.

In answer to the several particulars mentioned in your Message of yesterday relative to the Bill for Establishing a Court of Kings Bench & Courts of Common Pleas etc., The Assembly would observe, That the practice of the Chief Justice, in exacting from the Clerks a considerable part of the Legal Fees, has occasioned them to be guilty of great extortion, whereby the proceedings in the Supreme Courts have been scenes of Oppression, & the Conduct of the Chief Justice and his Clerks, subject matter of Universal Complaint. That the deceased Mr. Henley (whose Death every one who wishes to see the hands of Government strengthened, the Laws duly executed & Justice impartially administered very justly Laments) from a pious sense of the obligation of an Oath, conformed to the Law of One Thousand seven Hundred & Forty Eight, for regulating Officers

Fees. Therefore this Assembly thought themselves in Duty to their Constituents bound to provide against the pernicious Effects of the contrary conduct. However as the Assembly would fain hope that the present Chief Justice will think Mr. Henley's laudable example in this particular worthy of Imitation, they would propose to alter the Bill, so as to leave Mr. Berry, in that respect under the same circumstances, as Mr. Henley was by the aforesaid Act, if that is agreeable to your House.

In respect to striking out the Clause for appropriating the sinking Fund, the Assembly would desire to inform your House, that the contingent Fund is now £2000 in arrear, & that no Method appears so Eligible to them as borrowing money from that Fund to discharge those Arrears & replacing the same in the manner mentioned in that Clause, but if you think the Tax for that purpose is to take place at too remote a distance of time, this House would propose to replace the same by a Tax of one Shilling p^r Poll to commence in the Year 1763.

As to the other Matters in your Message proposed as Amendments, the Assembly cannot consistant with the Valuable Designs of the Bill agree to them, therefore desire you will pass the Bill without such alterations being made.

If you approve of the Alterations above mentioned the Assembly will send two of their Members to see Clauses proper for those Purposes inserted in the Bill.

2nd January 1760.

SAM^l SWANN Speaker.

Received from the Assembly by Mr. Smith & Mr. Harris,

A Bill for appointing Commissioners for finishing the Court House already begun in the Town of Newbern etc.

A Bill directing the Method of appointing Jury-men etc.

A Bill for appointment of Vestries.

A Bill for enlarging the time allowed for saving Lots in the Town of Halifax etc.

A Bill to amend an Act, intituled, An Act for Building & maintaining of Court Houses, Prisons, Stocks etc. And

A Bill to amend an Act for appointing Sheriffs and directing their Duty in office and for compelling Collectors of Public Taxes and Persons entrusted with Public Money to apply and account for the same.

On motion, Ordered the Bill for enlarging the time allowed for saving Lots in the Town of Halifax etc. be read. Read the same the third time and passed, Ordered to be Engrossed.

On motion, Ordered the Bill to amend an Act, intituled, An Act for Building and maintaining of Court Houses, Prisons, & Stocks etc be read. Read the same the second time & passed

On motion, Ordered the Bill for appointing Commissioners for finishing the Court House already begun in the Town of New Bern etc be read. Read the same the second time & Passed.

On motion, Ordered the Bill to amend an Act for appointing Sheriffs etc be read. Read the same the first time and passed.

On motion, Ordered the Bill for the appointment of Vestries be read. Read the same the first time and Passed.

On motion, Ordered the Bill directing the Method of appointing Jury-men etc be read. Read the same the second time and Passed.

On motion, Ordered the following Message be sent to the Assembly.

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY.

This House taking into Consideration your Message, relative to the Amendments we proposed to the Bill for Establishing a Court of Kings Bench, Courts of Common Pleas etc., We are sorry to find you persist in borrowing the Salaries for the Justices of the Kings Bench out of the Sinking Fund to be replaced by a Tax not to commence before the Year 1763.

We are of Opinion, that it would be much better to pay such Salary by a Poll Tax to be levied the ensueing year and therefore hope you will reconsider thereof & agree to insert the same in the Bill, and strike out of it all Clauses relating to the taking the Money out of the Sinking Fund & replacing it; In such case be pleased to send some of your Members to see the same & the other Amendments you have agreed to Inserted in the Bill.

Then the House adjourned till 9 o'clock to-morrow morning.

Thursday 3rd January 1760. The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Harris & Mr. Gray, a Bill to enable W^m Dry Esq^{re} to finish Fort Johnston etc.

And by Mr. Caswell and Mr. Bravard A Bill to amend an Act intituled An Act for appointing Sheriffs etc.

On motion, Ordered the Bill to amend an Act for appointing Sheriffs etc be read. Read the same the second time & Passed.

Then the House adjourned till 3 o'clock in the Afternoon.

The House met according to Adjournment

Present as before.

Then the House adjourned till 9 o'Clock to-morrow morning

Friday 4th January 1760. The House met according to Adjournment.

Present as before.

Received from the Assembly the following Message.

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

The Assembly have naturally [maturely] considered your Answer to the Message of this House of Yesterday, but are entirely at a loss for the Reasons that induce you to insist on disagreeing to the Proposal for appropriating the Money in the Sinking Fund, & therefore would observe, That what is proposed to be borrowed from that Fund, is not intended for paying the Salaries of the Justices of the Kings Bench only, as in your Message is intimated, but for payment of a Salary to the Chief Justice & Attorney General & discharging Claims due from the Publick which already amount to upwards of Two Thousand Pounds.

That obliging the Creditors of the Public to wait for payment of their Demands, till Money can be collected by a Poll Tax will be a Treatment Injurious, & very sensibly affect the credit of the Province, and as the Expedient by you proposed will not obviate these mischiefs & no other more Eligible occurs to the Assembly, they cannot consistent with their Duty recede from their Proposal, at the same time they would take notice, that in this particular they Act in conformity to Precedents on similar occasions, & particularly to one which was first proposed & afterwards insisted on by your House in 1754—i. e. when £2,800 was applied for payment of the Salary of the Chief Justice & Attorney General & defraying Contingencies of Government to be replaced in the proper Fund in four years by a Poll Tax, when the very Act that directed the signing the said Money Provided, that it should not circulate for any use whatsoever until his Majesty's approbation thereof was obtained, Notwithstanding all which the Assembly were so careful to avoid every objection against a Bill of such importance to the Country, That they forbore to insert the Clause for applying the Sinking Fund

until they had informed themselves that such an application was not repugnant to any instruction of His Majesty. The Assembly sincerely Lament being reduced to the disagreeable necessity of forming Bills to supply the place of those valuable Laws, which have been lately repealed, arising from misrepresentation from lucrative & Self-interested Views ever incompatible with the Public Good.

Your House may remember that allowing Salaries to the Chief Justice & Attorney General was at first intended by the Legislature as matter of Compliment (at a time when the Country was in much more affluent Circumstances than at present) and as no other Expedient can be found at this juncture of defraying that Expence, Than that above mentioned, should your House on that Account reject the Bill, care must undoubtedly be taken in forming any other for Establishing Courts of Justice to avoid inserting any Clause (however necessary) that will introduce the least charge on the Country.

These Considerations this House flatter themselves will not only convince you of the reasonableness, but necessity of retaining the Clause you Except to, and that you will pass the Bill with it. However should the Assembly be disappointed in this interesting Particular, they hope that instead of the valuable purposes by that Bill designed, their most sincere Endeavors to serve the Public will be accepted by their unhappy Constituents.

SAM^l SWANN Speaker.

3rd January 1760.

On motion, Ordered the Bill to enable Mr. Dry Esq^{re} to finish Fort Johnston etc be read. Read the same the third time and Passed. Ordered to be Engrossed.

On motion, Ordered the Bill for the better Management & Security of Orphans Estates etc be read. Read the same the second time amended and Passed.

Then the House adjourned till 9 o'clock to-morrow morning.

Saturday 5th January 1760. The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Smith & Mr. Jones, a Bill for the appointment of Vestries.

A Bill to amend an Act intituled, An Act for Building & maintaining of Court Houses, Prisons & Stocks etc.

A Bill to amend an Act for appointing Sheriffs and directing their Duty in Office etc. &

A Bill for appointing Commissioners for finishing the Court House already begun in the Town of New Bern etc.

On Motion, Ordered the Bill to amend an Act entitled an Act for building & maintaining of Court Houses, Prisons & Stocks etc.

A Bill for appointing Commissioners for finishing the Court House already begun in the Town of New Bern etc.

And a Bill to amend an Act for appointing Sheriffs etc be read. Read the said three Bills the third time & passed. Ordered to be Engrossed.

On Motion, Ordered the Bill for the appointment of Vestries be read; Read the same the third time & Passed, Ordered to be Engrossed.

Received from the Assembly by Mr. Hutchins & Mr. Churton A Bill to impower & direct the Commissioners of the Districts herein mentioned to lay out & make a road from the lower part of Anson County to Livingstones Creek Bridge on the bounds of New Hanover County.

On Motion, Ordered the said Bill be read, Read the same the first time & Passed.

On Motion, Ordered the following Message be sent to the Assembly.

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY.

On reading your Message of the 3rd instant relative to applying the Sinking Fund, we must observe, that the breaking in upon that Fund would be such a Wound to the Public Faith, that we cannot join with you in your request. We therefore hope you will naturally [maturely] consider the Consequences of having such an important Bill rejected as we cannot pass it without you agree with us in our Message of the 2nd Instant, which if you concur with, please to send such of your Members as you shall think fitt to appoint to see the same done.

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Then the House adjourned till 3 o'clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Received from the Assembly the following Message.

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

In Answer to your Message of this day, the Assembly would observe, that they are of Opinion with you, there ought not to be an Application of the Money in the Sinking Fund unless the Circumstances of Affairs made it absolutely necessary which at present is the Case it being impracticable to pay the Debts of the Public or render the valuable Purposes of that Bill, to which your Message relates effectual but by that Expedient. The sum proposed to be Borrowed will not exceed £2,500, & as that is to be replaced by a Tax to commence in the year 1763, The Assembly apprehend that such an Application cannot depreciate the Paper Currency of the Province nor prove of Prejudice to any Individual.

These are the sentiments of the Assembly (upon naturally [maturely] considering what you recommend) and what they cannot depart from; and therefore submit it to your House whether the Public Interest will not be better promoted by passing the said Bill agreeable to the Proposals of the Assembly, than by your Rejecting it. Should your House agree to pass the Bill agreeable to the said proposal, this House will send two of their Members to see the Necessary alterations made.

5th January 1760.

SAM^l SWANN Speaker.

On Motion, Ordered the Bill for Establishing a Court of Kings Bench & Courts of Common Pleas etc be read. Read the same the third time and Rejected; unless the Assembly shall send a Message to this House on Monday next consenting that the Clauses in the said Bill relative to the Sinking Fund be struck out.

Then the House adjourned till 9 o'Clock Monday morning.

Monday 7th January 1760. The House met according to Adjournment.

Present as before.

On Motion, Ordered the following Resolve be sent to the Assembly.

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY.

This House have Resolved that unless you agree to strike out of the Bill for Establishing a Court of Kings Bench, Courts of Common Pleas etc, The Clauses relative to applying the Sinking Fund the said Bill will be Rejected, To which Amendments if you agree please to send such of your Members as you may think proper to see the Alterations made.

Received from the Assembly by Mr. Hutchins & Mr. Harnett, a Bill to empower & direct the Commissioners of the Districts herein mentioned to lay out & make New Roads etc.

On Motion, Ordered the said Bill be read. Read the same the second time & Passed.

Received from the Assembly by Mr. Smith & Mr. Jones, a Bill for the Corporation of Wilmington.

On Motion, Ordered the said Bill be read. Read the same the first time and Passed.

Received from the Assembly the following Message:

GENT^{rs} OF HIS MAJESTY'S COUNCIL

Upon considering your Message of this Day relative to the Bill entituled a Bill for Establishing a Court of Kings Bench & Courts of Common Pleas etc The Assembly rather than see the Country reduced to such Confusion and Disorder as the want of proper Laws establishing Courts for the Administration of Justice must enevitably Introduce will agree to Expunge such other parts of the Bill as allow Salaries to the Chief Justice, Assistant Justices & Attorney General which we think a necessary Consequence of the other, and in Case you agree to this Proposal this House will send two of their Members to see the Bill altered accordingly.

7th January 1760.

SAM^l SWANN Speaker

On Motion, Ordered the aforesaid Message be taken into Consideration.

The same was taken into Consideration, And the Bill for Establishing a Court of Kings Bench, Courts of Common Pleas etc was put, and was rejected.

Received from the Assembly by Mr. Churton & Mr. Harris, a Bill for granting an Aid to his Majesty etc.

On Motion, Ordered the said Bill be read. Read the same the third time & Passed. Ordered to be Engrossed.

Then the House adjourned till 9 o'Clock to-morrow morning.

Tuesday 8th January 1760. The House met according to Adjournment.

Present as before.

On Motion, Ordered the Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province be read. Read the same the third time & Rejected.

On Motion, This House Resolved that no more New Bills be received into this House during this Session.

Received from the Assembly by Mr. Mackay & Mr. Gray, a Bill for the better Management & Security of Orphans & their Estates.

A Bill directing the Method of appointing Jury Men And a Bill to impower & direct the Commissioners of the District herein mentioned to lay out and make New Roads.

On Motion, Ordered the Bill to impower & direct the Commissioners of the District herein mentioned etc be read. Read the same the third time & Passed. Ordered to be Engrossed.

On Motion, Ordered the Bill for directing the Method for appointing Jury Men, and the Bill for the better Management & Security of Orphans Estates etc lie on the Table till this day Month.

Then the House adjourned till 9 o'Clock to morrow morning.

Wednesday 9th January 1760. The House met according to Adjournment.

Present as before.

Received from the Assembly the following Message Viz^t

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL

The Chairman of the Committee of Public Accounts, hath reported that Thomas Barker Esq^r Public Treasurer of the Northern District has paid into the said Committee £516.12.8 on the Sinking Fund; And that John Starkey Esq^r Public Treasurer of the Southern District has paid into the said Committee £626.12.8 on the same Fund.

This House have appointed a Committee of the whole House to see the said several Sums burnt at the House of John Campbell in Wilmington at One o'Clock this Day, & desire you will please to appoint a Committee of your House to be present and see the same done accordingly.

SAM^r SWANN Speaker

9th January 1760.

On motion, Ordered the following Message be sent to the Assembly, Viz^t

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY.

In Answer to your Message of this Day relative to burning the several Sums paid into the Committee of Accounts on the Sinking

Fund: This House have Resolved that a Committee of the whole House join your Committee to see the same done, agreeable to your Message.

On motion, Ordered the following Message be sent to the Assembly:

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY.

This House upon perusal of the Report of the Committee of Public Claims are of Opinion That Mr. Gregg be allowed the sum of £10 for ground rent & the use of his Wharf for two Years. Also that he be allowed the sum of £18.13.4 the Ballance due to him on his Agreement with the Committee of Council for the care of the Stores etc until the 1st December 1757.

And also that he be allowed as Store Keeper Commissioned by Order of His Majesty the sum of Fifty Pounds per Annum instead of £12, which your House have allowed, and which we can't think an Equivalent for his Services. To all which if your House agree, we shall pass the Claims.

Then the House adjourned till 3 °Clock Afternoon

The House met according to Adjournment.

Present.

| | | | | | |
|------------------------|---|------------------|---------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Rich ^d Spaight | } | Esq ^{rs} |
| | | John Dawson | and | | |
| | | Lewis De Rossett | Charles Berry | | |

Received from the Assembly the following Resolve.

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House have Resolved That the several Sums paid by the Public Treasurers into the Committee of Accounts (to-wit,) by Thomas Barker Esq^{re} Public Treasurer of the Northern District in Treasurers Notes redeemable the 10th day of December 1758 £1275 and in said Notes redeemable the 29th September 1758 £328 all Exclusive of Interest, by John Starkey Esq^{re} Public Treasurer of the Southern District in Treasurer Notes of the first Emission £490. In said Notes of the second Emission £2550. And also in said Notes of the third Emission £271.10—exclusive of interest also, which said several Sums this House have resolved be paid into the Hands of John Starkey Esq^{re} Public Treasurer of the Southern District by

the Chairman of the said Committee and be applied to the Purposes directed by the Bill for granting an Aid to his Majesty, for paying and subsisting the Forces & Militia now in the pay of this Province and for other Purposes to which desire your Honors Concurrence.

SAM^l SWANN Speaker

9th January 1760.

The above Resolve was taken into Consideration & Concurred with.

Received from the Assembly the following Message.

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House upon considering your Message relative to making Allowances to Mr. Gregg for the matters mentioned therein are of opinion; That such Allowances are unreasonable and therefore can't agree to your Proposals and Desire you will pass the Claims as they went from this House.

SAM^l SWANN Speaker.

9th January 1760.

Received from the Assembly their Estimates of Allowances, Wages etc of the several Members and Officers thereof, to which this House concurred.

Resolved that the Estimate of Allowances, Wages etc of the several Members Clerks and Officers of this House be sent to the Assembly for Concurrence.

The same was sent and received again from the Assembly concurred with.

His Excellency the Governor came to this House & sent a Message to the Assembly desiring the Immediate Attendance thereof with such Bills as have passed this Session and are Engrossed.

Whereupon Mr. Speaker attended by the House waited on His Excellency in the Council Chamber and presented him the following Acts.

1. An Act to amend and continue an Act for the better Regulation of the Militia etc.
2. An Act for granting an Aid to His Majesty etc.
3. An Act for the Appointment of Vestries.
4. An Act for erecting part of the Counties of Chowan, Bertie & Northampton into a County & Parish.

5. An act to Amend an Act for appointing Sheriffs, and directing their Duty in Office etc.

6. An Act to impower Lawrence Thompson, late Sheriff of Orange County to collect and receive a Tax of Two Shillings Proc: Money, laid on the Taxable Persons in the County of Orange, by an Act of Assembly of this Province passed in the 30th year of the Reign of our Sovereign Lord George the Second King etc.

7. An Act for enlarging the time allowed for saving Lots in the Town of Halifax etc.

8. An Act to enable W^m Dry Esq^{re} to finish Fort Johnston at the mouth of Cape Fear River.

9. An Act to enable the Commissioners of Port Bath and Port Beaufort to amend the Navigation, and for other Purposes.

10. An Act to impower and direct the Commissioners of the Districts herein mentioned to lay out and make New Roads.

11. An Act to Establish Warehouses for the Inspection of Tobacco in the County of Dobbs, & other purposes.

12. An Act for appointing Commissioners for finishing the Court House already begun in the Town of New-Bern, & for other purposes.

13. An Act for Establishing a Town on the Land formerly granted to William Churton Gent^l lying on the North side of the River Enoe, in the County of Orange.

14. An Act to amend An Act intituled an Act for building and maintaining of Court Houses Prisons & Stocks in every County within this Province etc.

To which Acts he was pleased to Assent.

Then His Excellency the Governor was pleased to dissolve this Assembly, & the same was accordingly Dissolved.

True Copy.

JN^o SMITH,

Clk of the Upp^r House of Assembly.

LEGISLATIVE JOURNALS—CONTINUED.

[Lower House of Assembly continued from page 132.]

Tuesday the 1st January 1760 The House met according to adjournment.

Received from the Council the Bill for the Appointment of Vestries. Endorsed 29th December 1759 In the Upper House read the first time and passed

On motion, Ordered, the Bill for Appointment of Vestries and also the Bill directing the Method of Appointing Jurymen &c be Committed to Mr. Jones, Mr. Ashe, Mr. Maurice Moore, Col^o Harvey and Mr. Starkey for Amendment and that they report to the House the Amendments necessary to the said Bills.

Mr. Davis moved for leave to bring in a Bill for dividing the Parish of Christ Church in the County of Craven.

Ordered he have leave and that he prepare and bring in the same.

Mr. Davis brought in the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Bell and Mr. Wynn.

Then the House adjourned for one Hour.

The House met according to Adjournment.

Received from the Council the Bill to amend an Act intituled an Act for building and Maintaining Court Houses, prisons &c. And the Bill for Appointing Commissioners for finishing the Court House in New Bern &c Endorsed 1st January 1760 In the Upper House read the first time and passed.

And the Bill for Granting an Aid to his Majesty &c And also the Bill for Enlarging the time for saving Lots in the Town of Halifax. Endorsed 1st January 1760. In the Upper House read the second time and passed

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTⁿ OF THE ASSEMBLY—

On reading a third time the Bill for Establishing a Court of Kings Bench and Courts of Common Pleas—This House think the following Amendments Necessary (to wit) That the restrictive Clause on the Chief Justice Concerning the Clerks should be struck out—That the Clause should be reinstated (which you have *dele^d*)—That the Parties live in different Districts the Plaintiff should have his Choice in bringing his Action in the Court of Kings Bench or where the Defendant lives.

That the Salaries for the Justices of the Kings Bench being too much we think One Thousand Pounds an Adequate Compensation for their Services. That a Clause be Inserted, when the Chief Justice sets off to hold any Court and should be delayed by sickness or any other unavoidable accident he should have Twenty six pounds allowed him by this Bill for holding such Courts.

That a Poll Tax be laid for paying the Justices of the King's Bench and that the Clauses for appropriating the Sinking fund for that purpose be struck out—to which amendments if your house agree please to send such of your Members as you shall think proper to see the same done

1st January 1760

Mr. Jones from the Committee to whom the Bill directing the Method of Appointing Jurymen in all Causes &c. was Committed reported that the Committee had drawn up several Amendments to the said Bill which he read in his place were approved of by the House and Ordered to be inserted in the said Bill—and the said Amendments are accordingly Inserted. And on motion Ordered the said Bill be read a second time. Read the said Bill a second time with the said Amendments passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Harris and Mr. Smith.

Then the House adjourned till 9 o'clock to-morrow morning.

Wednesday the 2^d January 1760. The House met according to adjournment

Resolved the following Message be sent to the Council Viz^t

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

In answer to the several particulars mentioned in your Message of yesterday relative to the Bill for Establishing a Court of Kings Bench and Courts of Common Pleas &c. The Assembly would Observe that the Practice of the Chief Justice in Exacting from the Clerks a Considerable Part of their Legal fees has Occasioned them to be guilty of great Extortion Whereby the proceedings in the Supreme Courts have been Scenes of Oppression, and the Conduct of the Chief Justice and his Clerks subject matter of Universal Complaint, That the deceased Mr. Henley (whose death every one who wishes to see the hands of Government strengthened the Laws duly Executed and Justice Impartially Administered) very justly laments from a Pious Sence of the Obligation of an Oath Conformed to the Law of 1748, for regulating Officers fees, Therefore this Assembly thought themselves in duty to their Constituents bound to Provide against the pernicious Effects of the Contrary Conduct. However, as the Assembly would fain hope that the present Chief Justice will think Mr. Henleys Laudable Example in this particular worthy of

Imitation, they would propose to alter the Bill so as to have Mr. Berry in that Respect under the same Circumstances as Mr. Henley was by the aforesaid Act is Agreeable to your House.

In respect to striking out the Clause for Appropriating the sinking Fund. The Assembly would desire to inform your House that the Contingent Fund is now £2,000 in arrear, And that no Method Appears so Eligible to them as borrowing Money from the fund to discharge those Arrears, and replacing the same in the Manner mentioned in that Clause; But if you think the Tax for that Purpose is to take place at too remote a Distance of time this House Would propose to replace the same by a Tax of one shilling p poll to Commence in the Year 1763.

As to the other Matters in your Message Proposed as Amendments the Assembly cannot Consistent with the valuable designs of the Bill agree to them—And therefore desire you will pass the Bill without such Alterations being made.

If you approve of the Alterations above mentioned the Assembly will send two of their Members to see Clauses Proper for those purposes inserted in the Bill

Sent by Mr. Harnett and Mr. Maurice Moore

Mr. Jones from the Committee to whom the Bill for Appointing Vestries was committed Reported several amendments to the said Bill which he read were approved of by the House and Ordered to be Inserted in the Bill the said amendments are Incerted accordingly.

Then on Motion ordered the said Bill be read a second time, Read the same a second time with the said Amendments passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Harris and Mr. Smith.

Mr. Johnston moved for leave to bring in a Bill to Amend an Act for appointing Sheriffs and Directing their Duty in Office and for Compelling Collectors of Public Taxes and persons intrusted with laying out Public Money to apply and Account for the same.

Ordered he have leave and that he prepare and bring in the same.

Mr. Johnston brought in the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

On Motion Ordered, the Bill for Enlarging the time for saving Lotts in the Town of Halifax be read the third time read the same a third time passed and Ordered to be sent to the Council.

On Motion, Ordered, the Bill to Amend an Act Intituled an Act for building and maintaining of Court Houses prisons and Stocks in Every County within this province and appointing rules for each County Prison for Debtors be read a second time, Read the same a second time passed and Ordered to be sent to the Council.

Sent the above three Bills to the Council by Mr. Harris and Mr. Smith

On motion, Ordered, the Bill for appointing Commissioners for finishing the Court House already begun in the Town of New Bern &c, be read a second time—Read the same a second time amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Harris and Mr. Smith.

Then the House adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment

Then the House adjourned till tomorrow morning 9 o'Clock

Thursday the 3^d of January 1760 The House met according to Adjournment

On Motion Ordered, the Bill to Enable W^m Dry to finish Fort Johnston at the Mouth of Cape Fear be read the third time. Read the same a third time Amended passed and Ordered to be sent to the Council.

Sent the said Bill to the Council by Mr. Harris and Mr. Gray

Received from the Council the following Message (to wit)

MR. SPEAKER AND GENTⁿ OF THE ASSEMBLY.

This House taking into Consideration your Message relative to the Amendments We proposed to the Bill for Establishing a Court of King's Bench, Courts of Common Pleas &c. We are sorry to find you persist in borrowing the Salaries for the Justices of the King's Bench out of the sinking Fund [to] be replaced by a Tax not to Commence before the year 1763. We are of Opinion that it would be much better to pay such salary, by a Poll Tax to be levied the Ensuing year, and therefore hope you will reconsider, And agree to insert the same in the Bill and strike out of it all Clauses relating to the taking the money out of the sinking Fund and replacing it. In such Case be pleased to send some of your Members to see the same And the other Amendments you have Agreed to Inserted in this Bill.

2nd January 1760.

On Motion Resolved, the said Message be committed to Mr. Jones, Mr. Starkey, Col^o Harvey, Mr. Johnston, and Mr. Maurice Moore to draw an answer thereto and lay the same before the House for Approbation.

Received from the Council the Bill for appointing Commissioners for finishing the Court House already begun in New Bern, And the Bill directing the Method of appointing Jurymen &c

Endorsed 2nd January 1760. In the Upper House read the second time amended and passed

And the Bill for Appointing Vestries And the Bill to Amend an Act Intitled an Act for Building and maintaining Court Houses &c.

Endorsed 2nd January 1760 In the Upper House read the second time and passed

And Also the Bill to amend an Act for appointing Sheriffs &c.

Endorsed 2^d January 1760 In the Upper House read the first time and passed.

Received from the Council the Bill for enlarging the time allowed for saving Lots in the Town of Halifax preventing the Building wooden Chimneys therein and other purposes.

Endorsed 2nd January 1760. In the Upper House read the third time and passed

Ordered to be engrossed.

On Motion, Ordered the Bill to Amend an Act for Appointing Sheriffs and Directing their Duty in Office &c be read the second time. Read the said Bill a second time amended passed and Ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Caswell and Mr. Bravard

Received from the Council the Bill to Amend an Act for Appointing Sheriffs and directing their Duty in Office &c.

Endorsed 3rd January 1760 In the Assembly read the second time and passed

On Motion Ordered, the Bill for Appointing Commissioners for Finishing the Court House already begun in the Town of New Bern be read the third time read the same a Third time amended and passed.

The Bill to amend an Act Intitled an Act for Building and maintaining a Court House Prison and Stocks in every County within this province &c be read a third time. Read the said Bill a third time, Amended and passed

The Bill to amend an Act for Appointing Sheriffs and directing their Duty in Office &c. be read a third time Read the said Bill a Third time and passed

And the Bill for the Appointment of Vestries be read a third time.
Read the same a Third time Amended and passed. •

Ordered the said four Bills be sent to the Council

Sent the above four Bills to the Council by Mr. Smith and Mr. Jones

Mr. Jones from the Committee Appointed to prepare an Answer to the Message of this day from the Council Reported that the Committee prepared an Answer to the said Message to which he laid before the House the said Answer was read by the Clerk Approved of by the House and Ordered to be sent to the Council and is as follows

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

The Assembly have maturely considered your Answer to the Message of this House of Yesterday but are entirely at a loss for the reasons That induce you to insist on disagreeing to the Proposal for the appropriating the Money in the Sinking fund And therefore would observe that what is proposed to be borrowed from that Fund is not intended for paying the Salaries of the Justices of the Kings Bench only as in your Message is Intimated but for Payment of a Salary to the Chief Justice and Attorney General and discharging Claims due from the Public which already Amount to upwards of £2000.

That obliging the Creditors of the Public to wait for payment of their Demands till money can be collected by a Poll Tax will be a Treatment Injurious and very sensibly Effect the credit of the Province, And as the Expedient by you proposed will not Obviate these Mischiefs and no other more Eligible Occurs to the Assembly they cannot Consistent with their Duty recede from the said proposal At the same time they would take Notice that in this particular they Act in conformity to precedents on similar Occasions and particularly to one which was first proposed and afterwards insisted on by your House in the Year 1754 i. e. when £2,800 was applied for payment of the Salaries of the Chief Justice and Attorney General and defraying Contingencies of Government to be replaced in the proper Fund in four years by a Poll Tax when the very Act that directed the signing the said Money Provided that it should not circulate for any use whatsoever untill his Majestys Approbation thereof was obtained Notwithstanding all which the Assembly were so carefully to avoid every objection against a Bill of such Importance to the Country that they forbore to Insert the Clauses for applying the sinking

Fund until they had informed themselves such an Application was not Repugnant to any Instruction of His Majesty.

The Assembly sincerely Lament being reduced to the disagreeable Necessity of forming Bills to supply the place of those valuable Laws which have lately been repealed arising from Misrepresentation, Lucrative and self interested views ever incompatible with the Public Good.

Your House may remember That allowing Salaries to the Chief Justice and Attorney General was at first Intended by the Legislature as matter of Complement at a time when the Country was in much more Affluent Circumstances than at present (as no other expedient can be found at this Juncture of defraying that Expence than that above mentioned should your House on that Account reject the Bill care must undoubtedly be taken in forming any other for Establishing Courts of Justice to avoid inserting any Clause (however necessary) that will introduce the least Charge on the Country.

These considerations this House flatter themselves will not only Convince you of the Reasonableness but necessity of retaining the Clause you except to, And that you will pass the Bill with it—However should the Assembly be disappointed in this Interesting Particular they hope that instead of the valuable purposes by that Bill designed their most sincere endeavours to serve the Public will be accepted by their unhappy Constituents.

3rd Janry 1760.

S. S. S.

Sent the above Message by Mr. Jno. Harvey, Mr. Benjⁿ Harvey, Mr. Harnett, Mr. Ashe, Mr. Davis and Mr. Wynns.

Mr. Anthony Hutchins moved for leave to bring in a Bill to Impower and direct the Commissioners of the Districts herein mentioned to lay out and make a road from the lower part of Anson County to Livingstones Creek Bridge on the Bounds of New Hanover County.

Ordered, he have leave and that he prepare and bring in the same.

Mr. Hutchins brought in the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Hutchins and Mr. Churton.

Then the House adjourned till to morrow Morning 9 °Clock.

Friday the 4th January 1760—The House met according to Adjournment

Received from the Council the Bill for Better management and Security of Orphans and their Estates.

Endorsed 4th January 1760—In the Upper House read the second time amended and passed

Then the House adjourned till 9 o'clock to morrow morning.

Saturday the 5th January 1760—The House met according to Adjournment

Received from the Council the Bill to Enable W^m Dry Esq^r to finish Fort Johnston at the Mouth of Cape Fear River.

Endorsed 4th January 1760—In the Upper House read the third time and passed.

Ordered to be Engrossed

On Motion the House resolved that no more Bills be Received in the House after this day.

Mr. Starkey Chairman of the Committee of Claims Reported That the said Committee had settled and allowed sundry Claims which were read and after some Alterations therein made by the House the same were approved and allowed of Then on Motion, Resolved That the Allowances therein mentioned for the Indians be for the future discontinued.

It appearing to the House by the report of the Committee of Public Claims that the Guns therein mentioned are an annual Expence to the Province—It is therefore on motion Resolved That His Excellency the Governor be addressed to direct the said Guns be delivered to such of the Officers of the Militia of this province (for the use of the said Militia) as he shall think proper.

Mr. Harnett Chairman of the Committee of Public Accounts Reported that the Committee had stated and settled the Public Accounts as ~~the~~ Report Exhibited to the House which being read were approved and allowed of by the House.

Received from the Council the Bill to Amend an Act entitled an act for Building and maintaining of Court House Prisons and Stocks in every County in this Province &c. The Bill to amend an Act for appointing Sheriffs and directing their Duty in Office &c. The Bill for the Appointment of Vestries—and the Bill for Appointing Commissioners for finishing the Court house already begun in New Bern and other purposes. Endorsed 5th January 1760. In the Upper House read the third time and passed.

Ordered to be Engrossed.

And the Bill to Impower and direct the Commissioners of the Districts herein Mentioned to lay out and make a road from the lower part of Anson County to Livingston Creek Bridge on the bounds of New Hanover County. Endorsed 5th January 1760. In the Upper House read the first time and passed.

Received from the Council the following Message Viz^t

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY.

On reading your Message of the third Instant relative to Applying the sinking fund—We must observe that the breaking in upon that Fund would be such a wound to the Public Faith that we cannot join with you in your request We therefore hope you will maturely consider the consequences of having such an Important Bill rejected as we cannot pass it without you Agree with us in our Message of the second Instant which if you Concurr with please to send such of your Members as you shall think fit to Appoint to see the same done.

5th January 1760.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your Message of this day the Assembly would Observe that they are of Opinion with you there ought not to be an Application of the Money in the Sinking fund unless the circumstances of Affairs made it Absolutely necessary which at present is the Case it being impracticable to pay the Debts of the Public or render the Valuable purposes of that Bill to which your Message relates Effectual but by that expedient

The sum proposed to be borrowed will not exceed £2,500 and as that is to be replaced by a Tax to Commence in the year 1763 The Assembly apprehend that such an Application cannot depretiate the paper Currency of the Province nor prove of prejudice to any Individual, Those are the sentiments of the Assembly (upon maturely considering what you recommend) and what they cannot depart from, And therefore submitted to your House whether the Public Interest will not be better promoted by passing the said Bill agreeable to the Proposals of the Assembly than by your rejecting it should your House agree to pass the said Bill agreeable to the said

Proposals this House will send two of their Members to see the necessary alterations made S. S. Speaker.

By Order W^m HERRITAGE Clk.

5th January 1760.

Mr. Harnett moved for leave to bring in a Bill for the Corporation of Wilmington

Ordered, he have leave and bring in the same.

Mr. Harnett brought in the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Smith and Mr. Jones.

Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to Adjournment

Then the House Adjourned till Monday Morning 10 o'clock.

Monday the 7th January 1760 The House met according to Adjournment

On motion, Ordered the Bill to Impower and direct the Commissioners of the District hereinafter mentioned to lay out and make roads &c, be read the second time. Read the same a second time amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Hutchins and Mr. Harnett.

Then the House adjourned till 3 o'clock Afternoon

P. M. The House met according to Adjournment

Received from the Council the following Message, Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

This House have Resolved That unless you this day agree to strike out of the Bill, for Establishing a Court of Kings Bench and Courts of Common Pleas &c The Clauses Relative to Apply^s the sinking fund the said Bill will be rejected, To which Amendment if you agree please to send such of your Members as you may think proper to see the Alterations made.

7th January 1760.

Resolved, the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL.

Upon Considering your Message of this day relative to the Bill Intituled a Bill for Establishing a Court of King's Bench and Court of Common Pleas &c The Assembly rather than see the County reduced to such Confusion and disorder as the want of Proper Laws Establishing Courts for the Administration of Justice must Inevitably Introduce The Clause you mention. If you will agree to Expunge such other parts of the Bill as allow Salaries to the Chief Justice, assistant Justices and Attorney General, which we think a necessary consequence of the other and in Case you agree to this proposal this House will send two of their Members to see the Bill altered accordingly.

7th January 1760.

Sent the above Message to the Council by Mr. Coutanch and Mr. Ward.

Received from the Council the Bill to Impower and direct the Commissioners of the Districts herein mentioned to make new roads &c. Endorsed 7th January 1760. In the Upper House read the second time and passed

And the Bill for the Corporation of Wilmington Endorsed 7th January 1760. In the Upper House read the first time and passed .

On Motion, Ordered the Bill for Granting an Aid to His Majesty &c, be read the Third time. Read the same a third time Amended passed, and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Churton and Mr. Harris.

Then the House adjourned till 9 o'clock to morrow morning

Thursday the 8th January 1760. The House met according to Adjournment

On Motion, Ordered the Bill to impower and direct the Commissioners of the Districts herein mentioned to lay out and make new roads be read a third time. Read the same a third time amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Mackay and Mr. Gray.

On Motion, Resolved the House Resolve into a Committee of the whole house to consider the Amendments necessary to the Bill for the Corporation of Wilmington and report the same to the House.

The House resolved into a Committee of the whole House for the Purposes aforesaid and then unanimously chose Mr. John Starkey

Chairman who took the Chair Accordingly—After some time spent the Committee prepared several Amendments to the said Bill which Mr. Chairman was directed to report to the House for Approbation.

Then on Motion Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had proposed several Amendments to the said Bill which he laid before the House for Approbation.

The same were read Approved of and directed to be inserted in the said Bill The same are accordingly Inserted—Then on Motion Ordered the said Bill be read a second time with the said Amendments—Read the same a second time with the said amendments—then on Motion the Question was put whether the said Bill pass or not and was carried in the negative

On Motion Ordered, The Bill for the better management And security of Orphans and their Estates be read a third time—Read the same a third time amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Mackay and Mr. Gray.

Received from the Council the Bill for Granting an Aid to his Majesty for Paying and subsisting the Forces and Militia now in the Pay of this Province and for other Purposes. Endorsed 7th January 1760 In the Upper House read the third time and passed

Ordered to be engrossed.

Sent the reports of the Committee of Public Accounts and Claims to the Council for Concurrence by Mr. Mackay and Mr. Gray.

On Motion Ordered The Bill directing the Method of Appointing Jurymen in the Inferior Courts be read the third time Read the same a third time Amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Mackay and Mr. Gray.

The House took under Consideration his Excellency's Message of the 27th December last regarding the fixing a Salary for a Store keeper for the Ordnance Stores sent from his Majesty for the use of this Province and thereupon Resolved That as the Subject Matter of the said Message had been formerly under Consideration of this House in full Assembly and a Resolution thereon made and Concurred with by His Majesty's Council That the same be referred till the next Session of Assembly for further Consideration as many of the Members of this House are now absent.

Resolved, the following Message be sent to his Excellency the Governor Viz^t

Sir The Assembly having Considered your Message of the 27th ult^o relative to the Providing a proper Salary for the Storekeeper of the Ordnance Stores sent by his Majesty for the use of Fort Johnston are of Opinion that the subject matter of the same was formerly under the Consideration of this House and a resolution agreed to thereon which was Concurred with by his Majesty's Council the same ought to be maturely Considered in full Assembly and many members of this House who were then present being now absent, This House have resolved, that the said Message be referred to the Consideration of the next Session of Assembly—8th January 1760.

Sent the above Message by Mr. Coutanch and Mr. Ward.

Received from the Council the Bill to Impower and direct the Commissioners of the Districts herein mentioned to lay out and make new Roads. Endorsed 8th January 1760. In the Upper House read the third time and passed.

Ordered to be Engrossed.

Then the House Adjourned till to-morrow morning 9 o'clock.

Wednesday the 9th January 1760. The House met according to Adjournment.

Resolved the following Message be sent to the Council viz^t

GEN^l OF HIS MAJESTYS HON^{ble} COUNCIL.

The Chairman of the Committee of Public Accounts hath reported that Thomas Barker Esq^r Public Treasurer of the Northern District has paid into the said Committee £516.12.8 on the Sinking Fund and that John Starkey Esq. Public Treasurer of the Southern District has paid into the said Committee £626.12.8 on the same Fund This House have Appointed a Committee of the whole house to see the several sums burnt at the House of John Campbell in Wilmington at one o'clock this day and desire you will please to appoint a Committee of your Members to be present and see the same done accordingly.

By Order W^m HERRITAGE Clk.

9th January 1760.

Sent by Mr. Davis and Mr. Smith.

Thomas Barker Esq. Public Treasurer of the Northern District having paid into the Committee of Public Accounts in Treasurers Notes redeemable the 10th day of December 1758 £1275 principal exclusive of Interest, and in said notes redeemable the 10th of November 1757 £80 Exclusive of Interest and also in said Notes redeemable the 29th September 1758 £328 Exclusive of Interest, And that John Starkey Esq^r Public Treasurer of the Southern District having also paid in Treasurers notes of the first Emission £490 Exclusive of Interest and in said notes of the second Emission £2550 Exclusive of Interest and also in said notes of the third Emission £271.10 Exclusive of Interest which said several sums amount to £4994.10 This House have resolved that the said sums be paid to the aforesaid John Starkey Esq^r Treasurer of the Southern District by the Chairman of the said Committee and be applied to the purposes directed by the Bill passed this session of Assembly for Granting an Aid to His Majesty for paying and subsisting the forces and Militia &c.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House have resolved That the several sums paid by the Public Treasurer of the Northern District in Treasurers Notes redeemable the 10th December 1758 £1275 and in said notes redeemable the 10th November 1757 £80 and also in said notes redeemable the 29th September 1758 £328 all exclusive of Interest by John Starkey Esq^r Public Treasurer of the Southern District in Treasurers Notes of the first Emission £490 in said notes of the second Emission £2550, and also in said notes of the third Emission £271.10 Exclusive of Interest also which said several sums This House have resolved be paid into the hands of John Starkey Esq^r Public Treasurer of the Southern District by the Chairman of the said Committee and be applied to the purposes directed by the Bill passed this Session of Assembly for Granting an Aid to His Majesty for paying and subsisting the forces and Militia now in the pay of this province and for other purposes to which desire your Honors Concurrence.

SAM^l SWANN Speaker.

By Order W^m HERRITAGE Clk.

9th January 1760.

Received from the Council the following Message Viz^t

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY.

In answer to your Message of this day relative to burning the several sums paid into the Committee of Accounts on the sinking fund This House have resolved that a Committee of the whole house join your Committee to see the same done agreeable to your Message

9th January 1760.

Resolved, that it be an Instruction to the Public Treasurers That they for the future keep an Account for every Sheriff within their respective Districts Annually and therein Debit such Sheriff for all the Taxes wherewith he stands Chargable and State the Ballance due to the Public (if any) and that such Accounts be kept in proper Books to be provided for that purpose and from time to time laid before the General Assembly for the Approbation

Received the following Message from the Council Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

This House upon perusal of the report of the Committee of Claims are of Opinion That Mr. Gregg be allowed the sum of £10 for Ground rent and the use of his wharf for two years. Also That he be allowed the sum of £18.13.4 the ballance due to him on his Agreement with the Committee of Council for the Care of the Horses &c until the first of December, 1757.

And also that he be allowed as Storekeeper Commissioned by Order of his Majesty the sum of fifty pounds p annum instead of £12 which your House have allowed and which we cant think an Equivalent for his Service to all which if your House agree we shall pass the Claims

9th Jan^{ry} 1760.

Resolved the following Message be sent to the Council Viz^t—

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House upon considering your Message relative to making allowance to Mr. Gregg for the matters Contained therein therefore cant Agree to your Proposals and desire you will pass the Claims as they went from this House.

SAM^l SWANN Speaker

By Order

W^m HERRITAGE Clk

9th Jan^{ry} 1760.

Sent by Mr. Harris and Mr. Churton.

Received from the Council the Message of this day, sent to them regarding the Treasurers Notes &c. Endorsed 9th January 1760. In the Upper House—Concurred with.

JAS HASELL P. C.

The Chairman of the Committee of Accounts paid in the House to John Starkey Esqr Public Treasurer of the Southern District The Treasurers Notes which were paid into the said Committee mentioned in and Agreeable to the Resolve of the House of this day.

His Excellency the Governor sent a Message requiring the attendance of this house in the Council Chamber with what Bills are Engrossed

Mr. Speaker Attended by the House waited on His Excellency the Governor in the Council Chamber and Mr. Speaker presented him the following Engrossed Bills

1. The Bill for Granting an Aid to his Majesty for paying and subsisting the forces and Militia now in the pay of this Province &c.

2. The Act for appointing Vestries

3. The Act for Erecting part of the Counties of Bertie Chowan and Northampton into a County and Parish

4. The Act to amend an Act for Appointing Sheriffs &c.

5. The Act to Impower Lawrence Thompson late Sheriff of Orange to Collect and receive a tax of 2 shillings proe Money &c

6. The Act to Enlarge the time for saving Lotts in Halifax.

7. The Act to enable W^m Dry Esq to finish Fort Johnston &c

8. The Act to enable the Commissioners of Port Bath and Port Beaufort to amend the Navigation.

9. The Act to Impower and direct the Commissioners of the Several Districts herein mentioned to make new Roads &c.

10. The Act to Establish Ware Houses for Inspection of Tobacco in Dobbs County &c

11. The Act to Amend an Act Intituled an Act for Building and maintaining a Court House prison and Stocks in every County in this Province &c

12. An Act for Appointing Commissioners for finishing the Court House already begun in the Town of New Bern &c.

13. An Act for Establishing a Town on the Land formerly Granted to W^m Churton Gen^t on the North side of the River Enoe in the County of Orange.

To which 13 Bills his Excellency was pleased to Assent and then dissolved this Assembly.

[B. P. R. O., NORTH CAROLINA. B. T. VOL: 14. E. 10.]

5 Jan'y 1760

NORTH CAROLINA—SS.

Reports of the Committee of both Houses of Assembly met at Wilmington to examine, state and settle the Public Accounts of this Province the fifth day of December Anno: Dom. 1759.

Present.

The Hon^{ble} { James Hasell
John Rieussett } Esq^{rs} Members of his
John Dawson } Majesty's Hon^{ble} Council

{ Mr. John Harvey Mr. Jos: Herron.
Mr. George Moore Mr. Mich: Coutanche } Members of
Mr. Benj: Harvey Mr. Cor: Harnett } the Assembly
 Mr. Mau: Moore

The Committee having met made choice of Mr. Corn: Harnett for chairman who took his Place accordingly and at the same time nominated William Herritage Clerk of the said Committee.

Thomas Barker Esq^{re} Public Treasurer of the Northern District Exhibited his several accounts to your Committee (by the hands of Mr. Samuel Johnston) on oath (viz:)

Fol. 1. His account of the sinking fund whereby it appears he has received of the several sheriffs and of the Collector of the duty on spiritous Liquors in Port Roanoke Five Hundred and Sixteen Pounds Nine shillings and Four Pence Exclusive of his Commissions which Mr. Johnston paid in to the hands of your Committee.

Fol. 2. His account of the Nine Penny Aid whereby it appears he has received from the several Sheriffs four Hundred and five pounds seventeen shillings and one penny and that he has paid including his commissions One hundred and sixty two pounds and four pence and there remains a Ballance in his hands of two hundred forty three pounds sixteen shillings and nine pence for which he produced a voucher and lodged the same with your Committee.

Fol. 3. His account of the first two shilling Aid thereby it appears that he has received from the several Sheriffs three thousand seven hundred and fifty eight pounds two shillings and two pence exclusive of his commissions which remains in his hands.

Fol. 4. His account of the printing Tax thereby it appears a balance of two hundred and eighteen pounds five shillings and nine pence remained in his hands on the last settlement with your then Committee and that he has since received from the several Sheriffs

one hundred and six pounds eight shillings and five pence farthing and that he has paid including his commissions one hundred and sixty five pounds six shillings and five pence for which he produced vouchers and lodged them with your Committee and there remains in his hands a ballance of one hundred fifty nine pounds seven shillings and nine pence farthing due to the Public.

Fol. 5. His account of the second four shillings and six penny Tax and two shillings for Public Debts whereby it appears a Ballance due to him of Five hundred pounds and three pence and also a Ballance due to him of three hundred and ten pounds on account of the nine Thousand five hundred pound Grant by the report of a former Committee and has now paid in Notes redeemable the tenth of December one thousand seven hundred and fifty eight, the sum of one thousand three hundred and forty four pounds twelve shillings and three pence with the Interest thereon by Mr. Samuel Johnston into the hands of your Committee which with his Commissions on the said Notes and also his Commissions on one thousand eight hundred and forty pounds fifteen shillings and two pence which he has received of the several Sheriffs a Ballance of four hundred and nineteen pounds six shillings and seven pence remains due from the public to him.

Fol: 6. His account of the seven thousand pound Grant whereby it appears that he had in his hands last settlement with a former Committee in notes one thousand nine hundred and forty-one pound and since has received of the Collector on the dutys of Spirituous Liquors for the Port of Roanoke the sum of sixty seven pounds eleven shillings and ten pence and that he has paid including his Commissions one thousand nine hundred and twenty eight pounds eleven shillings and six pence for which he produced Vouchers and lodged them with your Committee and there remains a Ballance in his hands of eighty pounds and four pence due to the Public.

Fol: 7 & 8. His account of the contingent Tax Whereby it appears that he has received including a Ballance due to him as settled by a former Committee of one hundred and eighty three pounds five shillings and six pence the sum of Six hundred and sixty three pounds three shillings and six pence and that he has paid including his Commissions one thousand two hundred and ninety seven pounds twelve shillings and six pence for which he produced Vouchers and lodged them with your Committee and there is a Ballance due to him of six hundred and thirty four pounds and nine shillings from the Public.

Fol. 9. His account of the Emission of Notes by Act passed in December one thousand seven hundred and fifty eight whereby it appears that he had in said Notes to emit two thousand pounds and that he has paid two thousand and forty pounds including his Commissions for signing &c: and the sum of one thousand six hundred and fifty pounds which he sent to Mr. Starkey and for the receipt of which he produced a Voucher which is lodged with your Committee and there appears a Balance due to him of forty pounds from the Public.

Fol. 10. His account of the third four shilling and six penny aid whereby it appears that he had a Ballance in his hands due to the Public as settled by a former Committee the sum of twenty nine pounds eleven shillings and two pence which still remains in his hands.

Fol. 10. His Account of the first four shilling and six penny Aid whereby it appears a Ballance of one thousand and six hundred and fifty six pounds four shillings and eight pence due to him from the Public as settled by a former Committee and likewise a Ballance of one hundred and thirteen pounds one shilling and two pence due to him from the Public on account of the five thousand three hundred and six pound Grant-which two sums including his Commissions and three hundred and fifty one pound and eleven pence paid by Mr. Johnston to your Committee in Notes redeemable the twenty ninth day of September one thousand seven hundred and fifty eight and the Interest thereon amounts to two thousand one hundred and twenty seven pounds eighteen shillings and two pence and that he has received from the Sheriffs and Clerks eighty one pounds five shillings and one half penny so that there remains a Ballance due from the Public of two thousand and forty six pounds thirteen shillings and one penny half penny.

Fol. 11. His account of the second two shilling aid whereby it appears a Ballance due to him from the Public as settled by a former Committee of four hundred and sixteen pounds thirteen shillings and three pence which with sixteen shillings for his Commissions and eighty two pounds three shillings and five pence in Notes redeemable the tenth day of November one thousand seven hundred and fifty seven and paid in to your Committee by the hands of Mr. Samuel Johnston amounts to four hundred and ninety nine pounds twelve shillings and eight pence which sum is due to him from the Public.

John Starkey Esq^r Public Treasurer of the Southern District exhibited his several accounts to your Committee on oath viz:

N^o 1. His account of the Ballance of the sum granted to erect a Fort at Bear Inlet by which it appears he had in his hands and also by the report of your former Committee at November Session in the year one thousand seven hundred and fifty eight one hundred ninety two pounds three shillings and three pence which sum he has paid pursuant to a Resolve of both Houses for the use of the Militia under the command of Col^o Waddell by a Warrant from the Governor and to be replaced out of the next Grant and for which he produced a Voucher and lodged the same with your Committee.

N^o 2. His account of the money granted to erect Fort Granville whereby it appears a Ballance in his hands and also by a report of your Committee at November Session one thousand seven hundred and fifty eight of one hundred and twenty five pounds fourteen shillings and ten pence three farthings and that he has since received of the nine penny Tax to make up one thousand pounds together being the one half of the two thousand pounds borrowed out of the Money appropriated for Fort Granville and to be replaced by the said nine penny Tax seventy six pounds five shillings and one penny farthing which two sums amount to two hundred and two pounds out of which he has paid Cap^t M^cNair two hundred pounds for which he produced a Voucher and lodged the same with your Committee which with his Commissions Ballances the said account.

N^o 3. His account of the Sixpenny Tax for building public offices at Wilmington whereby it appears a Ballance was in his hands of eleven shillings and eight pence three farthings and that he hath since received of John Steward late Sheriff of Cumberland for Part of Taxes for the year one thousand seven hundred and fifty six one pound four shillings and nine pence which sums he has paid to John Dubois and lodged the Voucher thereof with your Committee.

N^o 4. His Account of the nine thousand five hundred pounds Grant whereby it appears a Ballance is in his hands of one pound ten shillings and four pence and a further Ballance of the Frontier Expedition of eight shillings and two pence which two sums amount to one pound eighteen shillings and six pence and is carried to his account of Contingencies—N^o 15.

N^o 5. His account of the six shilling and six penny Taxes for the year one thousand seven hundred and fifty eight to redeem the nine thousand five hundred pounds Grant for the Forces and Public Debts by which it appears he has received of the several Sheriffs

only one hundred and fifty four pounds sixteen shillings and two pence three farthings and that he has delivered to your Committee Treasurers Notes to the amount of One hundred and forty seven pounds one shilling and five pence three farthings which with his Commissions Ballances the said sum by him received.

Nº 6. His account of the four shilling and six penny Tax for the year one thousand [seven] hundred and fifty nine and the two penny Duty on Spirituous Liquors from the twenty eighth day of April one thousand seven hundred and fifty eight to redeem the seven thousand pounds Notes issued for the Virginia Expedition by which it appears that he has received of Mr. Richard Fenner and the Executors of Colº Thomas Lovick deceased twenty eight Pounds sixteen shillings and five pence and that he has paid in to your Committee Treasurer notes to the amount of Twenty seven pounds seven shillings and eight pence which with one pound eight shillings and nine pence his commissions on the said Twenty eight pounds sixteen shillings and five pence Ballances that sum.

Nº. 7. His account of the two shilling Tax for the year one thousand seven hundred and fifty six to redeem the *six* three thousand four hundred pounds for Fords and Frontier company also two hundred pounds issued by mistake and applyed towards the South Carolina expedition by which and by the Report of your Committee at November Session in the year one thousand seven hundred and fifty eight it appears that there was due to him Four hundred and eighty nine pounds three shillings and eleven pence which with three pounds one shilling and nine pence half penny—for his Commissions amount to four hundred and ninety two pounds five shillings and eight pence half penny and that he has received from two Sheriffs the sum of sixty one pounds sixteen shillings and three pence half penny and on the account of the five thousand three hundred and six pounds granted in the year one thousand seven hundred and fifty seven four hundred and thirty pounds nine shillings and five pence which ballances this account

Nº. 8. His account of the four shilling and six penny Tax for the year one thousand seven hundred and fifty-seven also the Tax on Law suits to redeem the five thousand three hundred and six pound notes issued for the South Carolina expedition by which and by the report of your Committee at November Session in the year one thousand seven hundred and fifty eight it appears he had in his hands three hundred and eleven pounds thirteen shillings and nine pence farthing which with the sums by him since received of the several

Sheriffs and Clerks amount to one thousand five hundred and thirty one pounds eight shillings and ten pence and credits this account for the Ballance in his account (N^o. 7) above mentioned of four hundred and thirty pounds nine shillings and five pence and his Commissions sixty pounds nineteen shillings and nine pence which two sums with *the* one thousand and thirty nine pounds nineteen shillings and eight pence in Treasurers Notes paid in to your Committee Ballances the account.

Fol. 9. His account of three thousand seven hundred and fifty pounds part of the seven thousand pounds in notes granted in the year one thousand seven hundred and fifty nine which he issued By which it appears he had in his hands (and by the report of your Committee at November Session in the year one thousand seven hundred and fifty eight) four hundred and eighty six pounds eighteen shillings and that he has since received from Mr. Barker in notes of the same emission five hundred and eighty two pounds which two sums amount to one thousand and sixty eight pounds eighteen shillings and that he has paid to Mr. John Campbell for Cap^t Baileys company by Warrant from the Governor as follows

| | £ | s | d |
|--|-------|----|---|
| To said Campbell | 28 | 0 | 0 |
| Ensign Groves for s ^d company | 456 | 18 | 0 |
| Capt M ^c Nair | 229 | 15 | 0 |
| Cap ^t Richard Quince | 5 | 12 | 0 |
| Cap ^t Bailey for part of D ^o | 348 | 13 | 0 |
| | <hr/> | | |
| | £1068 | 18 | 0 |

Which Ballances this account.

N^o 10. His account of four thousand pounds granted in the year one thousand seven hundred and fifty eight by which it appears that he issued two thousand pounds and received of Thomas Barker Esq^{re} one thousand six hundred and fifty pounds of the same Grant which sum amounts to three thousand six hundred and fifty pounds and that he has paid by his Excell^{ty} Warrants as follows (viz^t)

| | | | |
|--|-------|----|---|
| To Cap ^t Hugh Waddell | 550 | 0 | 0 |
| D ^o | 600 | 0 | 0 |
| D ^o | 775 | 14 | 4 |
| Cap ^t Bailey | 449 | 8 | 0 |
| D ^o | 818 | 7 | 0 |
| Cap ^t M ^c Nair | 86 | 10 | 8 |
| his Commissions | 40 | 0 | 0 |
| | <hr/> | | |
| | £3320 | 0 | 0 |

he has also paid the Bounty to sixty six Men at Five pounds each which in the whole amounts to three thousand six hundred and fifty pounds for which he produced Vouchers and lodged them with your Committee whereby this account is ballanced.

N^o 11. His account of the four penny Tax for the Printer and Post by which it appears that he has received of the several Sheriffs the sum of one hundred and five pounds one shilling and seven pence farthing and that there was a Ballance due to him by the report of your Committee at November Session one thousand seven hundred and fifty eight of thirty five pounds sixteen shillings and six pence which sums with forty pounds paid to the Post Master by Warrant and his Commissions of Five Pounds five shillings amount to eighty one pounds one shilling and six pence and there remains Twenty Four Pounds and one penny due to the Public.

N^o. 12. His account of the Nine penny Tax to replace the two thousand pounds appropriated for Fort Granville and six thousand pounds for erecting a school &c. by which it appears that he has received of the several Sheriffs Two hundred and thirty six pounds seven shillings and five pence three farthings and that he has paid seventy six pounds five shillings and one penny farthing to replace the thousand pounds borrowed of Fort Granville which is carried to the account of the said Fort and eleven pounds sixteen shillings and eight pence his Commissions on the two hundred and thirty six pounds seven shillings and five pence three farthings which with one hundred and forty eight pounds five shillings and eight pence half penny he paid in Treasurers Notes to your Committee Ballances this account.

N^o. 13. His account of the Two shillings Tax to replace two thousand pounds appropriated for Public Buildings and seven thousand two hundred pounds appropriated for purchasing Glebes &c. by which and by the report of your Committee at November Session in the year one thousand seven hundred and fifty eight it appears that he had in his hands one thousand and five hundred and forty-five pounds eleven shillings and ten pence farthing that he has since received of the several Sheriffs six hundred and thirty pounds nine shillings and six pence which said two sums amount to two thousand one hundred and seventy six pounds one shilling and four pence farthing and that he has paid into the hands of your Committee two thousand one hundred and forty four pounds eleven shillings and four pence farthing in Treasurers Notes which with thirty one pounds ten shillings for his Commissions Ballances this account.

Nº. 14. His account of the Sinking Tax and four penny duty on spirituous Liquors by which it appears he has received of the several Sheriffs and the Receivers of the said duty six hundred and fifty nine pounds twelve shillings and two pence farthing and paid into the hands of your Committee six hundred and twenty six pounds twelve shillings and seven pence half penny which with thirty two pounds nineteen shillings and seven pence for his Commissions Balances this account.

Nº. 15. His account of the one shilling and six penny Tax for contingency's whereby it appears that he had in his hands last settlement one hundred and Twenty eight pounds nineteen shillings and eight pence and that he has received from the several Sheriffs and others seven hundred and forty eight pounds one shilling and seven pence half penny and one pound eighteen shillings and six pence in his hands as p his account (Nº. 4) which three sums amount to eight hundred and seventy eight pounds nineteen shillings and nine pence half penny and that he has paid including his Commissions nine hundred and fifty four pounds nine shillings for which he produced Vouchers and lodged them with your Committee and there remains a Ballance due to him of seventy five pounds nine shillings and two pence half penny.—Your Committee must observe that Mr. Barker has not furnished them with a List of the number of Taxables nor an account of the Debts due to the Public in his District therefore earnestly recommend it to the House to direct him to furnish future Committees with an exact number of Taxables and an account of Debts due to the Public in his District and if any errors should hereafter appear in the foregoing reports they may be rectified as your Committee have not either of the Treasurers accounts passed with former Committees nor any papers belonging thereto before them.

John Dubois Esq^{re} one of the Trustees for building Prison and Office in Wilmington exhibited his Account on Oath to your Committee Whereby it appears he has received of John Markey [Starkey] Esq^{re} One other of the Trustees for building the said Prison and Office two hundred and four pounds fifteen shillings and four pence and that he has regularly expended in building the said Goal and for several materials towards building the said Office, One hundred and eighty pounds thirteen shillings and five pence and there is a Balance in the hands of the said John Dubois of twenty four pounds one shilling and eleven pence.

Your Committee is of opinion that William Herritage be allowed for officiating as Clerk of your Committee and for stationary Ware

the sum of thirty pounds—And that Mr. John Campbell be allowed for a room fire and candles and expences for your Committee this session the sum of five pounds

CORN^l HARNETT Chairman
JOHN HARVEY.
GEO: MOORE.
BEN: HARVEY.
MICH: COUTANCHE
MAURICE MOORE.

Your Committee observe that John Mackey Esq^{re} has annexed to his accounts exhibited to your Committee a list of outstanding Debts due to the Public to which your Committee refers.

5th Jan^{ry} 1760.

The foregoing reports were read & approved of and allowed by the House to which desire your Hon^{rs} concurrence.

SAM: SWANN Speaker

By order W^m HERRITAGE. Clk.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 6.]

NORTH CAROLINA—SS.

Reports of the Committee of Public Claims held at Wilmington Thursday the 6th day of December Anno Dom: 1759.

Present.

| | | |
|----------------|---|--|
| The Honourable | { John Swann Richard Spaight } | Esq ^{rs} Members of the Council. |
| | { John Starkey William Mackey John Ashe Edward Vail Richard Caswell William Bartram Benjamin Wynns } | Esquires Members of the Assembly. |

The Committee being met at the House of Mr. William Wilkins proceeded to make choice of a Chairman Mr. John Starkey was chose accordingly and at the same time Andrew Knox was appointed Clerk to the said Committee.

Ordered that the Clerk set up an Advertisement requiring all persons that have any Public Claims to attend at the said Wilkins on Friday Evening next and so every evening as business may require during this Session.

Friday Dec^{ber} the 7th

Mr. John Melton Sheriff of Onslow County was allowed his Claim of Ten pounds proc^d money as his Sallary for the year 1757, he having fully accounted with the Treasurer and paid all the Taxes for that year ----- 10 0 0

Mr. John Webster Sheriff of Hyde County was allowed his Claim of Ten pounds proc^d Money as his Sallary for the year 1757, he having fully accounted with the Treasurer & paid all the Taxes for that year ----- 10 0 0

Mr. Stephen Cade Sheriff of Johnston County was allowed his Claim of Ten pounds proclamation money as his Sallary for the year 1756. He having fully accounted with the Treasurer and paid all the Taxes for that year ----- 10 0 0

Mr. William Skinner Sheriff of Perquimans County was allowed his Claim of Ten pounds proclamation money as his Sallary for the year 1758 He having fully accounted with the Treasurer and paid all the Taxes for that year ----- 10 0 0

Mr. Thomas Davison was allowed three pounds six shillings and eight pence proc^d money for Twenty five pounds old Bills delivered into your Committee ----- 3 6 8

Jacob Lash one of the Moravian Brethren was allowed Twenty five pounds seven shillings and ten pence proclamation money For provisions &c: found the Cherokee Indians as by Acco^t Filed with your Committee ----- 25 7 10

John Peters one of the Moravian Brethren was allowed his Claim of fourteen pounds four shillings and six pence proclamation money for provision &c: found the Cherokee Indians as by Acco^t Filed with your Committee ----- 14 4 6

Thomas Beden was allowed his Claim of Five pounds three shillings and four pence proc^d money for Entertainment for the Catawba & Tuskarora Indians at Wilmington by the Governor's order as by Acco^t Filed ----- 5 3 4

Salathial Mixon late Soldier in Cap^t John Pains Company was allowed five pounds proclamation money for returning from Fort Du Quesne to this Province, agreeable to act of Assembly ----- 5 0 0

Mr. James Gregorie was allowed three pounds ten shillings for the use of a Horse impressed from him, on an Express from South Carolina to Virginia ----- 3 10 0

Luke Deane of Rowan County was allowed his Claim of eight pounds fourteen shillings and four pence proc^d money being an Acco^t of Feriages Provisions for the Indians and

other services as by his Account Filed with your Committee ----- 8 14 4

William Wilkins was allowed one pound twelve shillings being the Coroner and Jurors Fees on an Inquisition taken on the body of Thomas Peather who was drowned in Smith's Creek near Wilmington he having no Estate ----- 1 12 0

William Teague was allowed his Claim of Eighty pounds proclamation money for a Negro man named Isaac who was executed in New Bern in 1758 for Felony as appears by a Copy of the Proceedings of the Court who tryd said Negro lodged with your Committee ----- 80 0 0

William Pratt was allowed his Claim of seventy five pounds proclamation money for a man named Charles who was executed at New Bern in 1758 for Felony as appears by a Copy of the Proceedings of the Court who tryd said Negro Lodged with your Committee ----- 75 0 0

Samuel Cotten was allowed two pounds six shillings and eight pence proc^d money for the use of a Horse impress'd from him on an Express from South Carolina to Virginia -- 2 6 8

Mr. John Brown former Sheriff of Bladen County was allowed his Claim of sixteen [pounds] proclamation money as his Sallary for the years 1749 & 1750 to be paid to Edward Bryan and Isaac Jones they having paid his Debt to the Public ----- 16 0 0

Timothy Clear was allowed two pounds six shillings and eight pence proc^d money for the use of a Horse Impress'd from him on an Express from New Bern to Williamsburg ----- 2 6 8

Ulte Sherril of Rowan County was allowed Thirty five shillings for a Cow killed by the Indians for Provisions going to War ----- 1 15 0

The Hon^{ble} James Hassel Esquire was allowed Eleven pounds fourteen Shillings and two pence for money expended at Salisbury for Entertainment and presents for the Catawba Indians as by Account Filed ----- 11 14 2

Mr. John Pope former Sheriff of Edgecomb County was allowed his claim of Twenty four pounds proclamation Money as his Salary for the years 1753, 1754 & 1755 he having fully accounted with the Treasurer and paid all the Taxes for those years ----- 24 0 0

Mr. Giles Long late Sheriff of Tyrrell County was allowed his Claim of Ten Pounds proclamation money as his Salary

for the year 1758 he having fully accounted with the Treasurer and paid all the Taxes for that year ----- 10 0 0

Mr. James M^cManus of Anson County was allowed Ten Pounds proc^l money for his Claim for provisions found the Chara Indians as by Account Filed ----- 10 0 0

Richard Colthred was allowed Ten pounds proclamation money for his Trouble and expence in apprehending one Gordon (in Philadelphia and bringing him to this Town) upon suspicion of being concerned in a murder and robbery committed in Rowan county in this Province ----- 10 0 0

William Powel Esquire was also allowed six pounds fifteen shillings — proc^l money to be paid to Cap^t — Wheatley for the passage of said Gordon from Philadelphia to this Province ----- 6 15 0

John Campbell Esquire was allowed eight shillings Proclamation money for three pounds old Bills delivered into your Committee ----- 0 8 0

Michael Coutanch Esq^{re} was allowed nine shillings and four pence Proclamation money for three pounds ten shillings old Bills delivered into your Committee ----- 0 9 4

John Tilton Constable was allowed one Pound sixteen shillings Proclamation money for summoning Juries on three Inquisitions at Wilmington on the bodys of Thomas Peather, John Purcell & John Smith, they having no Estate ----- 1 16 0

Joshua Toomer Esquire was allowed three pounds five shillings and four pence proclamation money being the Coroner and Jurors fees on two of the aforesaid Inquisitions -- 3 5 4

William Bartram Esquire was allowed Twenty eight shillings and eight pence proc^l money being the Coroner and Constable fees on an Inquisition taken on the body of one William Lockin [who] was drowned in Bladen County He having no Estate ----- 1 8 8

Col: George Smith of Rowan County was allowed his Claim of fourteen pounds six shillings and eight pence proclamation money for provisions found the Catawba and Cherokee Indians as by account Filed with your Committee ---- 14 6 3

Col^o Smith was also allowed thirteen pounds eleven shillings and three pence Proclamation money for 50 pounds of powder & 85½ pounds of shot furnished the patrollers in Rowan County in the year 1755. by account Filed ----- 13 11 3

John Hawthorn of Anson County was allowed his claim of one pound Ten shillings Proclamation money for provisions found the Indians as by account Filed----- 1 10 0

John Elliot of Anson County was allowed his claim of one pound ten shillings Proclamation money for provisions found the Indians as by account Filed----- 1 10 0

John Brown of Anson County was allowed his claim of six pounds nineteen shillings and six pence proclamation money for provisions found the Indians as by account Filed 6 19 6

Thomas Morris of Anson County was allowed his claim of fifteen shillings proclamation money for provisions found the Indians as by account Filed----- 0 15 0

Pershaunah Sherril of Anson County was allowed ten pounds five shillings proclamation money for provisions found the Indians as by account Filed----- 2 5 0

Adam M^cCool of Anson County was allowed two pounds eighteen shillings and one penny proclamation money for provisions found the Indians as by account Filed----- 2 18 1

Robert Patrick of Anson County was allowed two pounds proclamation money for provisions found the Indians as by acco^t Filed ----- 2 0 0

Martha Hughes of Anson County was allowed sixteen shillings and two pence proclamation money for provisions found the Indians as by account Filed----- 0 16 2

N. B. The eight last claims to be paid to the Hon^{ble} Lewis De Rosset Esq^r he having paid the said claims.

Mr. William Powel was allowed thirty six pounds proclamation money for Seals to sundry commissioners Writs of Election &c: to this date as by account Filed-----36 0 0

Mr. Robert Jones was allowed thirty five pounds proclamation money as a Gratuity for prosecuting ten suits at Salisbury in Behalf of the Public (as Attorney General)-----35 0 0

Ezekiel Johnston was allowed Two pounds eleven shillings and four pence proclamation money for the use of a Horse Impress'd from him on an Express from Wilmington to Virginia ----- 2 11 4

Henry Hora was allowed his claim of Eight pounds proclamation money for an Express from Rowan County to the Governor at Wilmington to inform him of a murder committed by the Indians on the Frontiers----- 8 0 0

The Hon^{ble} Richard Spaight Secretary was allowed eighty five pounds nineteen shillings proclamation money being the amount of his Account rendered -----85 19 0

John Blythe Goal Keeper of New Hanover County was allowed Ten pounds proclamation money for maintainence & funeral charges for one John Smith a Felon who died in the said Goal he having no Estate-----10 0 0

Martin Fifer was allowed his claim of three pounds five shillings Proclamation money for his whole services in Bringing the Tools from the Catawba Fort at Salisbury & selling them. To be deducted out of Twenty two pounds sixteen shillings and eleven pence the amount of the said sale-- 3 5 0

Mr. Frederic Gregg was allowed Thirty two pounds for the use of his Cellers for the Ordnance Stores of Fort Johnston for Twenty four Months and Twenty four pounds for his care of the said Stores for Twenty four months agreeable to a resolve of Both Houses of Assembly at November Session 1757 also Twenty two pounds four shilling and ten pence being his charge for Negro hire &c-----78 4 10

Mr. Gregg was also allowed Forty six pounds seventeen shillings for so much money laid out by him for ammunition &c. for the use of Major Waddle and his Company by the Governor's order-----46 17 0

It is the opinion of your Committee that the said sum of Forty six pounds seventeen shillings be paid out of the sum appropriated out of the use of the two companys in the pay of this Province.

Mr. Gregg also claims Ten pounds for ground rent where the Magazine was built and for the use of his Wharf where some of the Cannon stands for two years which is referred to the Consideration of the House.

The House on Consideration of the above claim allow--- 6 0 0

John Alderson was allowed Four shillings and two pence proclamation money for thirty two shillings old Bills delivered into your Committee----- 0 4 2

Mr. John Walker Sheriff of Duplin County was allowed his claim of five pounds ten shillings & eight pence for his expences &c. in bringing down one John Smith in custody to Wilmington who was charged with Felony and died in Goal he having no Estate----- 5 10 8

William Wilkins was allowed five pounds proclamation
money for Committee room fire & candles &c----- 5 0 0

It is the opinion of your Committee that Andrew Knox
be allowed thirty pounds proc^l money for acting as Clerk to
your Committee-----30 0 0

Your Committee to avoid the trouble of Messages have
burnt the sum of Thirty three pounds two shillings old
Tenor paid into your Committee as by the above report--33 2 0

Your Committee observe that the Expence of supplying the In-
dians with Provision marching to and from the War amounts
annually to a considerable expence and as they conceive that their
assistance is now unnecessary, your Committee refers it to the consid-
eration of the House whether such allowance should be continued.

The House on consideration of the above observation resolved
the said allowance for provisions for the Indians be for the future
discontinued.

Your Committee further observe that there is a constant annual
charge for the care of about ninety broken guns at New Bern in the
possession of Daniel Duper Your Committee refers it to the house
whether it would not be a saving to the Public if the Governor
would be pleased to order them into the hands of the Officers of the
Militia.

| | |
|-----------------|---------------------------|
| JOHN STARKEY | BENJ ^a WYNNS |
| JOHN ASHE | WILL ^m BARTRAM |
| RICHARD CASWELL | W ^m MACKEY. |

5th Jan^{ry} 1750. In the Assembly.

The foregoing Claims were read and allowed of and desire your
Hono^{rs} Concurrence thereto.

SAM. SWANN Speaker.

By order W^m HERRITAGE Clk.

9th Jan^{ry} 1760. In the Upper House.

The foregoing Claims were read and allowed of and concurred
with.

JA. HASELL Esq^{re}.

By order J^{no} SMITH Clk.

[B. P. R. O. NORTH CAROLINA. VOL. 14. E. 1.]

Letter from Governor Dobbs.

MY LORDS [OF THE BOARD OF TRADE.]

I have nothing to acknowledge since my last of which I here send you a Duplicate but your letter of the first of August which came to my hands near the close of the last Session which sat longer than usual and at last broke up without passing any Bill for reestablishing any Act for the General Supream Courts of Justice having framed Bills up on Schemes calculated for their private Ends encroaching upon his Majesty's Prerogative the Chief Justices Rights and proposing to pay the Assistant Judges out of the sinking fund which the Council wou'd not agree to nor the other recede from so the Bills were rejected upon which after passing an Aid Bill such as they had agreed to for a scanty company of 30 Men and to pay such of the Militia as were ordered out against the Cherokees and some other Bills I by the advise of the Council dissolved the Assembly to give the Constituents an Opportunity of a new Election to pass proper Bills before new Cabals or Parties are formed to mis lead the Assembly and carry Jobs for themselves.

I herewith send your Lordships my Speech and the Addresses at the opening of the Session and my Speech upon the Dissolution; I also send you a Copy of the Superior Court Bill as it was brought into the House with the Alterations in it up on the second reading, when it was rejected by the upper House upon which the Assembly brought in a new Bill under a different Title which after many Alterations and Amendments continued until the 3^d Reading and up on the Assembly's insisting upon applying the fund for sinking the paper Bills to the payment of the Assistant Judges which they would not repay but by a small Tax to commence in 1763, the Council rejected the Bill, a Copy of which Bill I shall also send you when I get the Bills copied that were passed with the Journals: and then your Lordships will see whether Bills framed upon either plan or upon the General Court plan formerly repealed up on Account of the Clause in it for fixing the seat of Government with Courts of Assize and Oyer and Terminer will be most constitutional and advise me which to recommend in case I can have an answer before May, in which Month I propose holding the new Assembly—The Chief Justice Berry was here and I advised with him upon the whole affair, and appointed him one of the Council before the Close of the Session

according to my Instructions upon their not being 7. Councillors in the Province alive or capable of attending; there having been two suspended and one dead and two out of the Province one at Gibraltar, and the other in South Carolina so that there were but 7. in the Province and one of these Mr. Corbin refused attendance having not attended last May session, nor would attend this Session without making any excuse though properly admonished and Mr. Rieusset who attended the Beginning of the Session having been taken ill and got leave to return and the President afterwards taken ill and scarce able to attend by the unanimous Advice of the Council I suspended Corbin for non attendance and former Prevarications with the Council and upon it swore in the Chief Justice for had the President continued ill there then would not have been a Number to have made a House, so finding it for his Majesty's service and believing it would be agreeable to your Lordships I brought him into Council to assist at this critical time and if his Majesty is pleased to confirm Mr. Corbins suspension as he is now out of Lord Granville's Service I beg leave to recommend Mr. Child the Attorney General now resident here in Lord Granville's Agency as a proper person to succeed him, with the other Gentlemen I recommended before in place of Col. Innes and the two former suspended Members in case their suspension shou'd be confirmed which were Mr. Maurice Moore Mr. Alexander Maccullough Mr. Robert Palmer Surveyor General and Colonel John Sampson and when these vacancies are filled I expect the Council will be steady in supporting his Majesty's Prerogative and the Rights of the people.

I have also sent to your Lordships a Copy of Mr. Barkers accounts who is Treasurer of the Northern District, by which you will see in what Manner the public accounts are carried on, when not brought before and passed by the Council, and not properly audited, when thus undigested and passed by the Assembly having such Influence as Members and Treasurers over the Assembly as to influence them in their favour even to carry points against the Crown by being for Life. Mr. Starkey the other Treasurer for the Southern District has not furnished me with a Copy to send your Lordships and though he has returned an imperfect list of Taxables and a jumbled indistinct Arrear yet his manner of accounting is very irregular, and as he has been constantly acting against his Majesty's Prerogative and still attempting to enlarge the Power of the Assembly at the Crown's expence and is a declared Republican and having by the Honours granted him by the Crown of being Colonel of the Militia in his

County and the ruling Justice of the peace in the County Courts and being almost sole administrator or Executor over Orphans Estate in his County he has all his Accounts tho' unwarranted passed by the County Courts I by the unanimous advice of the Council have left him out of the Commission of the peace and I have also taken his Commission of Colonel from him that he mayn't by favour of the Crown have an undue influence over the County upon a new Election, as it is improper that a Treasurer should be a Member, and though your Lordships are of opinion very justly that it is improper to have the Bill at present repealed that appoints the Treasurers for Life until the Time the Tax expires in 1763 yet as it is a temporary Law and Tax and has a perpetual Clause slipped into the Bill I believe your Lordships will then think it advisable to repeal that Clause so that the Treasurers may rest as they are until that time.

I also laid your Lordships Memorial of April 1739 [1759] upon the Complaint of the Merchants about the Paper Bills of Credit before the Assembly. His Majesty's Instructions in pursuance of it not having arrived here till near the end of the Session which I then also laid before them But they would not be prevailed upon to frame any Bill to the purpose recommended for these Reasons That if any Bill should pass to prevent those Bills already passed from being a legal Tender it would immediately depreciate our present Bills to a discount of 300 p cent or perhaps more as happened to the Bills called the old Tenor which formerly fell from one pound to ten pounds discount and if such a Bill should pass and new Bills be issued hereafter without being a legal Tender neither old nor new would be current in Trade As there is n't present neither Gold nor Silver current in the Province it would effectually prevent Quit Rents from being received or any publick Taxes due to his Majesty for then distresses cou'd be only taken and if offered to sale there would be but few Buyers for want of Bullion to pay for them, and if a few persons had hoarded up a little Bullion they might purchase such Distresses at what price they pleased being a Monopoly to them This would raise a flame and the Government who have no regular force in the Province would be insulted and would have no Power to enforce the Law as appears by the late Riots to the Northward where Mr. Corbin was carried away by force.

The Assembly were also surprized to hear of such an Application to your Lordships as they can find no Merchants of any Weight from this Province who joined in the application nor had heard of any Creditors in England who had made such a Complaint and

therefore alledged they were persons drawn into petition by private solicitations of Persons of no Weight—For in this Province where protested Bills have been sued for with Damages the Jury generally give Damages with Interest equal to the discount upon Bills and not according to the nominal value of $33\frac{1}{3}$ p cent the proportion of paper Bills to sterling Money.

As this Instruction which I will and must adhere to until released from it has put an effectual stop to the issuing any future Notes for the publick service the Assembly had no other Method to raise the supplies for the current service to join in obtaining Justice from the Cherokees and to support the small company of Provincials till All Saints next, but by borrowing so much again from the Bills repaid to the schools as much as Answered the present Emergency (which thank God is now over by obtaining Justice and a future peace from the Cherokees) and what was due for Claims and the Expences of the Assembly to be paid in again by 1^s 8^d Tax for 3 years which sum when repaid is to be subject to his Majesty's Orders whether to be issued for building of schools or to be burnt with the other paper Money by the sinking fund.

As this Province suffers so much for want of a proper education of their youth as well as for want of a pious Clergy I leave it to your Lordships whether you won't think it prudent to advise his Majesty to allow it as it is paid in to be issued again towards the building of schools as well as other sums borrowed from the Bills for building churches and purchasing Glebes for the use of the Clergy and let the paper Bills be burnt annually by the sinking fund, for notwithstanding the Complaint of the paper discount the Province will in a few years be petitioning for a further currency of paper as there wont be a sufficient sum to pay Taxes and Quit Rents and to carry on Trade until by our Industry we get a Ballance in Trade which can only bring in Bullion to us.

I think it proper to inform your Lords^{ps} that the smallpox has got among the Indians the Cherokees and Catawbas and the accounts we have from these last are that great numbers have perished but as they have all dispersed in the Woods to avoid it they say there are not 40 of their Warriors left in their Towns and should they be much diminished so as not to make up a Nation they talk of removing to join the Creeks when I know the certainty I will further inform your Lordships and then you will form a Judgment how much land to allow them about their Towns I have passed a Bill to have Fort Johnston finished in two years time by private

contract for £2900 to be paid out of the powder money granted for a Term of years by the Assembly.

The Assembly proposed to apply the Fines and Forfeiture towards the payment of the assistant Judges Salaries but upon my informing them that I cou'd not pass the Bill without having his Majesty's previous consent they desisted, but as scarce any fines or forfeitures have been recovered if his Majesty should consent to have them so applied they might pass a Bill to have them properly collected which can't be done now without an Exchequer Court which it has been thought adviseable not to push for.

If your Lordships should think it adviseable to have a general court Bill with Courts of Assize and Oyer and Terminer you will find it proper to fix the seat of Government and have all the Offices kept together I therefore should be glad to know whether his Majesty would have the late Bill for fixing the seat of Government repealed here or will repeal it at home or whether he will approve of having it fixed as it is by that Bill and in case any money is allowed from the Parliament to this Province whether his Majesty wou'd apply a part of it to finish these publick Buildings since now no Bills can be issued upon that account I can't tell how that Money can be applied for as the Assembly have not applied for any Agent to be appointed and therefore it must lie over till next session. I dont doubt but the Chief Justice and Attorney General will acquaint your Lordships with the Objections made against the rejected Bills and therefore shall refer to their Letters.

I am with due respect My Lords &c.,

ARTHUR DOBBS.

Brunswick

19. January 1760.

[B. P. R. O. AM. & W. IND. VOL. 72.]

21 January 1760

Letter from Governor Dobbs.

SIR, [SECRETARY PITT.]

I have no Letters to acknowledge since my Letters of October the 14 and 31st duplicates of which I inclose with this, as I am informed a Vessel which carried the first was lost.

I herewith inclose to you a Copy of the Treaty Gov^r Lyttelton made with the Cherokees, in which he has obtained great honour by his heading the Troops and obtaining Satisfaction & a confirm'd

Peace without Blood; the few Provincials I sent and Militia were upon their March, but had not joined him before he concluded the Treaty, he having sent an Express to stop them; but am sorry to inform you of the dastardliness of our Militia, for of 500 who were drafted and ordered upon that Service they all deserted except about 80, which is entirely owing to their want of Education & Instruction, for want of schools and a pious Clergy to inspire them with Christian Principles; However the Name of our joining them made the Cherokees sensible that the 3 Provinces wou'd join against them, which with the glorious Conquest of Quebec brought them to reason.

I have also by this Conveyance sent you a congratulatory Address from the Council and Assembly of this Province to his Majesty upon the glorious success of our Arms, and our strong hopes that the Conquest of Mississippi and Mobile wou'd follow the Conquest of Canada which can only secure the future peace of these Southern Provinces, which will prevent any future American Wars with the French, and upon opening the Hudson Bay Trade will give us the whole Trade of the Northern Continent to Mexico—As we can spare now many Troops from New York, the Conquest will be easy, and may either follow or preceede the Conquest of the remaining Sugar Islands in one Campaign, as Providence assists us and our Troops are flushed with Success upon the vigorous Measures you have inspired in supporting the protestant Church and Cause of Liberty. I hope to live to see the Edict of Nantes restored, and to set about the Civilizing and converting the Natives of this great Continent upon a confirmed Peace, and that His Majesty may die the greatest Prince in Europe.

I am with true Regard Sir &c

ARTHUR DOBBS

Brunswick

21st Jan^{ry} 1760.

[FROM THE NORTH CAROLINA LETTER BOOK OF S. P. G.]

Letter from A. Dobbs to the Secretary.

BUNSWICK, 22^d Jan^{ry} 1760.

REV^d SIR—I have your favour of the 6th of August, with the Box of Books you mentioned for the Missionaries. I have delivered Mr. ---- MacDowell his parcel, as he is fixed in this Parish, where he discharges his duty to satisfaction and is an exemplary good liver & deserves encouragement or to be made a Missionary, if the So-

ciety's fund can afford it. I have also given Mr. Smith your letter, who is fixed in the neighboring Parish at Wilmington. I shall send the other parcels to the other Missionaries, Stuart, Read & Earle, by the first opportunity by sea from hence, as the carriage by land will be expensive to them & shall distribute the valuable books the Society has sent to them or to the other clergy or gentlemen qualified to read them, as we have some deists sprung up in this Province; I am much obliged to the Society, for the appointment of Mr. Read & Mr. Earle their missionaries, in this Province, where we are so destitute of Clergy, and their Parishes which generally take in a whole county are so very extensive, that the charge of attending many chapels is very great as well as laborious. I wish that your admonishment of Mr. Myer may have a good effect. I observe in his return to you, he mentions his having baptized above 300 whites & 60 Negroes in one year; I wish it may be true, as I am informed he does very little duty. I am loath to load him with facts from publick shame, so hope he will be able to justify his character & conduct which ought to be established to procure honor to his mission.

The most serviceable thing I can recommend to the Society at present upon the visible increase & extent of these colonies by the manifest interposition of Providence in our favour is, that they would recommend it to his majesty to send over some Clergymen with Episcopal power, if they dont prevail to have at least 2 Bishops fixed on this Continent for the Northern and Southern districts, that they might ordain and visit the clergy and see how they perform their duty which at present, tho' they should have no other episcopal jurisdiction or spiritual courts, except in separating the faulty from communion would I'm persuaded have a good effect; for I find what difficulties the Society is under in procuring proper clergymen to officiate here, in' extended forests (tho' not deserts) when too many take orders, with a view to a maintenance or preferment; this would encourage the colonies to set up schools for the encouragement & instruction of youth, and from the colleges now erected, we might prepare our youth for ordination without the expense & hazard of going over to England to be put in orders, which would in some time lessen the sectaries, which so much abound in this and the neighbouring colonies; this my good Lord Bishop of London told me he wished to have done, and that his, so extensive diocese was lessened, and I hope methods might be found out to give such bishops or Clergymen with Episcopal itinerant powers a

suitable maintenance, to promote so laudible a work. I am sorry that there are such difficulties in procuring clergymen & schoolmasters of good characters to come over to this Province, & hope the Society will think it of as great moment, to increase missionaries in this Province (which contains about 80,000 whites besides negroes) nor have we but 8 resident Clergymen as in the Northern Colonies, who tho' they have not Episcopal Clergy yet have other instructors which give them Christian Principles, when there is a total want here, having only strollers who set up for teachers, without any regular instruction, and many of them immoral Livers. Pardon me sir for this address which I think so necessary for promoting the success of the Gospel in this Province.

I lately Rec^d a Letter from Mr. Ichabod Camp from Middleton in Connecticut, who I find is a missionary there at a small allowance. He says that what he has there cannot support him & is inclinable to come here, if there is any encouragement; but I find that if he removes without the consent of the Society that he will lose his mission. I shall let him know the encouragement given here & that we have sufficient vacancies for many, and in case the Society should continue his mission upon his removal, shall desire him to obtain leave from the Society in order to encourage him to reside here, and perhaps this may induce others to come from the northwards, since we have such difficulty in getting any from England.

We have had a session of Assembly here to reenact and amend some Laws repealed by his majesty in Engl^d one of which was the Vestry Bill, which had taken the nomination to livings from the Crown; but the Assembly was so employ'd in framing other Laws, which in the end miscarried that they could not attend to have a proper Law, so only established a vestry Law for one year to enable them to lay tax for the maintenance of the Clergy, pursuant to the last Law, which settled £100 per ann & £20 for a Glebe as there is to be a new assembly elected to sit in May, we have thoughts to establish a general fund out of which the Clergy is to be paid as in S^c Carolina, if the assembly will be prevailed upon, to pass such a bill & then every Parish would endeavour to have a Clergyman and Church in their own Parish.

It gives me great pleasure that the Society accepts of my endeavours, to encourage Religion & Morality in this Province. I pray God to bless their endeavours for the general good of the Church,

I am Reverend Sir

Your most Obed^t Humble Servant

ARTHUR DOBBS

P. S. March 12th, the Cautawbes nation is almost destroyed by the Small pox. not forty fighting men left alive.

[NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Macdowall to the Society

BRUNSWICK S^t PHILLIPS PARISH
in North Carolina, Feb^r 9, 1760

SIR, I have had the favour of your letter, with the present of very valuable books from the venerable society, for which I humbly beg leave to return my hearty thanks. They came in Via Charlestown, the 6th ult, to his excellency Gov^r Dobbs at Brunswick, His Excellency's Mr. Reeds, Mr. Earles & mine came all safe to hand.

Nothing can give me greater pleasure, than to hear that my conduct is approved of, by them; it is impossible for me fully to express my sentiments of gratitude & thankfulness to the society for their kind notice of me, and thus rewarding my services. They may be assured I will persevere in the duty of my holy function, with vigor and alacrity, while I have the honor of being an ambassador of Jesus Christ.

To convince them of this great truth, I beg leave to represent to them that this was my great pleasure, before ever I was so happy, to be taken notice of by them; or had any expectation of receiving gratuity or reward from them—nor did I ever ask or know of any one directly or indirectly to recommend me to them.—what I did was entirely owing to the ardent desire I have & will have to promote the glory of Almighty God & the salvation of men by Propagating the Gospel of our Lord & Saviour Jesus Christ in the world. Especially having these encouragements, that they that be wise shall shine, as the brightness of the firmament and they that turn many to righteousness as the stars for ever and ever and that we are assured by the lip of truth, that many shall come from the east & from the west from the north & from the south and shall sit down in the Kingdom of God. That he will be with us to the end of the world.—who then is a faithful and wise servant whom his Lord hath made ruler over his household to give them meat in due season? blessed is that servant whom his Lord when he cometh shall find so doing—and with the great apostle of the gentiles, I can truly say who [woe] is unto me if I preach not the gospel.

These were my motives; these were my encouragements to persevere in my duty without fee or reward—but I must likewise own it gives me great pleasure to be taken notice of by so venerable a body of worthies—and I should be much to blame not to be duly sensible of the great honor they do me.

In particular I beg leave to thank them for the kind intimation they are pleased to send me “that they will consider me for what extraordinary services I do in my visits to the several Parishes in N. Carolina”—That is a branch of my duty I have never been deficient in; for I could not ans^r the neglect of it, either now to my own conscience or to my great Judge at the last day. I sincerely believe I have never been exceeded by any one, for the same space of time that ever came to America. So that were they to reward me for all the services of that kind I have actually done I might expect something great indeed, but whatever they are pleased to allow me, shall be acceptable and as soon as they please, as my family is lately increased by the birth of a fine son.

Every year when I agree with my vestry I reserve 4 Sundays to be employed in other parishes, besides the places I can attend between Sunday & Sunday. In a fortnight or 3 weeks time, I have gone thro’ 2 sometimes 3 large parishes or counties & been every day employ’d in Preaching & baptizing and this not for once or twice but every year since I have been in, which is now going on 7 years, and that many times every year, which I can prove by a cloud of witnesses besides the vestries of the several parishes.

Since I wrote last to the Society, I have been out as far as the borders of S^c Carolina, where I had so great a number of People from both Provinces, that we were obliged to assemble under the Shady trees. I baptized one day on that visit 32 children and Adults, among whom were 5 free mulattoes.

I am to set out the 18th ins^t on a visit to Bladen & Cumberland counties which will take me up 4 or 5 weeks & will give me good employment every day.

I am sorry to hear, the Society do not think proper to grant me a mission here, the reason I presume is, because my parishioners have not a church & parsonage house actually built for me. But I hope the Ven^{ble} Society will not think me the less deserving, who have been labouring all this time in places destitute of many conveniences. As therefore the Society do not think proper to grant me a mission here I humbly request the favour of them to send me

their missionary to New England or New York government, where I understand several parishes are vacant & have applied to the Society for a missionary. It is impossible for me to continue here where my salary is so small and every thing so dear.—I could not have continued so long had I not had some fortune with my wife; which if I continue here much longer must all go. I was obliged to sell a slave last year to help us to subsist, tho' no persons ever liv'd in a more frugal manner.

Wherefore If the Society have any regard for me, they have it now in their power to make my life quite comfortable & happy, by sending me to one of the vacant Parishes to the northward. and I humbly entreat they will be pleased to grant this my ardent request.

They may be assured I will continue to serve my God and my generation most faithfully in the holy office it hath pleased the Almighty to call me unto.—I will continue here this ensuing summer till I hear from the Society, and in the mean time I will get ready, certificates from the vestry of my own Parish & the vestries of the other Parishes I have visited, of my services & good behaviour, to send to the Society if they desire me.—and am with profound submission and respect,

The venerable societys most dutiful
& most ob^t humble Serv^t

JOHN MACDOWELL

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 13. D. 60.]

Letter from Governor Dobbs to the Board of Trade.

Brunswick 28th Feb 1760

MY LORDS,

I refer you to my Letter of the 19th January in which I wrote at large all the Occurrences of the last Sessions, which I send with the several Journals Bills etc, since which some difficulties have arisen about the Charters to some of the Counties and Towns which have formerly sent Members of which I must inform your Lordships and receive your Opinion upon in issuing future Writs upon calling Assemblies, all the Counties which had been appointed by Acts of Assembly and had been repealed by His Majesty in 1754, and had been reinstated again without any Clause to elect Members have taken out or applied for Charters except Tyrrel formerly a 5 Member County, and New Hanover County, the last not having been repealed

by His Majesties Order, and the two Towns of Edenton and New Bern which I find stand upon a Clause of a Bill not then repealed. I must therefore lay their several Claims or Objections to take out Charters before your Lordships that you may be apprized of my reasons of allowing and disallowing of their several Writs, until they take out Charters or until His Majesty's pleasure is Known by new Instructions against future Elections.

As to Tyrrel I find their only Objection is that they are to have for the future only 2 Members in lieu of 5 formerly, which I think by my Instructions I am not impowered to grant, as none of the Counties in His Majesty's District nor any new erected Counties have more than 2 since I am instructed as near as I can to bring the Northern & Southern Districts to an equality, but I can't lessen the Numbers elected in the four Northern Counties of Chowan, Pequimons, Pasquotank and Currituc, which altho' they are very small Counties and 5 Members each and as I have divided Edgcomb County and made Halifax County out of it which will send 4 Members instead of 2 when undivided Lord Granville can't complain that 3 Members are taken from the small County of Tyrrel, besides the conveniency of Chowan, Bertie & Northampton Counties I have erected Hertford County out of these, which will have two Members more in lieu of one taken from Bertie by Charter which formerly sent three, and the other taken from Tyrrel, so that Lord Granville's District will still have the same number of Members in Assembly.

New Hanover County stands yet unrepealed by your Lordships not having found out how they are entitled to be a seperate District and to send Members New Hanover I find was appointed by a Bill passed 27th November 1729 Chapt 10 under the Title of an Act for regulating Vestries etc in which nothing appears relative to New Hanover Precinct, this Act is not inserted among the printed Acts only the Title with this remark in the margin " Repealed by Act April 4th 1741 except that Clause which erects New Hanover into a District. The Bill which repeals it in 1741 Chap 23^d is entitled an Act for Establishing the Church for appointing Parishes and the method of electing Vestries which in the 21st section repeals that Bills so far as relates to the Church Vestries etc. This irregular method of not knowing the contents of the Acts by the Titles prevented your Lordships from repealing that Law, and his Majesty having repealed the last Act in 1741 the former remains in its full force for these reasons I can't refuse issuing a Writt for that County for this New Assembly. if your Lordships think it necessary that they should take out a

Charter to supply his Majesty's Prerogative, I believe you will think it advisable that His Majesty should repeal that Bill, or give me further Instructions upon it.

The Case of Edenton's and New Bern's right of sending Members is founded on a general Clause in an Act of the Proprietors the 19th January 1715 entitled, An Act for appointing a Town in the County of Bath Chap. 52, Sections 33^d 34th & 35th, by virtue of which Bath sends a Member, & also Edenton and New Bern upon the general Clause of every Town in the Province being allowed to send Members when they shall have 60 families resident in them. These Clauses I believe were overlooked when His Majesty thought he had repealed the Edenton Law, by repealing the Act of the 1st of August 1740, which confirmed their power of sending a Member, and therefore Edenton, Bath Town and New Bern are still empowered by Law to send Members, and am therefore obliged to issue Writs to these Towns at this Time, and hope that in these Instances I have pursued my Instructions as far as I can do by Law, But your Lordships will consider whether it may'nt be advisable to repeal the Bath Town Law, as all future Towns when they have 60 families will send Members without having Charters from the Crown, & so lessen His Majesty's Prerogative.

As there are several displeased with me for steadily adhering to my Instructions, and seem desirous to make a Breach in the Province by setting up of Northern and Southern Interests especially the Treasurers, who are not pleased at my sending over Copies of their irregular Accounts, and some others at their head, who hope to gain in Case I should be guilty of any mistakes, and I am told have as much as they could delayed and prevented the Counties from taking out Charters saying it is unconstitutional, and only a scheme of mine to get fees contrary to Law, lest I may err and they should make any Clamour against me which might reach your Lordships, I must state that point to you, and have your Orders or Instructions upon it.

Upon the Repeal and reenacting of the Counties without a power of sending Members but by taking out of Charters, the County of Orange and Town of Brunswick applied by Petition for Charters, as there was no fee mentioned in the fee Bill for taking out of Charters under the Great Seal, I advised with the then Attorney General Mr. Robert Jones, and asked him what I should take as a fee for each Charter I said I thought I could not take less than £5, he said he thought it was too little for such a Privilege for ever and thought

£10 proc. [money] was little enough, which according to the Discount is 5 Guineas, a Guinea passing for 40 shillings, and a pistole for 30 shillings, besides what they might give to the Secretaries upon which he took out Orange Charter and sent me the fee, as did also Brunswick. I therefore in pursuance of his advice have continued to take that fee, for as the Assembly give nothing to the Governor but such Perquisites, & neither allowed me for House rent, nor even my Expences in going to Philadelphia to serve the Province and the Public which all other Provinces allow, I thought a fee which does not amount to 1 penny per taxable was but a reasonable fee, and might [not] hurt future Governors, which is not more than a Justice of Peace in Ireland pays for his Commission, but upon hearing of the Complaint they would make against me, I have deposited the fee, and will not make use of it until I have your Lordships approbation, or if too much, shall return the whole or what part you shall think proper to instruct me to do, submitting the whole to your Lordships.

I am with due Regard

My Lords &c

ARTHUR DOBBS.

[B. P. R. O. AM. & W. IND. VOL. 72.]

Extract of Major Waddell's Letter 29 Feb^r 1760

In Return to your Excellency's News I shall give you a little nigher home, for several Days I observed That a small party of Indians were constantly about the fort, I sent out several small parties after them to no purpose, the Evening before last between 8 & 9 o'clock I found by the Dogs making an uncommon Noise there must be a party nigh a Spring which we sometimes use. As my Garrison is but small, and I was apprehensive it might be a Scheme to draw out the Garrison, I took out Cap^t Bailie who with myself and party made up ten: We had not marched 300 y^{ds} from the fort when we were attacked by at least 60 or 70 Indians I had given my party Orders not to fire until I gave the word, which they punctually observed: We rec^d the Indian's fire: When I perceived they had almost all fired, I ordered my party to fire which We did not further than 12 Steps each loaded with a Bullet and 7 Buck shot, they had nothing to cover them as they were advancing either to tomahawk or make us Prisoners: They found the^r fire very hot from so small a Number which a good deal confused them; I then ordered my party to retreat, as I found the Instant our skirmish began

another party had attacked the fort, upon our reinforcing the Garrison the Indians were soon repulsed with I am sure a considerable Loss, from what I myself saw as well as those I can confide in they cou'd not have less than 10 or 12 killed and wounded, and I believe they have taken 6 of my horses to carry off their wounded; The next Morning we found a great deal of Blood and one dead, whom I suppose they cou'd not find in the night. On my side I had 2 Men wounded one of whom I am afraid will die as he is scalped, the other is in a way of Recovery, and one boy killed near the Fort whom they durst not advance to scalp. I expected they wou'd have paid me another visit last night, as they attack all Fortifications by Night, but find they did not like their Reception.

To His E^y Gov^r Dobbs.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Certificate of the Vestry in Craven County in favor of Mr. Read.

MARCH 3rd 1760.

We, the subscribers, the Church wardens, and only vestrymen at present qualified, of Christ Church Parish, which is the whole extent of Craven County in the Province of North Carolina. do hereby certify that the Rev^d James Reed hath served the cure of the s^d parish for 6 years & upwards, that during the s^d time he hath diligently attended one Parish church & 8 Chapels situate at very great distances from the town of Newbern, the place of his residence & centre of the Parish.

That he hath given great satisfaction to his parishioners by a regular and exemplary life and a faithful discharge of his duty & that there is a perfect harmony and good agreement subsisting between the s^d Rev^d Ja^s Reed & his Parishioners in general, witness our hands this 3rd day of March 1760.

| | | |
|-------------------------|---|----------------|
| JOHN FONVIELLE | } | Churchwardens. |
| WILL ^m JONAS | | |
| JAMES SHING | } | Vestrymen. |
| THO ^s GRAVES | | |
| LEM ^t HATCH | | |
| JACOB BLOUNT | | |

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Read to the Secretary

N^o CAROLINA, NEWBURN, Mar 5, 1760

REV^d SIR

I waited upon his excellency Gov^r Dobbs, the 7 of Feb^r last a [at] Brunswick where I received, a parcel of Books with your letter of the 6th of Aug^t 1759. your prior letters to the Governor & myself having both miscarried.

As the venerable society for the propagation of the gospel have thought proper to receive me into the number of their missionaries, I shall always acknowledgè this favor as a mark of their esteem and a great encouragement, to perseverance in the faithful discharge of my ministerial duty & tis with a truly grateful heart I now write & Return my sincere & hearty thanks to the Society for their generous support and ample relief under my severe duty and narrow circumstances Their expectations I shall endeavour to answer to the utmost of my abilities that the society may never have occasion to repent of their appointment, nor our worthy Gov^r of his recommendation, the enclosed certificate I presume, will satisfy the Society that I still continue with usual diligence in my old situation, as my Parishioners in general are very well satisfied and pleased with my labours so I think myself happy in their love and affection, and as the Benevolence of the Society will make me very easy in my temporal affairs. I have since the receipt of your favor entirely laid aside all thoughts of deserting my Charge, or ever removing. I shall take particular care to distribute the books and pious tracts among such as appear to want them most & will make a proper use of them. D^r Singes answer to all the excuses and pretences, which men Ordinarily make for their not coming to the holy communion will be of infinite Service. Several people who were very remiss in this part of their Duty, have already read it and promised to be regular communicants for the future. I should be glad of a few more of them to distribute for my Parish is very extensive, the two parcels of Books directed to my worthy Brethren Mr. Stewart & Mr. Earl are now in my care. I have wrote to them both & will forward the Parcels by the first conveyance. I have drawn upon Mr. Pearson in favor of Rob^t Carey & Com^p Merchants, for a year and a halfs Salary, & I hope my Bill will meet with re-

spect. at midsummer next I purpose to write again & send my Not. Paroch. agreeable to the Society's orders & instructions with which I was before unacquainted and therefore could not comply with them at present.

I am Rev^d Sir Yours &c

JAMES REED

Missionary in Craven County.

[FROM NORTH CAROLINA LETTER BOOK S. P. G.]

Certificate of the Churchwardens and Vestry of St Phillips Church in favor of Mr. Macdowell.

ST. PHILLIPS PARISH, BRUNSWICK Ap^l 7, 1760

RIGHT HON^{ble} & RIGHT REV^d WORTHY GENTLEMEN

We The Churchwardens & Vestry of St Phillips Parish * * in New Hanover County, on Cape Fear River, in the Province of N^o Carolina, humbly beg leave to recommend to your Society for a Mission the Rev^d Mr. John Macdowell as a very good minister of the Church of England who has been in this Province since the year 1754 & has officiated in our neighboring Parish of St James from the time of his arrival until May 1757 & for the next year did officiate in the towns of Brunswick & Wilmington and from that time has been our Minister in this Parish, and hath always behaved himself as became a worthy Minister of Jesus Christ; he hath also officiated by the liberty of the Vestry many times in distant Parishes, and hath been very well liked by all the Vestries of every Parish, where he hath officiated.

We therefore humbly pray to recommend him to your favor for a mission.

We are building of a very large brick Church which is near done & soon hope to have a Glebe but at Present we are obliged to hire a house, for him to live in, till we can do better, at present we are a poor parish, very heavily taxed on occasion of the present war with the French & Indians, therefore can't afford to give a competency, so as to maintain him & his young family in a decent good manner

and we shall, as in duty bound, ever pray for a blessing on your most religious endeavours. We are

Right worthy Gentlemen

Your most dutiful & Obedt Servants

| | | |
|-----------------------------|---|---------------|
| RICH QUINCE | } | Churchwardens |
| JOHN DAVIS JUN ^r | | |
| ROB ^t SNOW | } | Vestrymen |
| RICH ^d EAGLES | | |
| BENJ ⁿ DAVIS | | |
| THO ^s NEALE | | |
| JOHN DAVIS JUN ^r | | |
| JA ^s MURRAY | | |
| JN ^o WATTERS | | |
| JAS WATTERS | } | |
| WILL ^m DRY | | |

Gov^r Dobbs' Sanction to the foregoing certificate

NORTH CAROLINA—SS.

By his excellency Arthur Dobbs Esq^r His Majestys Captain General. Governor & Commander in Chief in and over the Province aforesaid.

These are to certify, that Richard Quince, John Davis Jun^r, Robert Snow, Rich^d Eagles, Roger Davis, Tho^s Neale, Jn^o Davis Jun^r, James Murray, John Watters, Joseph Watters & Will^m Dry, who subscribe the foregoing recommendation, are the Churchwardens & major part of the Vestry of S^t Phillips' Parish in New Hanover County in the s^d Province & that the Rev^d Mr. John Macdowell Minister of the s^d Parish is a person of unblamable life and conversation & deserving of the recommendation given him by the Churchwardens & vestry aforesaid

In testimony whereof I have hereunto caused the Seal of the said Province to be affixed at Brunswick the 14th day of April. In the year of our Lord 1760.

ARTHUR DOBBS.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

From Mr. Moir to the Secretary.

Edgecombe Ap^r 8. 1760

REV^d SIR

Since my last of Oct 16 1759 I baptized 206 White children & 3 black : on the 4th & 6th inst there were above 50 Communicants in

this Parish. For some years past this Province has been running into great disorder & confusion Sectaries prevail in many Parishes. the last Assembly would not pass a new vestry act. there is nothing like the administration of Justice among us. A Silly fellow that headed a mob against the Earl of Granville, his Land office is put into the commission of the Peace. I this day draw for my Salary from Mich^s 1759 to Lady day 1760 & am

Rev^d Sir

Your most obd^t Humble Servant

JAMES MOIR

[B. P. R. O. AM. & W. IND. VOL. 72.]

Letter from Governor Dobbs.

BRUNSWICK, 12th April 1760.

SIR, [SECRETARY PITT.]

I had the Honour of yours of the 7th of January with his Majesty's Commands to call the Assembly together only the 27th of March, inclosed to me via Charles Town by General Amherst, upon which I issued a Proclamation the same day for the Assembly to meet the 22^d instant at New Bern the most Central part of the Province, it being impossible to meet them sooner as Writs had before issued for a New Assembly and the Elections were appointed for the 10th and 17th instant; you may depend upon my most zealous endeavours to promote the raising of as many Men as We can in the short time we have to do it in upon this important Crisis, and to encourage them to act with Vigour and Dispatch shall propose to break through my Instructions and issue as much paper Currency as will raise cloath and pay them when in the Province, but we can have no Credit to pay them when taken out of the Province but by the Dividend of what Money may be given by His Majesty's Recommendation, as we have no Specie here, nor Goods that will answer to remit it abroad; our Correspondence by Post from the Northward is so uncertain, being often two or three months upon the Road, that it is a great Delay to the public Service. You have my sincerest Wishes and Prayers that God may give success to this year's Exertion of the British Force in Defence of our Religion and Liberties and Civilizing and converting of the unhappy natives of this Continent.

I am sir &c.

ARTHUR DOBBS.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

From Gov^r Dobbs to the Secretary

BRUNSWICK April 15. 1760

REV^d SIR

Since I finished and sealed my former letter to you the vestry at the Parish of Brunswick have met & sent me a Petition to forward to the Society, recommending Mr. M^eDowell fixed in this Parish upon account of his great charge & Expence which the Parish can't yet Properly bear, and certifying his good Character and care of his Parish in doing his duty & assisting the adjoining Parishes.

I therefore join with them in these applications as it is the Parish I reside in, and propose it when the Church is finished which is now roofing, to be his majesty's chapel in this government, to which he has been pleased to give the Communion plate, Surplice & furniture for the communion table and pulpit with a Bible and Common Prayer Books to have the service performed with decency—I therefore hope the venerable society will think it for the service of the established church in this province, to put so deserving a Clergyman upon their list of Missionaries, as this church will be the largest & most complete in this province & may be an Exemplar for building other Churches.

I have nothing to add but that I hear there are about 100 Catawba Warriors, who have returned to their Town, out of 250 they had when they dispersed upon acc^t of the Small Pox. I beg the prayers of the society for the increase of Religion & virtue in this deluded depraved colony & am with truth

Rev^d Sir your most Obed^t Humble Servant

ARTHUR DOBBS

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. M^eDowell to the Secretary

BRUNSWICK, April 17, 1760

REV^d SIR

Soon after I had the happiness of receiving the very agreeable & valuable present of Books from the venerable Society (which with your letter came to hand on the 6th of Jan^y last) I had an opportunity of a vessel from this port, bound directly to London. Capt.

Liscombe, by whom I wrote to you to acquaint you I had Rec^d the Books & to return my sincere thanks to the venerable society, A Copy of which Letter Capt. Heron (by whom I have the pleasure of sending this) brings with him.

Since which my vestry met at Brunswick on Easter Monday & have wrote to the Society for a mission for me Seconded by his Excellency the Gov^r all which you will receive I hope by Capt Heron

I mentioned in my last to the society that I was sorry they did not think proper to grant me a mission here, wherefore I prayed they would be pleased to send me to one of the vacant Parishes to the Northward, who have applied to them for a Minister, as I understand there are several who have applied—but if on his excellency's & my vestry's recommendation they think fit to receive me & continue me here, I shall be well content, for my only reason for praying them to send me to the northward was, because I could not possibly any longer subsist myself & family on £100 this currency allowed me by my vestry, for as every thing here is 3 or 4 times dearer than in Europe, I do not Reckon my present allowance to be so good as £30 at home, which however made a shift to subsist me, while I continued single & if I always could have made it do, I nere should have troubled the Society to ask anything from them. For they may readily be persuaded, that it was not any prospect of worldly ease or grandeur that induced me to come to America and then that I continued so long in this part of it where it is impossible to give them an adequate Idea of all the fatigues, hardships, sickness, &c., I have gone thro' since I have been here, but as it was God's will to allot me my station here at first, I thought I could not in conscience desert it without endeavoring to bring it to some good. In this young and rising Colony where so great a door and effectual is opened to me, where the fields are white unto harvest, where the harvest truly is great and the Labourers are few, where so large a scope for the ministry lies open before me, in a Country inhabited by many sorts of People, of various nations and different opinions, customs and manners, when it was but to have remov'd into South Carolina, or into Virginia, or some of the more healthy provinces to the northward, in all of which there are many vacancies and everything quite comfortable and easy to the ministers, they having for the most part only 2 or 3 places to attend, and these not more than 10 or 12 miles from the Parsonage, and good churches or decent Chapels to officiate in—but here our Chapels, or rather people's houses where we are obliged to attend are more than 30 some of them 40

miles distant from the Centre of the Parish, and often we have to ride 15 or 20 miles without seeing a house to flee to for shelter from a thunder shower which are very severe and very frequent here in the summer, and other inclemencies of the weather which often shifts, from one extreme to another, and which is the reason people are so unhealthy here. Think upon me, my God, for good according to all I have done for this people, which prayer I humbly trust in God, He will be pleased to hear and grant in His good time, and that I may yet see religion and virtue in a flourishing condition among us, then shall I see of the travail of my soul, and shall be satisfied. It is with great pleasure I can acquaint the Society that my parishioners of Brunswick have a fine large church, by far the largest of any in this Province, in great forwardness—the Brick work is done, and great part of the roof up, we hope to have the Church covered and fit for the Performance of Divine Service this ensuing summer, and a Parsonage house to be actually built and a glebe purchased for me. The gentlemen (among whom Co^{ll} Dry, Collector of Port of Brunswick and Cap^t Quince, a merchant in Brunswick deserve particular notice) are very zealous in the accomplishment of these things. His Excellency Gov^r Dobbs, will put up a Pew for himself and Council, a Pulpit and Reading Desk, and will give a Carpet for the Communion table and Plate and Linen for the Communion Service, and Surplice for the Minister.

I have a very good Vestry. To convince the Society of their good disposition towards religion and to me as their Minister, I relate this instance. The General Assembly of the Province met for the dispatch of the Public business last winter, and after sitting seven weeks, they broke up, or rather were dissolved by his Excellency, without making any particular allowance for the Clergy; only a discretionary Power to the vestries to allow them what they thought proper, and my vestry having been so kind as to allow me ten pounds this currency more than used to be allowed by Law, for the vestry Law was repealed at home last year among some others, but there is just now a new Assembly chosen, who are to meet the 22^d inst. at Newburn for the transaction of Public Business—This day his Excellency is set out to meet them; and I hope they will do something for the encouragement of an orthodox Clergy and consequently of religion and virtue in this young and rising Colony.

As for my own part I submit to the disposal of the venerable Society of me, if they will be pleased to receive me upon the List of their Missionaries, but if not, I must look out for some part where I can

live and maintain my young family. I shall be sorry to leave these people, who have used me as Kindly, I am convinced, as it is in their Power, but this present war is a great destruction to this poor young Country. I beg the venerable Society will be pleased to favor me with the intimation of their pleasure, which shall be punctually obey'd by the Society's most obliged and

most devoted humble Servant

JOHN MACDOWELL.

(P. S.) I mentioned to Coll^a Dry when he told me the vestry had petitioned the Society for a mission for me, (for they did it unknown to me) that I thought the vestry should have mentioned how much they would allow me yearly, he said he wished he had known that, he would have desired the vestry while they were met, to have settled it & mentioned it, but they were then broke up. I do not however in the least doubt, but that they will continue, tho' the Law shou'd make no provision for us to do as much as they have hitherto or at least as much as they are able to do, & if the venerable Society will be pleased to station me here while I possibly can continue, I will never make any complaint. I wrote to the vestry of St. James' to send a certificate of my having visited other parishes while I was minister there & they sent the enclosed. I send it to the Society to let them see I have never been negligent in the extraordinary services they are pleased to mention in your letter to me, "that they will consider me for."

I wrote also to the several vestries S^t Johns Onslow S^t Gabriels, Duplin, S^t Martins Bladen; where I have made many visits, & all of them I know will send my credentials of my ministry among them, but they have not had time yet to send them since their meeting at Easter—waiting for them I have deferr'd sealing up my letter till the day of Capt. Herons coming down to Sail. However I believe I need not send any more nor will the ven^{ble} society I hope doubt of my services in that or any other respect after what his excellency Gov^r Dobbs and the vestries of S^t James' & S^t Phillips' do certify; who have been eyewitnesses & have known all my conduct since I have been in America & would every Minister that comes here do as I have done, viz. to serve 7 years without troubling the Society for a salary, especially in such a poor country as this the ven^{ble} Society would have it more in their power to reward those that are the most deserving, this gives me the greater confidence to make them this address now, in hopes they will not let me suffer, and I shall, as in duty bound, ever pray, that Almighty God may bless them

and prosper the works of their hands upon them! O may he prosper their handy work, that his way may be known upon earth, his saving health among all nations; may God of his infinite mercy grant a blessing unto these their pious undertakings till from the rising up of the sun unto the going down of the same the name of God may be great among the Gentiles & in every place incense may be offered unto his name & a pure offering. Amen. Amen. These are the daily & fervent prayers of,

Rev^d Sir your most obliged &c.

JOHN MACDOWELL

The certificate mentioned above.

We the Churchwardens and vestry of the Parish of St James' New Hanover county in North Carolina do hereby certify that the Rev^d Mr. Jno. Macdowell was Minister of this Parish from Jan^y 1754 to May 1757 during which time he behaved himself well and performed divine service in Wilmington & the several chapels or places throughout the Parish appointed by the vestry & made many visits to other Parishes & in every respect performed his duty as became a worthy Minister of the Gospel of Jesus Christ, given at a meeting of our vestry at Wilmington the 10th day of April 1760

JNO. SWANN

JNO. LYON

BISHOP

CHRIS^r DUDLEY

JONATHAN EVANS

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

BAHAMA ISLANDS }
NEW PROVIDENCE—SS }

Before His Excellency William Shirley Esquire Captain General and Governor in Chief of the Bahama Islands personally came and appeared Samuel Crow, late Master of the Sloop Elizabeth and Ann, belonging to Bath Town in North Carolina and Daniel Howard Mariner also late belonging to the said Sloop, who being duly Sworn, depose, testify and Declare, that they sailed from North Carolina in the said Sloop on the tenth Day of March last, bound to the Island of Turtola; That by Reason of Hard Gales of Wind and Strong West Currents they made the East End of the Island of Hispaniola on the Twenty third Day of said March; That on the Day follow-

ing they were Chas'd by a Schooner, which Obliged them to Run Considerably to the westward; that they however got clear of her, and hauled their wind to the Eastward; But that after plying for two Days, and finding they got further to the westward, and being Scant of Fresh water they were obliged on the twenty fifth Day of the same Month, to bear away for Jamaica. That on the twenty seventh Day of said March they were Chas'd by a Small Schooner, which soon came up with them and proved to be a French Privateer, who took them & Carried them into Cape Francies, where the said Sloop was Condemned, together with her Cargoe, as lawfull prize.

SAMUEL CROW

his
DANIEL + HOWARD
mark

Sworn this thirtieth Day of
April 1760 before me
W. SHIRLEY

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

From Mr. Earl to the Secretary

North Carolina Edenton 5 May 1760

REV^d SIR,

Since my letter to you of April 25. I have received the Box sent me by the Society, containing my instructions and the Books &c to be distributed among the Parishioners which shall be faithfully done; and am steadfastly resolved with the assistance of Gods grace to ev'ry article of my instructions.

In my former letter to you I could not send an exact account of the number of persons I baptized & of the number of communicants, as I did not keep any account of them, having no certainty of my being taken into the laudible service of the Society: but compute the number of persons I baptized within these 12 months in this & the neighbouring parishes, not to be less than 300, and that the number of communicants amounts to 100. I have since my former letter to you, administered the sacrament in this Town, & have the pleasure to acquaint you that the number of communicants has increased, Since the time I administered it here before from 6 to 20 persons & hope they will proportionally increase in all other parts of the Parish; as I take great pains to inculcate that important duty

upon my parishioners, against which they seem to be greatly prejudiced. I shall beg leave to mention to you, the want of schools in this province, and as the depressed and mean circumstances of the inhabitants render them incapable of educating their children, & as the good education of the youth of the country would be a great means of impressing upon their minds the principles of Religion & virtue which the Rev^d & Hon^{ble} Society earnestly endeavour to promote in these his Majestys colonys: I hope therefore that this poor & illiterate Province will feel the effect of their benign & pious institution in this, as it has, in many other instances; as I believe there is no other part of this continent, that calls louder for it than this government. If the society would be pleased to grant any assistance for this purpose, I should with the greatest alacrity, exert myself to establish a School in this Parish and should always (as far as my Parochial duties would permit me) superintend the same & inspect into the conduct of the teacher—I am Rev^d Sir &c

DAN^l EARL

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

The Vestry of St. Pauls Parish to the Secretary.

NO. CAROLINA CHOWAN COUNTY 5 May 1760.

REV^d SIR.

We the Churchwardens & vestry of St. Pauls Parish, beg leave by you sir, to present to the Rev^d & hon^{ble} Society our most sincere and hearty thanks for their care and zeal for the care of this Parish in appointing the Rev^d Mr. Daniel Earle Missionary for the same, who has during the time of his residence among us, both by his useful doctrine and exemplary life gained the universal esteem & applause of his Parishioners. We are Rev^d Sir,

Your much obliged & most

Obedient Humble servants,

WILLIAM WALTON, JUN^r

JETHRO MINTON

LUKE SUMNER

DEMSEY SUMNER

JOSIAH GRANBERY

WILLIS RIDDICK

PETER PARKER

TIM^y WALTON

JOHN GORDON

JACOB HUNTER

RICH^d

ELISHA HUNTOR.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

By the Hon^{ble} William Byrd Esq. Col^o of the Virginia Regiment and Commander In Chief of the Virginia Forces.

You are (with Sergeant Nash) to proceed with all convenient Expedition to Fort Cumberland, on your arrival there you are to Pay the Detachment of my Regiment in that Garrison two Months Pay for which you will take Receipts.

You are to be extremely diligent in getting the Men taught the new Exercise, and have them out at Drill at least twice every Day, you are not to suffer any of them to work or do any other Duty besides that of the Garrison and learning their Exercise without my Orders.

Given under my Hand at Winchester this 8th Day of May 1760
W BYRD

To Lieu^t JETHRO SUMNER
of the Virg^a Regiment

I shall send you all necessarys for the Men very Soon

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

From Mr. Stewart to the Secretary.

BATH, NO. CAROLINA, May 20. 1760.

REV^d SIR,

Within the space of these 6 years, that I have liv'd in this province, we have had no less than 4 different acts of assembly, for the electing of vestries & encouraging an orthodox clergy as they are called, the last vestry act we had met with the same fate as most of the other laws of this province, having been repealed in England for reasons (given agst it by the Bishop of London) which I suppose are well known to many of the members of the Society. In order therefore to prevent the law passed last session from being repealed, the assembly has not as formerly made one law for the electing of vestries & the encouragement of the clergy, but divided it into 2 acts that in case the Bishop of London should object (as it is doubtful he will) to that which relates to the clergy, the other which is for choosing select vestries may stand unrepealed, the law for the encouragement of the clergy allows them £100 proc: money per ann. salary, £20 where there is no glebe, & where there is a glebe of 200

acres, a house of 38 by 18 and some other small houses as offices: but I dont know as yet of any one glebe in the province except mine near Bath & that no way improved or built on conformable to the present act of assembly, this law likewise does not intermeddle with the Bishop of London's jurisdiction, as to offending clergymen but in ev'ry thing else is the same as the former. . . The number of our inhabitants is much as usual but rather increased to about 2200. infant Baptisms the last half year 121 white & 26 Black; adults Baptized 2 white & 9 Blacks actual communicants 139 Dissenters upwards of 300 & the remainder profess themselves of the church of England. The inclosed comes from my predecessor's widow she is really an object of charity but whether the society's bounty extends to such cases, they are the best judges of. I have nothing more at present to add but to beg that the Society will excuse my drawing quarterly for my salary as I am under an absolute necessity, frequently so to do on account of the slow payments that are made here of our provincial salaries & as I likewise have 2 sons now in Ireland at school remittances for whose education, I cannot otherwise conveniently make.

I am Rev^d Sir &c their dutiful sincere serv^t

ALEX^r STEWART

Miss^y at Bath town.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 11, 22 & 23.]

Letter from Governor Dobbs to the Board of Trade

NEW BERN, 28th May 1760

MY LORDS

Having called the Assembly to meet here upon his Majesty's Orders communicated by Mr. Sec^y Pitt's letter, to pass an Aid Bill with the utmost dispatch upon this important Crisis and also to pass and amend the repealed Bills, they met in pursuance of the Proclamation on the 22nd of April but no sufficient number of the Council being met to constitute a Quorum, there being only seven in the Province, the late President Rowan dying the day he proposed to set out, so that after waiting two days I was obliged to swear in Mr. Maurice Moore a Gentleman of good Fortune and Ability into the Council in order to dispatch business, but after a tedious delay with many alterations, addresses and messages, for above thirty days without passing an Aid Bill, I was under a necessity of Proroguing the As-

sembly for a day, to reconsider the Bill for Superior Courts which I had rejected and which they endeavoured to force me to pass before they would grant an aid Bill, as being contrary to his Majesty's Instructions and a violent infringement of his Prerogative.

As I cant yet after so long and extraordinary Session lay the whole proceedings before your Lordships, I must beg leave to give you a Narrative of the proceedings and schemes laid here by Mr. Child Attorney General alth^o it may seem tedious to you, and shall send you as soon as possible proper papers to justify my proceedings in support of his Majesty's Instructions and just prerogative; and with this shall send what papers, addresses, messages and answers can be ready to send by this conveyance.

Some time after Mr. Child the Attorney General came to this Province he sent me a Message by Mr. Hasell the late Chief Justice that as I had wrote to Lord Granville that Mr. Corbin would have been suspended from the Council for his behaviour and prevarications in the Council, but out of defference to his Lordship, as he was his Agent, I did not do it, he therefore desired him to inform me that my Lord having discharged him from his service I might now suspend him; and when he left him, he again desired him to get me to suspend him, and accordingly upon his non-attendance in the Assembly for two Sessions he was suspended by the unanimous advice of the Council, upon Acc^t of non attendance th^o summoned and his frequent prevarications in Council upon which I swore in Chief Justice Berry of the Council of which I informed your Lordships.

Child's Intention in having him suspended was to get him to join him to stand with others of his Junto as candidates from Chowan County. And accordingly upon the Dissolution he by his publick Declamations, and by his Emissarys, as Agent for Lord Granville said that the Province would be undone if any person who was a friend to the Governor or had joined him in raising Taxes upon the people or supported his Administration should be elected for there was a scheme laid to deprive the Assembly of their Rights and Privileges by the Governor and Council, and nothing could save them but choosing Lawyers to support their Rights and great promises were made by the Attorney [General] and his Junto, when he had gained his end and procured my being recalled; with that view he shewed my letters wrote to him in Friendship to his Junto and others he could influence and his artfull answer and declarations against me and extracts of my letters to your Lordships Board having

brought over Copies which he had got from one of the Clerks, wherein I complained of the proceedings of the Junto and the Treasurers behaviour by being appointed for Life in order to raise a flame and their resentment against me.

When the Assembly met the first step he took was to secure the late Speaker Mr. Swann who had not then thoroughly embarked with him, that he might gain all the Lawyers who spoke in the House of his side, promising that he should be one of the assistant Judges and upon gaining him joined in making him again Speaker without opposition. Child the Attorney, at the time I went to see him exclaimed against his Majesty's right in making out Charters for Counties that his Majesty was imposed upon and the Instruction I had was illegal for that each district had a right to send members without the King's Writ and without Charters. And as a Precedent the first thing the Assembly did as founded upon the Law that each Town which should have sixty Families should have a Right to send one Member to the Assembly, upon this Law the Town of Halifax lately erected had an Election at Halifax and without any Writt returned a Member to the Assembly and upon the Sheriffs return that there were sixty Families in Halifax the Assembly admitted the Person elected without the Kings Writ; and had him sworn in the House; this was done to secure the person elected who is an eminent Lawyer and hoped thus to engage him, but he knowing it was illegal applied to me for a Charter which I granted and issued a Writt upon it and he was then duly elected, this I chose to do rather than make any difference upon the Assembly's attack of his Majesty's Prerogative at this important Crisis; they next chose Committees of Elections and Grievances those Committees were chosen by the Juntos Influence and confined to a small number of the Junto and their friends to which a few more were added to save appearance and when the Committee of Grievances met, no days afterwards were appointed, and none were ever summoned to join the Committee; and whatever was done in the Committee of Grievances by the Junto was kept secret; and nobody heard before it so that none were admitted in their own Defense, setting up an inquisition, so that persons were admitted to throw Dirt upon those who were obnoxious to the Junto or Triumvirate without any things transpiring to give the accused an opportunity to defend themselves, and one person was drawn in to sign a Petition against Mr. Hasell late Chief Justice founded upon Facts which were false which he could not support and upon hearing the same read he dashed out his name

and withdrew the Petition. They next to show their power expelled a Member who had been expelled in a former Assembly and who was now elected for a different County under pretence that he had sworn rashly in a former Committee (th^o this was a new Assembly) the Chairman of which th^o no Magistrate having illegally taken upon him to administer an oath; But the true reason was his having brought in a Bill to lessen the Lawyer's exorbitant Fees some of whom were so avaritious as to take a Fee of ten pounds where only thirty shillings was due by Law.

They then framed a Superior Court Bill, and carried appointments for three Associate Judges at £400 p ann: each, in this they in a great measure deprived the Crown of the Nomination by confining it to Attorneys of seven years Practice in this or the adjoining Colonies, who had been one year resident in this Province, excluding all others who were not outer Barristers of five years standing in England whom they presumed would not come over, so that all his Majesty's subjects of Great Britain or Ireland th^o never so well qualified could not be nominated by his Majesty to be assistant Judges and this was to be continued to them Quam diu se bene Gesserint th^o the present Chief Justice Berry was not a Barrister and holds his place only during pleasure; This Child did with a view to get me to break my Instructions and also to lessen his Majesty's Prerogative; and to oblige me to choose three of his Junto viz^t Sam: Swann the Speaker who had taken up the practice of the Law as an Attorney of himself; by getting a Licence to plead, Tho^s Barker who from a Hackney Clerk got a licence to be an Attorney and has now by his management of himself made a Treasurer for Life and is now made by Child Receiver to Lord Granville and Rob^t Jones who was bred a Weaver and procured a Licence to plead as an Attorney and these three men I was to be limited to not having above three men of learning and abilities to nominate besides them who have been resident and of that standing here, and this was to be forced upon me by postponing the Aid Bill for above a month and strong addresses made to me to pass the Superior and County Court Bills previous to their proceeding upon the Money Bill which was brought in under great Restrictions without raising a Tax to Sink the Bills of Credit which were to be issued; calculated to give Money to those who were to Sign the Notes and to the Treasurers, and this crude Bill they would not even read a second time but by the Attorney General's management a motion was made and seconded by him that they would proceed to no business until I should pass these

Bills and Child in his speech cast reflections upon such Members of the Council as supported the Prerogative of the Crown and my Instructions calling them Pimps and Hangers on the Governor but praising the other Councillors who passed the Bill with those exceptionable Clauses; I then in Council demanded the Chief Justice and Attorney Generals Opinion and advice whether I should disobey my Instructions and pass the Bill and thus give up the Prerogative of the Crown and laid three Articles of my Instructions before them and they signed their opinion and advice that I should alledging that I had private Instructions to disobey them upon Emergencys and they and the Assembly set forth that the whole province was filled with Riotts, Conspiracies and even Rebellion by setting Open Prisons, and all for want of this Law th^o not one Instance could be given since the repeal of the Laws but breaking open one prison occasioned by a Riot upon Corbins maladministration as Lord Granville's Agent, and th^o Rob^t Jones then Attorney General lived near the place yet he neither had Examinations taken nor did he prosecute them for the Riot nor did any regular complaint come before me in Council but flying Reports and Child obliged Corbin not to prosecute the people, saying that it was by his fault that the Spirit was raised against him.—

Upon my not complying with the Chief Justice and Attorney General's advice, to break thr^o my Instructions I was obliged to reply to the Assemblys repeated messages as herewith inclosed that I could not pass the Superior Court without expunging those exceptionable Clauses or by making it temporary for two years until his Majesty's pleasure was further known and then proposed to pass what other Bills were ready and close the Session by proroguing the Assembly for one day that they might in a new Session reconsider the Bill and if they expunged the Clauses or made it Temporary as a suspending Clause could not answer the purpose I would then pass the Bill and laid the blame fully upon Mr. Child the Attorney for having misled the Assembly this reply they took two days to consider of not in the House but by the Junto and to prepare an answer and to fix upon resolutions and prepare an Address to be laid before his Majesty against my administration and having delayed meeting until twelve o'clock the third day upon their meeting I sent a message to require their attendance to pass the Bills when they saw the Messenger comming they immediately resolved themselves into a Committee of the whole House and put Mr. Dewey an Eminent Lawyer in the Chair who was not of their Cabal and who

was the only person who could speak and oppose their resolutions, and then was told the House was in a Committee and that he could not be admitted and they ordered the doors to be locked and put all the Members under a Tye of secrecy not to divulge what was done in the House under the Penalty of being expelled and never to have a seat in that House, during this time Mr. Child was not in the House so as not to appear to be concerned in these Resolutions th^o he was privy to all and probably the Contriver of most of them out of the House; and then came into several Resolutions against me and the Secretary which are yet kept secret (th^o the Session is over and I have demanded a sight of their Journals) as is their Address to his Majesty which is to be sent over to Attorney Bacon Lord Granville's Agent or Remitter of his Rents with letters to Lord Granville and Hallifax and Mr. Pitt Child informing his Triumvirate that Lord Granville will have it laid before the King and that his Majesty in a heat may order me to be dismissed or recalled without a hearing.

After five hours sitting they sent me a Message that they were ready to receive my Message, they then attended and I passed such Bills as I could properly pass and told them I would prorogue them that night Friday until munday to give them time to reconsider the Bills upon which they returned to their House and sent for Mr. Child and returned him thanks for his supporting these Bills against his Majestys Instructions, I then on Munday morning before the meeting of the Assembly applyed to the Speaker for a Copy or Perusal of the Resolutions and Address of the Assembly but was refused them th^o the Sessions was over under pretence they were not fairly copied and could not do it without leave of the House, this was with a view that I should not have the power of replying to them or answering them in England that they might have their letters sent over before I can know the contents of them as they are supported by no enquiry or proper proof, and which if produced to me I could answer each and give full proof now of their falsity or ill grounded insinuations and which may hereafter take time to collect when the Proofs are to be made out by persons scattered thr^o the Province.

Upon their meeting on Munday the 26th they very gladly (to have the Bill passed) came in to have the Temporary Clause for two years inserted and it was three times read and passed the Two Houses in a few hours; which had been litigated before for a month and they then when too late, brought in the aid Bill crude and undigested,

and it was read twice in the two Houses but could not be of any use to his Majesty or the Province and was only calculated to oblige me to issue Twelve thousand pounds in Notes without any Tax to sink the Notes and without any Troops to be employed by his Majesty to assist his Measures except on the Continent but only to defend the Province and act against the Cherokees £8000 of which was to go to pay and raise the Troops for that service with only Twenty shillings Bounty money and I was only to give Warrants to raise Men and whoever was to raise the most in forty years [days] I was then to commission and give Rank to accordingly so that no Commissions were to be given til the middle of July before which time the Cherokee's War will be over, nor are we provided with Arms for the 370 Men Granted and if the War was over I was then to disband them, and the money raised was to go to future Contingencies not to be disposed of but by the General Assembly so that probably they would get the disposal of near £10,000 without any Tax upon the Publick to the future discredit of our Currency and this with a View to put money into the Pockets of the Treasurers and Issuers of the Notes Samuel Swann, Thomas Barker and John Starkey I was to break thro^o my Instructions by issuing Notes because I had informed them if they raised Troops in pursuance of Mr. Secretary Pitt's Letter to assist in the Grand operations designed upon this important Crisis: I would venture to answer so great an end to break so far through my Instructions as to issue Notes: And further to answer their other purposes and lavish away the money they added a foreign Clause to this Aid Bill to give a great reward (Five Hundred Pounds sterling) to a Gentleman of the Law Robert Jones who had been most active in lessening his Majesty's Prerogative to be employed in England over and above an Agent appointed by a separate Bill to oblige the Council to agree to their nomination or put them under the difficulty of rejecting the Bill in case it had been of any service which is the Method they have taken to support those who oppose the Administration The Council some of whom are Timorous of disoblidging the Assembly passed the Bill th^o they threw out the Agent's Bill upon account of the Assembly's having appointed an improper person Anthony Bacon who had been recommend[ed] to Lord Granville by Mr. Child to be his Agent in England and who was to have a very beneficial Bargain of £170 this currency for £90 ster^d which is above 50 p cent higher than the Parr of 133½ and in this great gain against his Lordship I suppose Mr. Child was to

divide stakes and thus had continued it in the Bill that the Notes paid of by the specie should be at £133½ and they were to buy up the paper money at the discount of near 90 p cent so that the Remitters and Treasurers would gain above 50 p cent from the publick besides their Fees charge of Insurance Commissions &c: The labouring Oar therefore was laid upon me by the Council of rejecting the Bill for the reasons mentioned in my Speech to them and herewith sent to your Lordships and in order to force me to pass the Bill in this indigested form which shall be sent by the first opportunity They refused to continue the Militia Bill until next Sessions th^o a motion was made to shew the necessity of it using all their arts and Influence in the Assembly to gain their ends.

This is the treatment Governors are to have if they adhere to his Majesty's Instructions and support his Prorogative and there must be an end of their Dependency on Britain if Governors are not supported when they do their Duty, as to their secret resolutions, petition and letters which th^o the Session is over is denied to be shewn to me under pretence that they are not in form and must be put in another dress by the Junta than they were in when they passed the House; I value them not when produced as upon a fair hearing which I am sure of having notwithstanding all their schemes to prevent it, by Mr. Child's vain opinion that Lord Granville will support him in his measures against his Majesty's Prorogative and Instructions, under the false dress he will put them in I shall fully answer to your Lordships satisfaction but when his scene [scheme] of iniquity is laid open he will appear in a different light to his Lordship the moment before I sent to them to attend with their Bills and put an end to this second Session upon rejecting the Agents Bill by the Council they resolved by their own Right that Anthony Bacon should be appointed their Agent and that £200 ^{per} ann: should be granted to him during his Agency so that by their plan the Governor and Council are to be useless and no part of their Constitution. Therefore hope your Lordships will consider the consequence if his Majesty should comply with their request and continue the Bill with the foregoing clauses contrary to my Instructions and limiting his Majesty's Right of appointing the assistant Judges, that it will encourage the Assembly to force the Governor and Council to encroach further on his Majesty's Prorogative and as to the attachment of some of the Council to concur in everything with the Assembly your Lordships will find it necessary to fill up the present vacancies in the Council in case the present suspension is confirmed by his Majesty

and therefore to strengthen my hands must again beg leave to recommend Mr. Alexander McCulloch and Mr. John Sampson to fill up these vacancies and in case I find these Councillors who yield in everything to the Assembly to continue to act against the Prorogative of the Crown that you would approve of my suspending them, for as the former suspension is not yet confirmed it will be highly improper in me to suspend any more and name others in their place without your Lordships approbation.

I shall send over the Acts Journals &c: as soon as the Clerks can copy them and I can get a conveyance and as I shall always to the utmost of my power preserve his Majesty's Prorogative and obey his Instructions and shall fully answer all objections and false insinuations made against my administration to his Majesty's satisfaction when they come to my knowledge as well also the Secretary my Nephew whom they also strike at to wound me because he steadily adheres in supporting his Majesty's prerogative I dont doubt but your Lordships will recommend it to his Majesty to strengthen my hands and prevent the rising spirit of Independancy stealing into this Colony.

I am with great regard &c

ARTHUR DOBBS.

Quæres with the Chief Justice's Answer.

Queres on the following abstracts of his Majesty's Instructions and Clauses in two Several Bills for establishing Courts in the Province of North Carolina Proposed by his Excellency the Governor for the consideration of the Hon^{ble} Cha^s Berry Esq^{re} his Majesty's Chief Justice.

Abstract of his Majesty's Instructions.

You shall not appoint any person to be a Judge or Justice of the Peace without the advice and Consent of at least three of our Council signified in Council nor shall you execute yourself or by Deputy any of the said offices and it is our further will and pleasure that in all Commissions to be granted by you to any person or persons to be Judges, Justices of the Peace or other necessary Officers be granted during pleasure only—

We do hereby Will and require you not to pass or give your assent hereafter to any Bill or Bills in the Assembly of our said Province of unusual or extraordinary nature and importance wherein our Pre-

rogative or the Property of our Subjects may be prejudiced until you have first transmitted unto our Commissioners of Trade and Plantations in order to be laid before us the Draught of such Bill or Bills and shall have received our Royal Pleasure thereupon unless you take care in passing any such Bill or Bills that there be a Clause inserted suspending and deferring the Execution thereof until our Pleasure be known concerning the same.

It is our further Will and Pleasure that you do not for the future upon any Pretence whatsoever give your assent to any Law or Laws to be passed in our said Province inconsistent with these our Instructions to you or prejudicial to that Right or Authority which you derive from us in Virtue of our Commission and Instructions.

A Bill having passed both Houses of Assembly for establishing Superior Courts of Justice &c: in which there is a Clause directing that the Justices to be appointed by the said Act should hold their Commissions "*Quam diu bene Gesserint*" And also another Clause confining his Majesty in the Appointment of the Associate Justices *Quere*. As the above Clauses are repugnant to my Instructions ought I consistent with my Duty to pass this Bill and do you give it as your Opinion and advice that I ought to lessen his Majesty's Prerogative by passing this Bill.

I have considered the sev^l above Clauses extracted from his Majesty's Instructions to your Excellency as likewise the Bill for establishing Superior Courts of Justice in this Province which having provided competent Salaries for the Associate Justices so as to make it worth while for persons of skill and learning in the Law to accept those Offices whereby notwithstanding the Extensiveness of the Circuit the Suits and Causes depending in the Superior Courts may now without delay to the Suitors receive proper determinations I conceive the Chief Reason for repealing the Superior Court Act passed in 1754 is thereby obviated and am of opinion that there cannot be a Bill better framed or more adapted to the peculiar circumstances of this Province than the present bill—

With regard to your Excellency's Query wherein you desire my opinion whether you should give your assent to the said Bill on account of two clauses in the Bill objected to by your Excellency and here stated, my opinion with respect to that is as follows.

Considering the present circumstances and Situation of Affairs in this Province and the indispensable necessity there is of an immediate Establishment of proper and convenient Courts of Justice upon which so greatly depends at this time as well the Interior

peace and welfare as the support of the Trade and Credit of this Province which has greatly suffered from a cessation of the Administration of Justice for eight months past owing to there not having been during that time convenient and necessary Courts established I would advise your Excellency to give your assent to the said Bill notwithstanding the said two Clauses and the rather as I do not think his Majesty's Royal Prerogative can be in any danger of being lessened or diminished by your Excellency's giving your assent to the Bill which is not conclusive on the Crown and can only exist during his Majesty's Royal Will and Pleasure

CHA^s BERRY, Chief Justice

22^d May 1760.

A Bill having passed both Houses for establishing Inferior Courts of Pleas and Quarter Sessions In which they have given the said Courts a Jurisdiction of fifty pounds. *Quere.* As the late Law was repealed by his Majesty in Council principally on Account that the Jurisdiction was too extensive when at forty pounds ought I to pass the present Bill as it now stands and do you give it as your Opinion and advice that I ought to pass it.

With regard to the above Query I beg leave to observe to your Excellency that there were other reasons for the repeal of the late County Court more cogent in my opinion than that stated in the above Query as will appear in the report from the Lords of Trade to his Majesty.

There is another circumstance which I would also beg leave to observe to your Excellency and that is that at the time I had under my consideration in England the late County Court Act I was a stranger to the nature of the Jurisdictions of the County Courts in general in America particularly those in Virginia a neighbouring Colony which I find have a much higher Jurisdiction than that given by the present Bill to the Inferior Courts here and therefore notwithstanding the Jurisdiction of the Inferior Courts here is somewhat increased to [by] the present Bill yet considering that Writs of Error and appeals do lay from the Inferior to the Superior Courts in all cases of Consequence where any person may conceive himself aggrieved by the Judgment of an Inferior Court I am of opinion your Excellency may give your assent to the said Bill as no very mischevious consequence can arise to his Majesty's Subjects from the Judm^{ts} of those Courts while there are Superior Courts to controul and correct their Errors without which such extensive Juris-

dictions might be of very mischeivous and dangerous consequence to the subject as thereby the Judgments and decisions of such Inferior Courts would in such case be final and absolute

CHA^s BERRY Chief Justice

22. May. 1760.

Quære's on the following abstracts of his Majesty's Instructions and Clauses in two several Bills for Establishing Courts in the Province of North Carolina Proposed by his Excellency the Governor for the consideration of Thomas Child Esq^{re} his Majesty's Attorney General.

Abstract of his Majesty's Instructions.

You shall not appoint any person to be a Judge or Justice of the Peace without the advice and consent of at least three of our Council signified in Council nor shall you execute yourself or by Deputy any of the said Offices and it is our further Will and Pleasure that in all Commissions to be granted to you by any person or persons to be Judges Justices of the Peace or other necessary Officers be granted during pleasure only.

We do hereby will and require you not to pass or give your assent hereafter to any Bill or Bills in the Assembly of our said Province of unusual and extraordinary Nature and importance wherein our Prerogative or the Property of our Subjects may be prejudiced until you have first transmitted unto our Commissioners of Trade and Plantations in order to be laid before us the Draughts of such Bill or Bills and shall have received our Royal pleasure thereupon unless you take care in the passing any Bill or Bills that there be a Clause inserted suspending and deferring the Execution thereof until our Pleasure be known concerning the same.

It is our further Will and pleasure that you do not for the future upon any pretence whatsoever give your assent to any Law or Laws to be passed in our said Province inconsistent with our said Instructions to you or prejudicial to that Right or Authority which you derive from us in Vertue of our Commission and Instructions.

A Bill having passed both Houses of Assembly for establishing Superior Courts of Justice &c: in which there is a Clause directing that the Justices to be appointed by the said Act should hold their Commissions "Quam diu se bene Gesserint" And also another Clause

confirming his Majesty in the appointment of the Associate and Justices.

Quære as the above Clauses are repugnant to my Instructions Ought I consistant with my Duty to pass this Bill and do you give it as your opinion and advice that I ought to lessen his Majesty's Prerogative by passing this Bill.

With respect to the first Clause in this state of a case upon the Bill which has passed both Houses of Assembly for establishing Superior Courts of Judicature namely "that the Justices pursuantly to be appointed should hold their Commissions—*quam diu se bene Gesserint*;" I am of opinion that the present desperate situation of affairs in this Province requires your Excellencys assent to be given thereto notwithstanding the Terms of that Clause which seem to be exceptionable On viewing the Surface only of your Instructions; And the rather as there are not wanting precedents of this nature in his Majesty's other Provinces, occasioned no doubt by the Spirit of particular times which had discerned the same reasons for having the Justices Commissions in America to depend upon good behaviour as had occasioned those of the Judges to be so framed at home. Moreover I am confident that no Gentleman who comes within the Qualifications provided by that Bill would quit an established practice at the Bar for an Office to be held on so precarious a Tenure as the pleasure of a Governor: And so a good Court Act could never be properly executed.

And as to the 2nd Clause which confines Governors to the appointment of fit persons to be such Justices, I am clearly of Opinion that this no more than the other Clause forms an indispensable objection to the giving your Excellency's assent as aforesaid On the Contrary late experience of many successive appointments of persons to those Offices who were devoid of every legal Qualification at the least necessitates the insertion of some such cautionary clause; in order that the Rights of the Crown and the dignity of judicial offices may be maintained, and the Rights of the people better secured for the future. To which Clause likewise were it an argument of any decisive Weight a parallel Instance may be produced.

But with relation to the extraordinary Query subjoined to the above mentioned state, that is to say "whether I would advise your Excellency to lessen his Majesty's Prerogative" &c: My answer is that happily for the Constitution of Great Britain It is not in the Power of Governors by any Act whatsoever to diminish the just Rights and Powers of the Crown which are inherent and inseperable

and upon the preservation of which depends the very Constitution itself. They may indeed disgrace the Delegation of a particular Trust to them by an abuse or unworthy Execution of it but no Act of theirs no not such as is even done within the express Terms of their Commissions can ultimately bind the Crown in case his Majesty should afterwards think fit to give his royal disallowance thereof.

T: C: A: G:

A Bill having passed both Houses for establishing Inferior Courts of Pleas and Quarter Sessions in which they have given the said Courts a Jurisdiction of Fifty Pounds. Quere As the late Law was repealed by his Majesty in Council principally on account that the Jurisdiction was too extensive when at forty pounds. Ought I to pass the present Bill as it now stands and do you give it as your opinion and advice that I ought to pass it—

As to this Query relating to the Inferior Court Bill it is necessary for me previously to observe that I have already given your Excellency my Opinion on that head, founded upon the precedent of an Act passed in the neighbouring Colony of Virginia which has actually as I have since heard been confirmed by his Majesty in Council the substance of this Precedent expressly answers one of the Chief Objections made to the late County Court Act and the Competency of many Gentlemen now resident in the several Counties to constitute those Inferior Benches (were such only to be sought for and commissioned) would remove that other which perhaps was thought the most material objection of all.

Upon the whole, considering the unhappy circumstances of the Province which has already been for near 8 months deprived of any Courts of Judicature and must without your Excellency's assent to this Bill continue in its present state of Anarchy interior Tumult and dangerous Insurrection and considering also that such a deviation from the letters of your Instructions can only tend to bring the Constitution of this Province to a nearer degree of Affinity with its mother Country and to dispence to his Majesty's Loyal Subjects here those Rights and Privileges which they claim by Birth-right as the unalienable Inheritance of their Ancestors; It is my advice and recommendation to your Excellency that you would give your immediate assent to these two Bills Remembering that the Act of restoring Life and Energy to Government and to the subject Protection of his Liberty and Property is a primary Civil Duty; which at all times and in all circumstances is obligatory and indispensable.

NEWBERN 20th May 1760.

THO: CHILD. A. G.

[B. P. R. O. AM. & W. IND. VOL. 72.]

Letter from Governor Dobbs.

NEW BERN, 29th May 1760

SIR, [SECRETARY PITT]

It is with the Greatest Concern that I must Inform you that after A long session of a Month and a subsequent short session of Two days to Give the Assembly an Opportunity of Reconsidering a Bill I was Oblidged to Reject as being Contrary to his Majesty's Prerogative and Instructions to Me, I have been oblidged to Prerogue them without passing an Aid Bill: Which had been Brought on the first Session of Assembly and only once Read and laid by for a Month and used all the Arts they cou'd at the Instigation of Mr. Child his Majesty's Attorney who came over here to set this Colony in a flame By procuring by his Advice the Repeal of some Bills in England before he came over which put a Stop to Justice until They were reenacted and had here in Reenacting them Inserted Clauses Against his Majesty's Just right of Nomination to places, & Contrairy To my Instructions and this they Endeavoured to force me to Pass, before They wou'd pass any Aid, which after he by his Management, had Got Pass'd, Both Houses, I after Passing Other Acts was Oblidged to Reject The Bill and prerogue the Assembly for a day, to give them an Opportunity To Offer the Aid Bill. When they found me Resolved to Adhere to my Instructions, they consented to make it Temporary For Two Years, Until I shou'd know his Majesty's Pleasure, and in one day read & Passed that Bill, Which they had litigated for a Month; and Bro't in And read three times and Pass'd an Aid Bill in Two days so Crude and Undigested and so long Before the Men Cou'd be raised, Arm'd & Disciplined wou'd be of no Service to his Majesty in any Foreign Operations nor Even in the cherokee War, His Majesty was only to have an Aid of 320 added to 30 before in Pay these few Disciplined Men were to be made up Fifty, and Another Company of Fifty was to be Raised and these were Oblidged to Serve on the Frontier and not farther Act Against the Cherokees three Companys more of one hundred Each were To be raised in Order to join and Assist the Virginians if any were sent against the Cherokees. They were only to have Twenty Shillings Bounty Money when Before we Cou'd not raise 200 in Two months ten pounds Bounty was Given; These when raised I cou'd not give Commissions to for Forty days But Warrants to Militia Officers and

Others to raise Men And upon their Return after forty days, I was to give the command according to seniority According to the Numbers Each raised to men at Random no way proper to have a Command; These afterwards were to have been Disciplined for which we had no Serviceable Arms in the Province, and were limited to serve only against the Cherokees, and If not Necessary there, then they were to be under the Command *Of the General in Chief* to assist his Majesty only on the continent *And if the Cherokee War* wou'd be soon Over, they were then to be Reduced, so that no Aid was to be Given to his Majesty, if Required to go by Sea, the Men Cou'd not be raised and fit for any Service Until the End of August And the few fit for Service were to be kept Idle on the Frontier For this pretended Aid of Men they raised no Tax but I must Be Oblidged to Issue £12000 in Notes Without a Sinking Fund. Which must much Depreciate our present Currency already above 50 p^{c} Discount, and probably not 2000 of it Wou'd be apply'd towards Raising the Men, who were to be reduced Again When the Cherokee war is Over, Which as the South Carolina Forces are March'd may be Over in a Month, so that there wou'd Be above £10000 in Notes Issued to no purpose, But to Give to Their favourites for making the Bills and to put money in the Treasurers pockets Who are the Leaders under Child and the Lawyers Of the Assembly, and this sum was to be Employ'd to future Contingencies But not to be Employ'd but According as future General Assemblys shou'd Appoint, so that the Governor & Council Cou'd not Command one Farthing Th^o upon the greatest Emergency, This Nugatory Aid I was therefore Oblidged to Reject, hearing that I wou'd Reject the former Bill they form'd themselves into a Committee of the Whole House, and Without Any Committee of Enquiry they Enter'd into Several Resolutions against Me Equally False as Trifling, and lock'd their doors and Bound themselves To Secrecy under the penalty that if any shou'd Devulge their Resolutions They Shou'd be Expell'd the House, and for Ever Rendered Incapable of Being Re-elected a Member of any future Assembly! and these Resolutions Th^o the Assembly is Prerogued, the Speaker has taken from the Clerk, and Refused me the View of, and have Petitioned his Majesty against me, and Order'd Letters to be Wrote to you, Lord Granville and Lord Halifax, to have Your Interest against me, but By what is Transpired, I cou'd fully Answer the Whole to Satisfaction in half an hour, But this I am to be deprived of, until they send away their Letters, That I may not Have a Power of Answering them By this

Conveyance, Which I must Forward by an Express to get Sent Via Virginia having laid the Whole Scene [scheme] Open in a Letter to the Board of Trade, I shall Refer you to the Letter and Papers sent to them; and shall Only Desire your Favour According as you shall find I have Preserved my Integrity and trust to his Majesty in Supporting His Just prerogative and in Obeying his Instructions and preserving their Dependancies upon Britain Which I shall always adhere to, in Spite of all the Schemes form'd By A Juncto to Oppose my Administration under his Majesty

I am Sir &c

ARTHUR DOBBS

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from Governor Bull to Governor Dobbs

CHARLES TOWN, SOUTH CAROLINA 31st May 1760

On the 29th Instant I was favored with your Letter, dated the 10th day of May, which I should have Answered immediately, but I was too much Employed in Writing Letters to the Lords of Trade,—General Amherst, the Army at the Cherokees, and to Augusta, That demanded immediate dispatch, the Subject of which was upon the Important information I had received on the Twenty Eighth from the Officer commanding at Augusta and Others, that on the fourteenth Instant, the upper Creeks had murdered above Twenty of our Traders, only a few escaping to Pensacola, tis thought on a previous Notice from their Women and one to Augusta; The lower Creeks when News came to them doubted, but sent Runners who soon returned with Confirmation of the truth, on which they told the English Traders among them, they Expected the upper Creeks would soon be with them, to Execute the same Tragedy there; That they could not resist or fight against their own people, but gave the English Arms, and encouraged them to defend themselves, and gathered them all into one Town; But as the upper Creeks did not come then, the lower Creeks next morning appointed an escort of their own men to attend them all to Savannah being the nearest place of Safety, and each Trader left his Store in Charge of a Trusty Indian, As this Outrage was done by the Mortar and the Friends of the French, it is not doubted, but they have laid hold of the unhappy Opportunity of the Warr we are now engaged in with the Cherokees, to carry into Execution a plan, which the Governor of New Orleans

had formed, which as he Acquaints the French Ministry, Mettra la Caroline a deux doigts, de Sapert, which Letter was Intercepted in a French Ship taken by Captain Hood about three or four Years ago brought here. If this should be the Case, it will open a Scene, that will require all our United Address and power to conduct our Selves with Safety thro' it, For the French I am informed are now well Supplied with proper Goods for Indian Trade, and presents by the Diligence of some of the Northern Colonies, particularly Rhode Island; as it is possible you may not know the Number of the Indians to the West of us I shall just mention that the Cherokees are Two Thousand, the Creeks as many, the Choctaws at least Five Thousand besides other Nations not known, who are under the Influence of the French at Mississippi. We cannot count the Chickesaws in our Numbers of English Allies, as their Situation and Small Number must make them either Joyn with, or be cut off by the General Alliance against us.

But I shall leave nothing unattempted to effect an Accommodation of this matter, which if not soon done, the lower Creeks will undoubtedly fall into the same Conduct of Acting against us.

One of the Men whom I had appointed to lead some of the upper Creeks, to make a Diversion against the Cherokees, was killed, and Captain Brown whom I had appointed likewise to head the Chickesaws and get Ammunition from the English Traders in the upper Creeks, was but two days off with one hundred Chickesaws for that purpose when this event happened. What is become of him and the Chickesaws we have not Learned.

Colonel Montgomery moved from Ninety Six, the Twenty Eighth with Two hundred and Ninety Five of our Rangers—and Forty picked Men of the New Levies which makes his Number about 1650 including a good Number of Guides. The rest of our Provincials are to cover the Country, against any small parties of the Enemy, by ranging in small Detachments from Savannah River to the Catawba River. I Expect that the Army will reach Keowee by the third or fourth of June at farthest.

With regard to the Creek commotion, I cannot take any Measure till I see which way the Storm will turn its course But have ordered the Militia to be ready to take the Field on the first Orders. I Do not think it advisable to draw them out before as Troops of that kind soon grow impatient and ungovernable after any time Spent in Inaction, tho' I doubt not but that they would behave well, if led on

immediately against the Enemy, all the settlers near Augusta are coming away, and many from Georgia.

Last night I received advices from Fort Loudoun Dated the 16th & 17th of this Instant, with a Talk from the little Carpenter to me desiring peace, and interceeding only for his Over Hill Towns, dated a few days before, But Captain Demere informs me that on the 16th they had advices that the Mortar who is the most powerful Man, and chief Friend of the French among the Creeks, had sent the Cherokees Word, that he with a large Number of Creeks would be at Chotee; pretend Friendship to the English and Surprize the Fort. That the Carpenter when he Discoursed with Captain Demere on that Subject, Assured him, that he would be at the Conference with a large Number of the Most Moderate Cherokees, and give Captain Demere Notice of it, and he hoped that Colonel Montgomery would Chastize the lower Cherokees Severely, who were the first Authors of all these Miseries to them, and that he would by two or three Engagements make the Over Hills smart also, and then the peace might hold. Captain Demere farther Informs me that on the 16th he had an exact Survey of Provisions, by which they at a pint a day, could hold no longer than a Month. I have taken the only means I could Devise, to throw in a Supply of Provisions, by Engaging two bold Fellows to carry Packetts of Gay Ribbons, and Paint to the Garrison, with which during the cessation of Hostilities and their Intercourse they may purchase Corn from the Cherokees. My Messengers with the Ribbons were met about Fifty Miles from Fort Loudoun on the 19th Instant, so I hope he will get safe in altho' the last Express Says, the Indians had Guards all round the Fort.

I am very sorry to see, that your Assembly are less Alarmed and less Jealous of Encroachments made by Barbarians to the Destruction of Life and property, than any, perhaps mistaken, rights which they now contend for, and might be more properly the work of Peace, to the Interruption of the Publick Defence of their own and the Neighboring Colonies. I hope when you have Communicated the information concerning the Creeks, they will look on matters as more Serious, than they at present believe them. Tho' the march of your Troops will I fear be too late to relieve Fort Loudoun, yet it will have a happy Effect on the Indians to See themselves Attacked on two Quarters by different Provinces at the same time.

I have Sent to Governor Ellis your dispatches directed to him and have paid the Express as you desired. I think it Needless to Send a Messenger to Governor Fauquier with the return of his but have

requested him to Send me any resolutions which he may come to in the present State of Affairs as farr as New Bern, and I intreat you to Send them forward to me, and I will pay the Expençe from New Bern hither.

I am with great Regard Sir &c

W^m BULL

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 22. P. 339.]

Letter from the Lords of Trade

WHITEHALL, June 13th 1760

SIR, [GOVERNOR DOBBS]

In our Letter to you of the 1st June 1759, We desired a full and explicit Account of any new Regulations or Arrangements which might have been made with respect to the Representatives to be elected to the several Counties and Districts in the Province under your Government to the end that We might be enabled to form a judgment of the difficulties which in a former Letter you stated in general to have arisen in respect to this matter Since this we have received your Letter of the 28th of February containing further complaints of the embarrassment arising from those difficulties, but they are still stated in so general a light that We find our selves unable to form a proper or precise judgment upon the case.

It seems to Us in general that the difficulties in which you are involved arise principally from a want of a due Attention on your part to the Spirit and Letter of your Instructions and we are the more surprised that you should have erred in this Case as you was present when these Instructions were framed and fully apprized of the various considerations which this Matter underwent and the Pains that were taken to ascertain and settle with precision the Claim of the Northern Counties and other districts in the Province From these transactions you could not be ignorant that the Claims of the Counties of Chowan, Perquimons, Currituck, Pasquotank and Tyrrell to send five Members each and of Berty to send three were adjudged by the Attorney and Solicitor General to be well founded and that it was upon this Judgment that their Right was confirmed by the Royal Instructions and the number of Representatives to be sent by each County and district finally fixed and established, so that with respect to the Number of Representatives for the Northern Towns and Counties, no alteration could be made and the single

point left to your discretion was erecting such a Number of Towns and Counties in the Southern Division as that each Division might have a just and equal Representation.

As to the granting Charters of Incorporation to those Towns, the Acts for establishing of which had been repealed, it was meant only as a more regular mode of re-establishing in them those Powers and Offices of Corporation which had been taken away by the Repeal of the Laws and had no reference whatever to the Case of sending Representatives to the Assembly which is a Privilege derived solely from the Crown's Instructions and the Writs issued in Consequence thereof, it ceased therefore to be in any light either a proper or a necessary Regulation when the Crown had, upon the Request of the People consented to a Re-establishment of those Rights of Corporation by a revival of the Laws, it is true indeed that this determination was confined to the particular Cases of the Towns, the Laws for the establishment of which had been repealed. But common sense shews that the grounds and reasons upon which it was made extend to every future case of the same kind that shall occur. If therefore any Alteration has been made in the Number of Representatives for the several Towns and Counties in the Northern Districts or any Charters of Incorporation have been granted We can only say that such Measures do not appear to Us to be warranted by His Majesty's Instructions, but are expressly contrary both to the Letter and Spirit of them.

We are Sir &c

DUNK. HALIFAX
SOAME. JENYNS
W. SLOPER
ED. BACON.

[B. P. R. O. AM. & W. IND. VOL. 72.]

Letter from Governor Dobbs.

BRUNSWICK 14th June 1760

SIR, [SECRETARY PITT.]

Having wrote to you a long letter the 30th of May of which I have herewith a Duplicate I have only this further to add by this Conveyance, that I have received Dispatches from Lieutenant Governor Bull of the 31st May, that the Upper Creeks have killed our Traders; and declared war against South Carolina and Georgia by the Insti-

gation of the French; and they fear that the lower Creeks and Cherokees may be also drawn into War; Upon which I summoned a Council to meet me here yesterday, and by their advice have by proclamation summoned the Assembly to meet at Wilmington the 26th instant, and have sent off dispatches by Express with it to avoid Delay; to try if the spreading of the Flame of war will induce them to give a supply and raise Men without Clogs or Delay now the storm approaches; which, I hope, will put a stop to the Attorney General's Infernal Schemes of inflaming the Province.

By this further proof of our future Danger, if the French continue in Possession of Louisiana, his Majesty must think it necessary to avoid a future war in America, to drive the French from thence; and in case the Spaniards should take Umbrage at our increase of power in their Neighborhood; and it may be prudent at present not to have any Brangles with them, would it not be better to have that settlement entirely vacated by both, or even given up to the Spaniards, than allow it to remain in the hands of the French. I have such an entire Dependance on Providence continuing to protect the Protestant Cause against Papacy, that I make no doubt of an happy Issue to the war in Germany; and by Dispossessioning the French of the Northern Continent of Civilizing and Converting these Misled Indian Nations by the Jesuitical French missionaries. Pardon my Zeal and Enthusiasm in predicting these things from your active administration under the best of Kings in support of the Apostolic Religion and cause of Liberty.

I am, with the greatest Respect and highest Esteem,

Sir your most &c,

ARTHUR DOBBS.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

J. Reed to the Secretary

NEWBERN June 26 1760.

REV^d SIR

I wrote you the 5th of last March, by three different conveyances & have now sent you according to promise My No. 1. Paroch, which though imperfect, is the most exact & regular I could possibly form in 4 or 5 months, & since the receipt of the society's orders & instructions; in the number of white inhabitants, I believe I have come very nigh the truth exclusive of Children under 6 years of

age, in the number of Children & infants Baptized I have been very exact, 3 white adults are now under instruction for Baptism. In the number of those who have received the sacrament of the Lords Supper, I have been very exact, but cannot as yet ascertain the number of actual communicants of the Church of England, in the whole County, For the County is so very large. that 'tis not in my power to administer the sacrament of the Lord's Supper at the several Chapels above once a year, therefore I have allotted the spring of the year for the discharge of that part of my duty, & as the last spring was the most sickly season that has ever happened in this part of the province for these 7 years past and great numbers are prevented by sickness from attending the Chapels, I shall not be able to inform the society of the number of actual communicants of the Church of England in the whole county before this time 12 months as to the number of dissenters & of those who profess themselves members of the Church of Eng^d I cannot pretend at present to be very exact, there are too many that can hardly be said to be members of any particular christian society, and great number of dissenters of all denominations come & settled amongst us from New Eng^d Particularly, Anabaptists, Methodist, Quakers and Presbyterians, the anabaptist are obstinate, illiterate & grossly ignorant, the Methodist, ignorant, censorious & uncharitable, the Quakers, Rigid, but the Presbyterians are pretty moderate except here & there a bigot or rigid Calvinist. As for papists, I cannot learn there are above 9 or 10 in the whole County. I have estimated the number of Infidels & Heathens to be about 1,000. We have no Indians amongst us, but the greatest part of the negroes in the whole county, may too justly be accounted heathens 'tis impossible for ministers in such extensive counties, to instruct them in the principles of the Christian religion & their masters will not take the least pains to do it themselves. I baptize all those whose masters become sureties for them, but never baptize any negro infants or Children upon any other terms. I have not ventured to put down, any Particular number of converts, for I cannot boast of the success of my labors. I trust in God there are several reform'd if not by my ministry, by the perusal of excellent pious tracts, which the society was pleased to send me & which I have with the utmost care & diligence distributed among my Parishioners. Besides attending my own County & Parish I have for 4 or 5 years past frequently visited S^t Johns Parish in Carteret County. This County & Parish tho' contiguous to Craven is very difficult to attend on account of its being very

much broken and divided by Creeks and Rivers, and the inhabitants are so poor & few in number that twill probably be a great many years, before they will be able to maintain a minister. They have built a neat wooden Chapel upon Newport River, where a small regular congregation constantly attends divine service, performed by a layman every Sunday. I have visited this Parish twice very lately. Once at a Private house where I baptized 8 children & once at the Chapel where I baptized 10 Children, and administered the sacrament of the Lords Supper to 19 Communicants.

I am, Rev^d Sir &c

JAMES REED.

[B. P. R. O. AM. & W. IND. VOL. 72.]

Letter from Governor Dobbs

BRUNSWICK, 21st July 1760

SIR, [SECRETARY PITT]

I acquainted you in my last of the 13th June, that upon the Creeks killing our Indian Traders, and Lieutenant Governor Bull's informing me that they apprehended a General Creek war, in which they expected that the Choctaws would join them, by the Instigation of the French; expecting a Supply from this Province I appointed the Assembly to meet at Wilmington on the 26th of June.

The Session is now over, and by the Non-attendance of Mr. Child the Attorney General and his Northern Junto, who staid away, hoping that we could not make up a Sufficient Number to do Business without them; the Assembly have passed an unexceptionable Aid Bill to raise and pay 300 Men, until the 1st of Dec^r next, for which, and to pay for Scalps, Contingencies, and other Claims, I am to Issue notes for £12000 this Currency: I have a power of sending them out of the Province, or as many as can be spared from the Defence of the Frontiers; but as the Cherokee war is likely to be Bloody upon the Retreat of Colonel Montgomery's Troops from the frontiers I am afraid we can spare few or none to assist our Neighbours. As the French Influence over the Indians seems to Increase in Louisiana, we can never be safe while they possess that part of the Continent, I hope if the war is not over at the End of this Campaign that his Majesty will think of driving the French from this Continent. God grant an Happy Issue to this Campaign in Germany, upon which our safety and American Acquisitions de-

pend. I heartily wish you Success to your Active Administration, and an Happy conclusion by a Glorious peace.

I am, with due Respect, Sir &c

ARTHUR DOBBS

[B. P. R. O. NORTH CAROLINA B. T. VOL. 14. E. 28.]

Letter from Gov^r Dobbs to the Board of Trade

BRUNSWICK 21st July 1760

MY LORDS,

In my last letter to Mr. Pownall of the 13th of June, which went with a Duplicate of my letter of the 30th of May last to your Lordships, I acquainted him that upon receipt of a letter from Lieutenant Gov^r Bull, informing me that the Upper Creeks had killed our Traders, and that [he] apprehended a general Creek war, I, by the advice of the Council, had appointed the General Assembly to meet me at Wilmington the 26th of June, after a few days altercation, they have passed an Aid Bill, a copy of which I send to you, without the restrictions and exceptionable Clauses in the former rejected Bill, a Copy of which I likewise send you, to shew the different tendency of the first Bill. I have therefore been obliged to issue £12000 this Currency, to raise and pay 300 men in four Companies until the first of December next, and to pay the debts and claims incurred by sending out the Militia to defend the frontier, upon their giving a sinking fund to commence January 1763.

This point was carried by having the Assembly held at Wilmington, which Mr. Child and his Junto thought to have disappointed, by the Northern Members not attending as formerly, for there were but four or five which attended from the Northern District, and they wrote to the Speaker and their friends here to proceed to no business unless thirty eight above half of the Assembly attended, which was contrary to His Majesty's Instruction, who appointed 15. to be a quorum to act, however about 9. appeared after a few days; and it was carried upon a Debate to proceed to business without waiting for a Majority of the whole number of the Assembly; upon their losing this Question Corbin, who was delegated by Child and his Northern Junto to obstruct the public business, was instructed to push the same aid Bill which had been rejected before, and though the Committee brought in the Bill without the restraining Clauses in the former Bill, they were again added in the House and sent up

to the Council who expunged all the unnecessary Clauses and Clogs tacked to the Bill as unparliamentary and at length the speakers & Junto's Friends came off, and passed the Bill without the additional Clauses, after passing some resolutions that the Council's altering the money Bill should not be admitted as a Precedent being upon so great an emergency. They then agreed upon a Militia Bill for six months until next Session which were the only two Bills passed; they again pushed for an Agent Bill, which was rejected by the Council so that the Northern Junto have been disappointed in all their schemes, and are now breaking in pieces the speaker and their southern friends having broke from them, and the Northern Members have discovered Child's schemes and the lawyers who misled them to carry their own ends by the Bills they had projected which has not answered their ends as I have found two lawyers of merit qualified to be Assistant Judges, though I can scarce find a third without taking in one of the Junto in case the breach continues.

The hurry of this Session has prevented me from sending over the former Bills by this Conveyance as I would lose no time in acquainting you with the issue of this Session so by this conveyance can only send you a Copy of the Aid Bill the one I rejected in May last and the Aid Bill passed this Session, until I can get the several Bills passed in the several Sessions properly attested, and have sent the Journals of the Upper House for the Sessions of April & May last, and the Journals of the Lower House for the short May Session, I having certified the Journal of the April Sessions to the Speaker who sends them over, having yet not got a copy from his Clerk. I believe that will answer the purpose at present having written so fully in my former letter I have nothing further to communicate than that by private letters from Charles Town they expect a General Indian War.

I am, with great regard My Lord, &c

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 37, 38.]

Letter from Secretary Spaight to the Board of Trade

NEWBERN 21st July 1760

MY LORDS,

The lower House of Assembly of North Carolina having passed several resolves against his Excellency the Governor and me, equally

scandalous and false, it is incumbent upon us to clear ourselves and have the facts fairly stated, which to the honour of the House they never once attempted to do, nay so far from having any of the facts alledged against us proved in the Committee of Grievances as they ought to have been, that the Committee never sat and the Resolutions were formed by a Junto of persons (whose purposes were to be served by a Revolution's taking place by Mr. Child's pretended great interest, who only wanted a pretext for his Friends to act in his behalf,) and at once passed the Committee of the whole House, as a majority previous to that, was engaged by great promises or threats, and was immediately confirmed by the House, and what still shows the villanous intention of those Resolutions in a more striking light is that they previously resolved that if any Member should discover to any person the resolutions entered into, he should be expelled, and thereafter be incapable of sitting in that House, and the resolutions were kept a secret for six days after the Session was closed, on purpose that the resolutions and address to His Majesty should get home before we had it in our power to vindicate ourselves, and that my Lord Granville should get us both dismissed without a hearing; surely they must have had a most horrid opinion of his Lordship to imagine he would join with a faction in favour of one of his agents to deny a Gentleman common Justice to prevent his clearing himself from the low aspersions of a few designing People. I must entreat your Lordships patience while I make a few remarks upon the resolutions which affect me, as to the first which strikes both at the Governor and me, it was never disputed but that I should be allowed one per cent. The Governor, Council and Assembly having past my accounts with such a charge in them, and the late Colonel Innes having been allowed one per cent before, which shows that it was not an unusual charge, and it having passed unnoticed from Assembly to Assembly from the year 1755 until this Session (which if it had been a real grievance would not have been the case,) shows it to be evidently party violence, which makes everything a handle that is possible to serve a turn, and the whole sum on which I received the one per cent amounts to £17771.3.7. Proclamation money, upon which only £177.14.2. like money I received upon it as Commissions, which shows the little foundation for such a resolution, and if it had been of that disservice and a Grievance surely they ought before, and even at the first represent it as an improper step and to desire it might be rectified, and to let it lie dormant for 5½ years and after my accounts were passed without any objection is

such an evident demonstration of the malicious intention and falsity of the resolution itself as several aids have been since granted which I had not any concern with, as hardly deserves any other notice than that of contempt, which it justly merits, and with which I make no doubt but it will be treated by your Lordships—

As to the second which relates to my being Secretary and having been guilty of several palpable frauds and sets forth a flagrant instance of one said to be committed four years ago which you will see by my answer is totally false, since so far from giving myself the preference (that no impartiality to myself in my own Office should be suggested) I gave up my right to the land under the circumstances mentioned in my answer upon oath; and the said Joseph Such has peaceably enjoyed it since.

Now my Lords under these circumstances I hope you will think I have discharged the trust reposed in me with honor, as to this charge and as to the General one of palpable frauds being committed, I defy the whole Assembly to prove my being guilty of a dishonest or mean thing in the execution of my Office, or that I ever extorted any Fees but by Law allowed me, and I am and always shall be ready to vindicate myself against any dirty insinuations which by party violence or envy may be thrown out against me, and when your Lordships has a full view of the whole transaction I dare say you will think I do not deserve such treatment, and also when by Party violence my Place was intended for one Robert Jones a Lawyer of this Province a Pretext was to be found out for removing me and Mr. Child was to get him fixed in my place, your Lordships may judge how difficult it was to find anything against me (alth^o they set forth the many irregularities and palpable frauds which happened during my appointment) when for a single instance or the least color of a fault, they were obliged to have recourse to the above affair which happened nigh four years ago, which I humbly conceive must to every unprejudiced person appear as a convincing proof of my having discharged the trust reposed in me with that Honor and justice that so great a Trust requires, and that nothing but envy, Party and a premeditated malice could induce the persons concerned to be guilty of such an unjust and cruel resolution against any Persons character, who had not the liberty to justify himself and hinder his reputation from being falsely exposed, or even knew of it until six days after the session was over, and this also had another sting intended to make the Governor odious in the eyes of the people for

his appointing me; thus your Lordships may see the weakness and falacy of this resolution.

As to the third resolution by the proofs annexed to my defence you will see that is equally false, malicious and scandalous and that my having whipt the Person therein mentioned, was not under color of law, or executed by any judicial authority, but only my private resentment, for having under his hand treated my wife with the greatest indignity, and to the prejudice of her character, and which I dare to affirm any Person would have done under the like circumstances, for in this new settled country as the most of the people are from mean originals, they don't much stand upon character, which makes it incumbent upon those that do, to exert themselves in their own defence and tho' my heat of passion was so great, upon the first notice of it, yet I only whipt him moderately in order to discover the author of so villanous a libel, and I am persuaded had not Party violence been carried with so high a hand, nothing would have been said upon that affair, as everybody was satisfied he deserved much more for offering to meddle with persons of character, and he himself was so convinced of deserving such treatment that he forgave me, and never offered to sue or indite me for it, but to have the affair so highly aggravated, misrepresented and placed in such a point of view, plainly shews the malignity of such a resolution, and that Party Violence was the only spur to it.

Now, My Lords, it is also requisite to inform your Lordships that my appointment, as well as fourteen other Gentlemen, was only to hinder the Courts from dropping, for want of adjournment in case of the sickness, or other accident happening to the Chief Justice to hinder his being at the Court the first day, and that neither I nor any other of the Associates had had one farthing by such appointment, but on the contrary was at a good deal of expense on such occasions, which plainly shews the Governor could not get any Lawyer to act under such circumstances as the Gentlemen of that Profession don't understand such empty inducements, and it was necessary to appoint Gentlemen in the neighbourhood who would take such trouble upon them and I hope your Lordships considering the Provocation will upon the whole affair being laid before you, not impute it as a fault, but only look upon it as the effects of the first transport of passion, without the cool deliberation and exercise of reason which would have widely altered the case.

Upon the whole I hope for your Lordships favour & protection, whilst I acquit myself in the Office I have the honor of holding

under the Crown to your Lordships approbation, and that your Lordships goodness will prevent my being overwhelmed by the Torrent of Party prejudice, and that thereby the present faction raised in this Province against Government by the Attorney General may be convinced that no dark and indirect doings will meet your Lordships Countenance or approbation, and relying upon your Lordships known justice and honour

I am, with due respect My Lords &c

RICH^d SPAIGHT.

The Answer and Defence of the Hon^{ble} Richard Spaight Esq^r Secretary to the Province of North Carolina to the Charges contained in the following resolutions in the House of Assembly of said Province.

Resolved that his Excellency without any colour of law appointed his nephew Mr. Spaight Paymaster of the Forces raised in this Province by means whereof he hath drawn Commissions on the several Aids granted to His Majesty for raising & paying the said forces, the same has been a cause of rendering the said aids insufficient for the intended purposes, and an obstruction to His Majesty's service.

In Answer to which this respondent saith that in the year of our Lord 1755 when troops were raised in this Province in order to join the army under General Braddock on the Ohio, this respondent was appointed by his Excellency the Governor Paymaster of said forces, in like manner as had been done before; the hon^{ble} James Innes having been appointed Paymaster of the Forces by Mr. President Rowan during the time of his being Commander in Chief; and that this respondent continued in said Office of Paymaster of the Forces until the Session of Assembly at Wilmington in November last; Saith that from time to time since his said appointment, he regularly passed his accounts with the Assembly who always and without any dispute or objection allowed this respondent's charge of one per cent. having been in the same manner charged by and allowed to the said James Innes; and further sayth that in November last this respondent fully accounted with the said Assembly for all his receipts and payments in which Charge was allowed and the Balance then remaining in his hands ordered to be paid to Colonel Hugh Waddell which has been accordingly done.

This Respondent further saith that he never charged or received or had any perquisite fee or reward except the said sum of one per

cent. which in near five years amounted to the sum of £177.14.2 $\frac{3}{4}$ Proclamation money and no more the whole sum received by this Respondent during that time being but £17,771.3.7 which being so very inconsiderable for each year could not possibly be a cause of rendering the said Aids insufficient for the intended purposes or an obstruction to His Majesty's service; and therefore conceives that as the like charge has been made and allowed to a former Paymaster, and has been allowed without hesitation by the Assembly to this Respondent and must by every impartial judge be deemed a very scanty recompence, and very barely adequate to the trouble & attendance required in the execution of said Office, that the said resolution will be considered as the effects of pique and malice.

Resolved that it appears to this Committee that many irregularities and palpable frauds have happened in the Secretary's Office since the appointment of Mr. Spaight to that important trust, a flagrant instance of which is an entry in the books of said Office regularly made and the accustomed fees paid thereon, being by his express order transposed so as to give himself the preference and right to the said Land so entered.

In Answer thereto this respondent saith that sometime in the beginning of the year 1757 this Respondent then residing about three miles from the Town of New Bern on the other side of the river Trent in the evening when he was about to cross the Ferry over said River, he met the Reverend James Reed who informed him that a piece of land joining a Plantation belonging to this Respondent on Batchelors Creek in Craven County was vacant and not included within the Patent lines of said Plantation as was imagined, and advised this Respondent as it was a Conveniency to him to take it up immediately or as it was discovered to be vacant, it would be taken up by some one else and that he would have taken it up himself, but being a clergyman did not chuse to have any wrangles with any of his Parishioners or words to that effect. Whereupon this Respondent immediately returned to the Secretary's Office in order to enter the said land, but the Clerks being gone and William Powell his Deputy in said Office being absent this Respondent left a message with Jane Hoy one of the Governors servants to desire William Robinson one of his clerks as soon as he came to the Office, to leave a blank for an entry which this Respondent wanted to make, in case any person should apply to make an entry before this Respondent

returned on the morrow and then went home, but was by some means or other prevented from returning to Town for two or three days when going to the Office he found one Joseph Leech had just made an entry for said Land, whereupon this Respondent imagining that he had a prior right to said Leech and finding a vacant space at the bottom of a page before said Leech's entry did not transpose the same but made an entry for said land in his own name in said vacant space & immediately after informed said Powell his deputy with what he had done who advised this Respondent that as the Office belonged to him to strike out his said Entry and make one after said Leech's but enter a Caveat against his obtaining a Warrant until the right of property under the circumstances aforesaid should be determined by the Governor and Council which this Respondent accordingly immediately did and saith that his Entry so made in said book (which is but a memorandum book and not a record) to stand before said Leech's was not long entered in said book before it was crossed out by this Respondent; and further saith that soon after he withdrew his said Caveat for no other reason than to avoid any imputation of partiality in favor of himself, in consequence of which the said Leech obtained a warrant at the then next Court of Claims and had said Lands surveyed and a Patent granted to him for the same and has ever since been in the quiet and undisturbed possession thereof And therefore conceives that as the said Leech did not in any sort suffer by the Transaction aforesaid but on the contrary had the full benefit of said Entry, and as this Respondent, singly to avoid the imputation of partiality withdrew his said Caveat which he then conceived, and was advised he had a right to expect would be adjudged in his favour, the same cannot at any time with any justice be charged against him as a crime or mal execution of his office.

That as to the other charges in said resolution contained, of many irregularities and palpable frauds having happened in said Office the same being couched in general terms without any Comp^t exhibited or proof having been made or particulars set forth this Respondent cannot otherwise answer them than by expressly denying the same & saith that he always took care to the best of his Knowledge & understanding to prevent any irregularities having always cautioned the Deputies and clerks employed under him in said Office to be careful that none were committed or suffered to be done.

Resolved that it appears to this Committee that the Secretary during the time the Supreme Court Law was in force was a Judge of the Supreme Court of the New Bern District and by his own

authority without legal Tryal by any Jury, for a supposed libel; ordered one Thomas Core to be stripped naked tyed and whipt, which was accordingly done with great inhumanity and in Violation of the Laws of this Province & contrary to the great Charter of Liberties.

This respondent in Answer to this resolution saith that he was one of the Associate Justices of the Supream Court at New Bern, having been appointed at a time when the late Chief Justice Henly was ill and no other of the then Justices attended to prevent the Courts being lost for want of Adjournment but that he seldom after went upon the bench or acted as such.

Saith that on or about the 24th day of August last, several of the inhabitants of the Town of New Bern where this respondent lived having been for some time before vilified by scurilous libels full of ribaldry almost daily published; Cap^t Andrew Bailie came to this respondent's House and informed him that there was the devil to do in town, that James Parkinson merchant had severally beat one Thomas Core whom he had found writing or copying a libel against him & that Mrs. Spaight meaning this respondent's wife was scandalously mentioned therein or words to that effect upon which this respondent after he had read it believes he might say he wished he, meaning the said Core, was here, & almost immediately after & while this respondent was in a violent passion the said Tho^s Core being brought to this respondents house by the said Baile & Parkinson and having denied he was the author of said scandalous libel & refusing to discover pretending not to know who was the author thereof, this respondent being greatly irritated by the scandalous reflections therein cast upon his wife, and in hopes of discovering and bringing the author to justice, caused the said Core to be stripped, tyed up and did not order but did himself with a horse-whip give him seven or eight strokes on the back & no more, but did not with inhumanity as set forth in said resolution; and expressly denies that the same [was] done by this respondent, in his judicial capacity as an Associate of said Court, as artfully maliciously & falsely charged; the same being done in the heat of passion for the affront & indignity with which his wife was treated; without this respondent's ever reflecting or considering that he was a magistrate or Associate Justice, and for proof thereof begs leave to refer to the annexed affidavits—

NORTH CAROLINA }
Craven County } ss.

The hon^{ble} Richard Spaight Esq^{re} Secretary of the Province of North Carolina came this day before me and made oath on the Holy Evangelists that the foregoing answer is true in every particular to the best of his recollection, Knowledge & Belief.

Sworn before me John Clitheral one of His Majesty's Justices of the Peace for the County of Craven in the Province of North Carolina at New Bern the twenty third day of June 1760.

RICH^d SPAIGHT

JOHN CLITHERAL

NORTH CAROLINA }
Craven County } ss.

Mary Moore of Craven County in the Province of North Carolina, widow, came this day before me and made oath on the Holy Evangelist that on or about the twenty fifth day of August last past having heard that the hon^{ble} Richard Spaight Esq^{re} who was married to this Deponents daughter had whipt one Thomas Core for writing a scandalous libell reflecting upon the Character of the said Richard Spaight's wife, She went to the house of Mary Core mother of the said Thomas Core and with whom he lived & having inquired how he did told him that she herd he had got a whipping for writing a libel and sayd she was sorry he should meddle with the character of Mrs. Spaight whose father had been soe kind to him, or words to that effect, whereupon the said Thomas Core told this Deponent that he did not know nor ever heard that the words in said libell applied to Mrs. Spaight had been meant or intended for her, but on the contrary for the wife of one Harbin, or he would not have copied it—& was sorry that he had, but had been desired so to do by Thomas Sitgraves—This Deponent further saith that the said Thomas Core then told this Deponent that the s^d Spaight did not give him but a few strokes for which he was not angry with him, & he was highly provoked by those about him telling him it was his wife was mentioned in s^d libell or words to that effect.

MARY MOORE.

Sworn before me June 23^d 1760.

AND^w SCOTT, J. P.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Know all men by These presents That I George Burrington Lieutenant of his Majesty's Seventy first Regiment of Foot now at Inverness Administrator with the will annext of my late Father George Burrington Esq^r late Governor of the province of North Carolina & also his Heirs at Law Have made ordained constituted & appointed and in my place & stead put And In and by These presents Do make ordain constitute and appoint and in my place and stead put John Rutherford of the said province of North Carolina Esq^r my true and lawful attorney for me and in my name and to & for my own use to get all the Lands Tenements and Hereditaments at a place called Staggs park in the said province of North Carolina Surveyed by one or more able person or persons for that purpose And also to ask demand and receive of and from the Widow and the Heirs Executors or adminis[tra]tors of the late Edward Mosely Esq^r Dec^d all Deeds and writings Books papers and Accounts of or belonging to the said late Governor Burrington Esq^r my said late Father deceased And also to ask demand and receive of and from the Widow and the Heirs Executors or Admin[istra]tors of the late James Innes Esq^r dece^d all deeds and Writings Books papers and Accounts of or belonging to the said late Governor Burrington my said late Father dece^d and also to ask demand and receive of & from Frederick Gregg of Wilmington in the s^d province of North Carolina Esq^r all Deeds & Writings Books papers and Accounts of or belonging to the said late Governor Burrington Esq^r my said late Father dec^d and also to demand and get possession of all Lands Tenements and Hereditaments Slaves Cattle or any other thing or things which he the said Frederick Gregg or any person for or under him may have taken possession of now belonging to me or late belonging to my said late Father and also to state settle and adjust all manner of Accounts and Transactions whatsoever relating to me or my late father dece^d with the widow or the Heirs Executors or Administrators of the late Edward Moseley Esq^r also with the Widow or the Heirs Ex[ecu]tors or Admin[istra]tors of the late James Innes Esq^r and also with the said Frederick Gregg Esq^r His Heirs Executors or Admin[istra]tors and also to compound any accounts with any person whatsoever their Heirs Executors or Admin[istra]tors respectively and on non payment of all or any moneys due to me as admin[istra]tor with the will annext of my said late father or to my said late father or on non delivery of any Deeds or Writings Books and papers of or belonging to me as admin[istra]tor

aforesaid of my said late father or to my said late father from or by all and every or any the person or persons above mentioned or any other person or persons whatsoever him her them and every of them respectively to sue arrest imprison and prosecute for the same premises respectively & in such Suit or Suits to proceed to Judgment Sentence Execution award or Decree respectively and all and every such person or persons Debtor or Debtors In prison to hold and keep till payment thereof or delivery thereof be fully made with all Costs Charges and damages relating to the said premises or any part thereof Respectively & also to ask demand and receive all Rents due to me as Admin[istra]tor aforesaid of my said late father dece^d of and from all and every my Tenant or Tenants Debtor or Debtors within the said province of North Carolina of and from all and every person or persons whomsoever and on payment or delivery of all or any of the premises before mentioned respectively all and Every such Debtor and Debtors Tenant or Tenants of me or my said late father respectively for of prison to Discharge and also all Manner of Acquittances releases and Discharges for me and in my Name and as Administrator and Heir aforesaid of my said late father (or in my own right) either general or special to make give seal and deliver And also to perform and execute all and every oy^r lawful and reasonable Act and Acts thing and things whatsoever in and about the same premises respectively or any of them or any part thereof as shall be fit and necessary to be done Giving and by these presents granting to my said attorney my full and absolute power and Authority in all and Singular the said premises and every part thereof Ratifying and holding firm all and whatsoever my said attorney shall lawfully do or cause to be done in & about the said premises and every of them by vertue and means of these presents

In Witness whereof I the s^d George Burrington have here unto set my hand and seal this 23^d day of July in the thirty fourth year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King Defender of the faith and soforth and in the year of our Lord 1760.

GEO: BURRINGTON
(L. S.)

Sealed & Delivered (being first duly
Stampd, in the presence of
ANDREW MONRO
WILL^m FRASER Witness

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 39 & 40.]

Letter from Governor Dobbs to the Board of Trade.

3rd AUGUST 1760.

MY LORDS

Having wrote so fully to your Lordships in my former letters the transactions of the last April and May Sessions, and having sent you in my last the transactions of the last June Sessions with the Copies of the two aid Bills proposed at the May Sessions and rejected, and the other as passed last July with the tacked Clauses & all the other speeches, answers and messages to which I refer. I have nothing until I can send you over the attested Bills which were past under the Great Seal, except my answer and defence against the inquisitorial resolutions, and address to His Majesty, sent over by the Attorney General and his Junto because I would not break through the King's Instructions, and, as far as in me lay lessen his Majesty's Prerogative, to bring in a Junto of Lawyers to assist him in procuring the Government to himself and every lucrative employment, of the few that are here, for themselves and their friends upon my removal. My answer to every part of his and their charge I hope your Lordships will find as full and explicit as so vague & general a one will admit of which if they think proper to pursue, I shall give proof to all positive facts alleged, and as far as can be done to any negative ones, which I hope will prove satisfactory to your Lordships, and at the same time expose the unprecedented part they have acted to overawe the Assembly by letting them have no time to reflect previous to the report of the resolutions. I am therefore induced to think that when the whole is laid open to your Lordships that my innocence and integrity will be fully proved; and that their conduct will appear to be the effect of disappointed malice in not having been able to persuade me to give up His Majesty's Prerogative and break through his Instructions, which if I had done they would have had just cause of complaint against me.

I am therefore convinced that your Lordships will justify my conduct and will advise His Majesty to strengthen my hands to oppose and suppress a republican spirit of Independency rising in this Colony. The Assembly think themselves entitled to all the Privileges of a British House of Commons and therefore ought not to submit to His Majesty's hon^{ble} Privy Council further than the Commons do in England, or submit to His Majesty's instructions to His

Governor and Council here whose person they would usurp and place all in a Junto of an Assembly here.

I also must inform your Lordships that I think it is for his Majesty's service, that Mr. Child His Majesty's Attorney General who has raised all this flame [of] opposition and delay to His Majesty's Orders, should be dismissed from his Employment in this Province, and if Lord Granville should still support him after this behaviour that it may be in some other employment which may not prejudice His Majesty's Affairs in this Province.

I am, with great respect, my Lords, &c.

ARTHUR DOBBS.

P. S.

Having not had an opportunity of sending over my answer sooner I send also by this conveyance all the Bills passed in the April, May & June Sessions and the Journals of the Council & Upper House. As I think it my duty to disappoint those Gentlemen of the Junto who thought to raise their power to oppose His Majesty's just Prerogative by having a greater influence in the Assembly when appointed Assistant Judges *Quamdiu se bene Gesserint*, notwithstanding the limiting clauses I have found out three Gentlemen proficient in the law of at least equal abilities & knowledge in the Law, of unexceptionable character, whom I have made assistant Judges, who have no family or party attachments in this Province. Mr. Dewey who has been long a proficient in Virginia and now resident here. Mr. Marmaduke Jones nephew to the late Sir Marmaduke Wywil and Mr. Charleton whose father is an Officer in the army and resides in England, these, my Lords, are Gentlemen whose integrity and knowledge will be owned even by the disappointed candidates, and therefore I hope the appointments will meet with your Lordships approbation.

Answers of Arthur Dobbs Esq^r Governor of North Carolina to certain resolutions made in a Committee of the Assembly of North Carolina to consider of the distressed state of the Province met under a vote of secrecy upon pain of expulsion.

1st Resolution. resolved that the large sums which have been cheerfully granted for His Majesty's service, amounting to upwards of £74000 and chiefly intrusted to the application of His Excellency the Governor have been injudiciously applied and several military commissions have been granted to persons of little weight and interest

in the Province, whereby the service has been delayed and the Aids granted have not had the good effect proposed by the Assembly.

Answer. In Answer to this resolve I must beg leave to observe that the charge contained in it is twofold first the misapplication of the Public money I was chiefly intrusted with, and secondly my having granted military Commissions to persons of no interest which thereby render the aids that were granted ineffectual; It is true as the accusations are general, it might be thought sufficient for me in general to deny them, but as my conduct ever since I have been honored with the Administration will bear the strictest scrutiny, both before God and man, I shall so far presume upon your Lordship's patience as to faithfully lay open my behaviour to you in respect of every particular I am charged with, as I am induced to hope when it comes to be inquired into, it will meet with your Lordship's Approbation.

In regard to the first accusation to wit, the Misapplication of the public money, I do affirm that there was not a single sum granted & paid by my warrants but what has been scrutinized and passed before the Committee of Accounts, and afterwards approved of by the House, except the account of the New York Expedition, which could not be liquidated before the returns made to me from thence, and which I did not receive till last February, owing to the several remittances not having been sooner settled. Upon the opening of the Session I laid a fair Account of them before the Assembly, who by a multiplicity of business were not able or perhaps unwilling to pass them; and as to the late supplies granted, the Officers who had received the money attended to pass their accounts but were prevented by the like reason, so that no injudicious application can yet be made appear in any warrants I ever signed upon the Treasurer, otherwise being so much my enemies they would not have failed to have produced them, and I can further most solemnly affirm, that I never fingered one single shilling of the public money, tho' I have paid money out of my Pocket to contingencies for the good of the service, which the Committee of Accounts by the instigation of one of the Treasurers refused to repay me. And I further expended upon my expedition to the Congress at Philadelphia to which I was summoned considerably above £100 sterling for which the Assembly never made me any allowance, nor even for House rent, tho' always allowed in other Provinces. Hence my Lords it clearly appears that the misapplication of the Public money, if any such there be, can in no wise be laid at my door. . . In respect to

the second Accusation to wit my having granted military Commissions to persons of no interest, which thereby rendered the Aids which were granted ineffectual, I must give your Lordships a detail of my conduct in that regard, the charge itself is a General one—Except one Captain Arbuthnot as nephew of Mr. Barker who brought in this resolution, and one Captain Graingers a gentlemen of distinction in this Province, and who had been appointed Lieut: Colonel to the Carolina regiment in 1754, I know of no others who have misbehaved—The other Captains whom I appointed were my own son who had been several years Lieutenant in the English fusiliers, and had procured His Majesty's leave of absence to attend me here for some time, and having raised one Company to join General Braddock, and there being no person in the Province who had been an Officer of the Regulars and understood anything of discipline, I thought it for His Majesty's Service to give him the Command of the Company upon that unfortunate Expedition, that he might not be an idle spectator here, and he had his Company compleat, and at the Rendezvous at Fort Cumberland in good time, and hope in that instance I could not be blamed.

The Company to defend our western Frontier was given to Captain Waddell who had been appointed a Lieutenant in Colonel Innes' Regiment sent to join the Virginia Troops before my arrival in 1754, and was there made a Captain, and finding him in his person and character every way qualified for such a Command, as he was young, active and resolute, I thought it for His Majesty's Service to continue him in that station and in the late Expedition under General Forbes upon sending out 3. Companies to the Ohio gave him a Commission of Major to command those Provincials, where he had great honour done him being employed in all reconnoitring parties, and dressed and acted as an Indian; and his Sergeant Rogers took the only Indian prisoner who gave Mr. Forbes certain intelligence of the Forces in Fort Du Quesne upon which they resolved to proceed. He has since with great gallantry acted against the Cherokees, having given him a Colonel's Commission also to command the Frontier militia to act along with the Provincials and has fully accounted for all the money he had received until December 1759, as entered in their Journals so that as to two of the Companies I hope I am not to blame.

Upon the expedition to New York I sent over 4 Companies under the Command of my son, and General Shirley then having the Command desired that I might appoint a Field Officer to command those

4 Companies, and as my son had a command in the Regulars, and was consequently the Senior Officer, I appointed him Major as directed—the other three Captains were, Mr. M^cManus who had been formerly a Lieut. in Innis' Regiment before my arrival, and had been so diligent in recruiting as to raise the men in the Company he served in with great dispatch, and as his Father had been an Officer in the Regulars, I had upon Braddocks expedition made him Lieutenant to my son's Company, and upon the New York Expedition gave him a Company where he behaved so well, and was so beloved of his men, as to merit preferment, and is now a Lieutenant in the Regulars.

Colonel Grainger upon the breaking of the Carolina Regiment accepted of a Commission of Captain upon the New York Expedition: He was a Gentleman of good fortune in the Province, the others I had appointed had all come lately from Ireland, and therefore the Country born as they are called here were displeased that any Europeans should be employed. I therefore to please them appointed Grainger Captain but found him after his return no way proper for an Officer, for all he proposed was making the most of his Company, and having quartered his Company at Fort Johnston about 24 miles from his place of residence, he neglected it, and when it was reduced from 100 to 50 he discharged all the best men for money, and kept in all the worst and unfit for service, and upon my changing his Company to go to Fort Granville 100 miles from his residence he threw up his Commission rather than leave his House, and left a very bad Company to his successor Captain Paine; this therefore was no encouragement for me to employ the Country born of interest in the Province to make fortunes at the Publick expense.

Captain Arbutnot nephew to Treasurer Barker made upon his recommendation, having given him a Lieutenancy before, he was originally from New England, but then resident in this Province he in a great measure recruited by his Subalterns who were obliged to advance their pay for that purpose which he never repaid them, the Companies being broke in New York, and the men turned over to recruit the American Regiment, he never returned to this Province, nor accounted for the money advanced to him, sending home a lame excuse that in passing a river he had lost all his papers and therefore could not account; the other Captains returned and each of them made up their accounts before the Assembly and were paid the balances due to them, but on the petition of his Subaltern against him, Mr. Barker his Uncle by his interest as Treasurer got the Assembly

to pay the Subaltern the money he had advanced, and he has never accounted to this day, all which they wou'd lay to my charge. This Captain afterwards got a Company in the New England Troops & happened to command in Fort William Henry at the time the enemy appeared before it, when he was seized with a panic and was convulsed for some hours, he was accordingly relieved and immediately recovered after quitting the fort, whether therefore Barker (who was not ignorant of these disqualifications) in recommending him, or I in accepting the recommendation are most to blame your L^{ps} must judge.

Captain Pane whom I appointed to succeed Mr. Grainger commanded with Major Waddell on the Ohio Expedition, as also in the party who took the Indian and Squaw that gave us the intelligence and was also out upon all reconnoitring parties, as General Forbes' whole dependence for intelligence was upon the Carolina & Maryland Provincials, all others having failed in taking a Prisoner.

Captain Bayley who had been Major Waddell's Licut: and a good Officer, I promoted upon a vacancy to a Company, who always has behaved well. These are all I gave Companies to except Captain James Moore who was a young gentleman of one of the best Families of the Province and who for one year commanded in Fort Johnston, who was expert in military discipline and well beloved in the Province; these were all who had the command of Companies since my arrival. As to subalterns I was obliged to delay giving Commissions for 6 weeks to get recommendations from Gentlemen, many offered to take Companies, but few or none to take Subaltern Commissions, and even when some were recommended and the Commissions made out, they would not serve, upon which I gave several Commissions to young Gentlemen who came from Europe against whom I never had the least complaint, I therefore submit it to your Lordships whether there has been the least foundation for this inquisitive resolve.

2nd Resolution. That His Excellency without any colour of Law having appointed his nephew Mr. Spaight Paymaster to the Forces raised in this Province by means whereof he has drawn Commissions on several Aids granted to His Majesty for raising and paying the said Forces, the same has been a cause of rendering the said Aids insufficient for the intended Purposes, and an obstruction to His Majesty's service.

Answer. In respect to this Charge it will be necessary to observe that before my arrival in this Province £12,000 Currency had been

granted to raise and support a regiment under the command of Colonel Innes to act in conjunction with the Virginia Forces against the French upon the Ohio, Mr. Innes was allowed 1 per cent for his trouble in receiving and paying the sum allotted for these purposes, notwithstanding which he appointed Mr. Murray the then Secretary of the Province his Attorney to receive and remit him the pay of the Regiment, who, as he was allowed no part of Colonel Innes' Commissions, stopped for his own use $2\frac{1}{2}$ £ cent from the Officer's and private men's pay without any allowance from the public. When the money therefore was ordered into my hands to pay the Troops and no Paymaster appointed, I thought my nephew whom on my arrival I had appointed my private Secretary, and in whom I could confide, the most proper person to issue it, and I then gave him an Order to receive the Proclamation Bills from the Treasurers that he might remit and pay the Troops agreeable to any respective warrants, I must also observe that he stopped no Commissions out of the pay of the Troops, nor did I myself make him the least consideration for his trouble, but left it to the Assembly to give him what they thought he deserved, and accordingly upon passing his accounts they allowed him one per cent a sum equal to that which was allowed to Colonel Innes, besides the $2\frac{1}{2}$ stop'd by Mr. Murray from the Troops, and for which they brought suit against him. This Transaction happened during the two years my nephew was private Secretary, and nothing has been paid into his hands since he was appointed Secretary to the Province; the force of this charge must therefore vanish, as the 1. £ . cent he received was neither by my Order nor my Appointment but was allowed to him as a quantum meruit by the General Assembly.

3rd Resolution. Resolved that His Excellency out of the Proportion of the money coming to this Province by the Grant made by His Majesty and the Parliament of Great Britain towards reimbursing this & the neighbouring Provinces the expenses they have incurred during the present war, in promoting the common cause, having procured a payment of £1000 sterling, which has never been accounted for, or any intimation given to the Assembly that it has been applied for His Majesty's service or the benefit of this Country, or to whom the said money was paid, the same has a manifest tendency to frustrate the gracious and benevolent intentions of His Majesty and Parliament, towards this Province.

Answer. In Order, my Lords, to answer this resolution fully and to clear myself from the unmerited reproach thereby cast on me I

must inform your Lordships that in the year 1755, when the Forces of this Province joined the Virginians under General Braddock, we had no means, having neither money nor credit, of paying our forces out of the Province, but by buying up cattle and pork &c. to send into Virginia to sell there, when the pork &c. came there, the markets were so low, and there being little or no demand for it, it was again reshipped for the Islands, and this disappointment occasioning the pay to fall far short of what was necessary, I was obliged upon my own credit with Colonel Hunter to take up money to pay the Troops.

The next year 1756 when we sent 4 Companies to New York, and the supplies to be remitted from hence were put under my directions, I signed Warrants to Mr. John Campbell, the most eminent Trader in this Province (of unblemished character and who has been chosen speaker of the last Assembly) to buy up Provisions & Commodities upon the best footing and send either to New York, if there saleable or to the West Indies, where there was a better market.

This being the only method, th^o attended with great delay, that could be taken to pay the Troops, it was consequently necessary to employ a Merchant of good credit at New York to whom the Commodities might be consigned or Bills sent to upon the Cargos sold in the Islands, accordingly Mr. Hugh Wallace a merchant of an undoubted character and Mr. Campbell's Correspondent there was fixed upon to pay the Troops.

After this when I found the difficulty and delays which attended these remittances, as well as the necessity of having the Troops soon there, and the men punctually paid I wrote to Gen^l Shirley acquainting him with their distressed situation on account of our irregular remittances and desired he would advance £500 sterling to pay them, which should be paid out of the effects remitted to Mr. Wallace; he accordingly upon my letter paid £500 into the hands of Mr. Wallace, and took his bond for the money.

Upon my Lord Loudouns taking the command, and our remittances still falling short, some of our Sloops, having been taken, and the insurance not immediately paid, I was again obliged to apply in like manner to his Lordship, who advanced the like sum of £500 and took the like security (Mr. Wallace's bond) for the repayment of it.

Mr. Campbell punctually accounted with the Assembly for all the warrants I signed in his favour upon that fund, but by the great delay in the manner of remitting and settling the accounts between

Mr. Campbell and Mr. Wallace, the whole fund fell short of the pay camp necessities Tents &c. not provided for, upon which the Generals made a demand of their money, and threatened to sue him upon his bonds.

By this time the £50,000 was voted for the Southern Provinces, upon which I wrote to Lord Loudoun who was then appointed to settle the dividend between the Provinces to stop £1000. out of our share of the dividend and clear Mr. Wallace from these bonds, but as we have not yet received our Quota of that grant, these bonds are still lying over him, and as he advanced more money than the remittances came to, he charged (in settling his accounts which never could be done till last February) interest for those sums and gave in a fair account vouched by Mr. Campbell, and by this account which I delivered into the Assembly there appears due to Mr. Wallace about £2000 York Currency, for he cannot give this Province credit for the £1000 till the bonds (into which he entered as a security for it) are discharged and which will amount if paid to about £1700 York Currency exclusive of the other monie which he advanced. This my Lords is a true state of the case, and your Lordships may judge whether I have been in any fault, as I have been no way concerned in it but by signing the Warrants which have all been accounted for and passed before the Assembly by Mr. Campbell, can I then become accountable for the £1000 sterling, which still remains unpaid, and the Bonds not cancelled, nay further every Officer concerned upon that expedition accounted upon oath before the Committee of Accounts, except Captain Arbuthnot Mr. Barker's nephew, who pretended to lose his papers in passing a river, and never returned into this Province tho' his uncle by his interest as Treasurer passed his accounts in the best manner he could without Vouchers.

4th Resolution. Resolved that although the Governor has been frequently addressed to cause an account of the monies that have been paid to his Orders to be laid before the Assembly, the same has not been done, and the account he has sent to the House this present Session from Mr. Wallace a gentleman unknown to the Assembly and in whom they never reposed any trust does not in any wise tend to shew the application of the sums he has drawn out of the Treasury.

Answer. The charge of this Resolve your Lordships will find I hope satisfactorily answered by referring to my answer of the third, though I can't help observing the flagrant absurdity contained in it, that when the Troops were destined for New York I must have

called the Assembly to appoint the person whom I should make the remittances to, or otherwise have let the Public service suffer; No, my Lords, the Grievance lyes here that His Maj^{ty} should presume without the approbation & previous consent of the Assembly to empower a person to pay the Troops that money which was alone granted to him and for his service, for it has been their sole aim to encroach upon the Prerogative inch by inch as their phrase is, and substitute in the room a kind of republican Government so prejudicial to the just rights of the Crown the liberties and true interest of the People.

5th Resolution. Resolved that His Excellencys practise in disposing of Royal Charters to several Counties to empower them to send representatives at different but exorbitant prices under the denomination of fees to the Governor & Secretary is illegal & oppressive.

Answer. In respect of this charge as it doth not particularize the different and exorbitant prices which were charged by the Governor & Secretary, it is sufficient for me to reply that the fees were neither different nor exorbitant, and I call upon the Junto and their adherents to name any particular fact in support of their charge, but that I may avoid the imputation of intended delays and at the same time submit the most minute circumstance of my conduct to your Lordships scrutiny. I must descend to particulars.

I presume that I am entitled by my Commission to all the usual fees and perquisites due to other Governors; that I have no Provincial appointment as other Governors have, mine being from His Majesty's particular grace & favour no charge upon the Province, that I receive nothing from it but the usual fees due by licences; and though by His Majesty's Instructions and Command I had applied for a perpetual appointment to be settled upon me and my Successors by the Assembly, as complied with in other Colonies, yet no such appointment hath been made, and therefore it is but reasonable that proper fees & perquisites should be paid. It is evident also that in a Fee Bill passed by the late Governor, the Fees in most cases particularly in Chancery were so diminished and limited that a good clerk cou'd not nor even now cannot be procured, the Governor's & Secretaries Fees also are reduced, and no Fees allowed for the Great Seal, or other services not specified in the Act, and in a subsequent clause a penalty is inflicted upon any person who shall take a fee not specified therein, though this cannot affect the present charge, for as no charters were then granted by the Crown, consequently no fee was appointed for that service.

As therefore I must have done injustice to my Successor as well as to my own right, if I had not demanded a fee upon each Charter, the only thing to be considered was what would be a quantum meruit for so great a privilege from the Crown. I considered that in Europe & particularly in Ireland, that the Fees paid by a single Justice whose place was only during pleasure, amounted to at least 5. guineas besides Solicitor's fees, I therefore upon this service consulted with the then Attorney General Mr. Robert Jones (who with Mr. Barker moved this resolution against me) and told him I knew not what fee to take upon granting a Charter to a County, and asked him whether five pounds were sufficient. He said he thought it was too little, and that I could not demand less than £10. this Currency, (which is in value 5. guineas, a guinea passing here for 40^s) which would be a mere trifle to a County for such a Grant it not amounting to a penny each taxable, and as he was then taking out a Charter for Orange County, he raised that fee from the people and afterwards paid me; since which time I have without any variation charged the same upon every charter, of which I acquainted your Lordships that I might readily acquiesce with your opinion concerning it. He then paid me nothing for my secretary, nor did I make any demand; whatever he has since taken for his service in writing or sealing the Charter I can't be chargeable with, as no complaint ever came to me against him, and he himself must answer it. I am also informed by my nephew the Provincial Secretary that he has cautiously avoided receiving any fee upon the Charters tho' countersigned by him until your Lordships pleasure be known, from whence I hope your Lordships will infer, where the Assemblies endeavour to force Governors into a compliance of their measures by limiting their Privileges that there is no just ground for this resolution.

6th Resolution. That the granting Licenses to persons to practise the Law who are ignorant even of the rudiments of that science is a reproach to Government, Disgrace to the Profession, and greatly injurious to suitors.

Answer. The insinuated censure intended by this Resolve will I hope appear to be undeserved when I acquaint your Lordships that to prevent my being teased to license persons unknown to me, and least such as were unqualified might be thereby admitted, I laid it down as a rule that I never departed from but in two instances, that I would never grant a license to plead either in the Supreme or

County Courts until I had either a written or verbal recommendation from the Chief Justice, which not only eased me of frequent solicitations, but wou'd take off any charge against me if any improper persons were admitted. The only two instances in which I granted licenses without such recommendation were to Colonel Ruddick a lawyer of long standing in Virginia, who had lands on the northern frontier of this Province, and consequently had dealings here, and upon his visiting me at Newbern some time after my coming into this Government, he desired a license from me, which by his long practise in Virginia and possessions in this Province, I thought him entitled to, & without any recommendation from the Chief Justice I gave him one. The other instance was a Gentleman a long practitioner at Norfolk in Virginia who had obtained a power of Attorney from Governor Tinker to sue for some lands he had a right to by Colonel Bladen's daughter, which lay upon the boundary line between Virginia and this Province, he therefore applied to me for a License to finish these affairs, which I thought reasonable and granted it without waiting for the Chief Justice's recommendation. I never swerved from this rule I laid down to myself in any other instance, nay even since the Attorney General Mr. Child's arrival he recommended to me Mr. Lucas who came over with him for a License which I refused until I received a recommendation from the Chief Justice Mr. Berry.

But this charge to come against me, & that too from Mr. Jones and Mr. Barker doth not a little surprise me, as the one was bred a Weaver, the other a skipper of a new England Bark, and afterwards a hackney clerk in this Province; I mean not this by way of reflexion, my Lords, but I think their mean education, and meaner original would be motives, if duly reflected on that would induce them to assist rather than discourage others of equal parts th^o under similar disadvantages in the obtaining of Licenses, were they even like them to aim at being Associate Justices.

I must further inform your Lordships that I never yet exerted the power which my Predecessor Johnston did in withdrawing his license & silencing the Lawyers at his pleasure among whom was Mr. Hodgson the then speaker and Mr. Sam^l Swann the present one a candidate also for the Assistant Judges place, and who as the vaunted opponent of every administration was suspended from practising several years; had I exerted this Power the Junto would have impeached me and at least made it a premunire if not a misprision of Treason against the Triumvirate.

7th Resolution. Resolved that the taking 4 pistoles for the Governor's and his Secretary's fees on such Licenses is expressly contrary to an Act of Assembly.

Answer. In regard of this charge which insinuates that the fee I received on licenses was the sole view of my granting them, I must refer your Lordships to my answer of the former Resolution as to my right. Moreover I must observe that it was the constant usage before my time even since the passing of the Fee Bill to take a guinea for each license for which I only took a pistole, an exorbitant charge upon the lawyers whose usual retaining fee in Chancery is £10. sterling instead of £3. Currency given them by the Act of Assembly. I must further observe to your Lordships that since my entrance into this Government I never received a payment in gold or silver except those pistoles for the law licenses & four pistoles for granting a Commission to a Privateer from this Province, all other payments being made me in paper Bills at near 50 p. cent discount & further that this exorbitant fee in the whole six years of my residence here has not amounted in the whole to fifty pistoles, as will appear by a paper herewith sent by my Secretary of all the money received by him for me from June 1757, the time when he came into my service till this date, the amount about 33 pistoles, and before that time there were not admitted above 8. or 9. as few demanded licenses for some time after my arrival. As my nephew when Secretary to me never exceeded half a pistole for a single license and frequently not above 6 shillings 8 pence I never enquired into, knew, nor expected to hear that my present Secretary ever took more until I was informed of it, sitting the last Assembly, upon which I severely reprehended him and ordered him to receive no more than the accustomed fee and to repay the overplus he had taken. You will find my Lords, by the inclosed paper the excuse he would make me for his conduct, as well as an endeavour to show that it was not the intention of the law to deprive people of fees for services that were done though not specified in the Act, and that such was the opinion of Samuel Swann the Speaker one of the Junto who agreed to this resolution, but this is digressing from the present purpose which is to justify my own conduct. I therefore hope my Lords from what has appeared that you will not think me avaritious or exorbitant in taking a pistole for each Attorneys license, and that I shall stand acquitted of blame for that which my Secretary hath done unknown to me, as no complaint ever came to me against him, besides if he is faulty he is subject to the penalty of the act, and I

shall let the law take place against him without giving him my protection.

8th Resolution. That tho' the Governor was addressed by the Assembly in June last to take necessary measures to suppress the several Mobbs & insurrections which for many months in open violation of all law have with impunity assembled in great numbers in different Counties, erected sham Jurisdictions and restrained men of their liberty, broke open Goals, released malefactors, dug up the dead from the Grave, and committed other Acts of Rapine and violence, no effectual steps have been taken to check the torrent of their licentious extravagancies notwithstanding their having repeated those outrages, but on the contrary some of their principal leaders & known Conductors have been preferred to the Magistracy, and honoured with Commissions in the Militia, whilst on the other hand Gentlemen of unexceptionable characters and distinguished worth, who had filled those offices with credit, and whose conduct in the discharge of their respective functions had been justly rewarded by the approbation and applause of all who were witnesses of their publick deportment have from groundless prejudice and unreasonable caprice without Complaint or accusation against them been abruptly displaced, whereby magistracy is fallen into disgrace, Courts have lost their influence & Government its dignity, and life, liberty & property is rendered precarious and without a speedy establishment of Courts of Justice on a respectable foundation, and appointment of Justices of the principal Courts on such terms as Gentlemen of suitable abilities may accept such appointments, without apprehension of being misplaced but for misconduct the Government will be in no less peril from its internal enemies, than from the depredation of savages on the Frontier settlements.

Answer. In respect of this pompous Resolve so replete [with] oppression and mal administration, I must beg leave to enter into a short detail of the rise and cause of the riots complained of, in order to prove that the Governor and Council have neither been the cause of those northern disturbances so mightily magnified, nor have been negligent when applied to in the suppression of them, and shall afterwards answer the conclusive part of the charge of turning out and putting in of Magistrates and militia Officers so greatly complained of.

I must first observe that these Mobbs, Riots and Insurrections terrible as they are described were all confined to Lord Granville's northern district, and that all the outrages complained of were limited to the Counties of Granville & Edgecomb from which Halifax

has been taken off since except in the instance of going to Chowan to carry up Mr. Corbin his Lordship's Agent prisoner to Edgcomb the chief part of the great Insurrection.

But to lay open the cause and spring of that Mob I am under a necessity of hinting at part of the management of Lord Granville's Agents as well in England as in this Province. Mr. Child and Mr. Corbyn were joint agents to His Lordship in this Province when he was formerly Attorney General and acted in concert to make the most they could of the Fees and Perquisites in His Lordships Office for their own emolument at the expense of the people by which means they procured great sums to themselves but little for his Lordship. Upon his return to England he fixed the plan of operation with Mr. Corbin, & deputed his place to Colonel Innes who lived at a distance at Cape Fear, and upon his giving him an annual allowance he was to go to Edenton at appointed times to sign the deeds and receive the fines, and was no further let into the private agreement between Child and Corbyn, upon Child's return to England he was to represent all things to Lord Granville, and Corbyn was to act by his directions. He then to acquire a greater share of his Lordship's favour acquainted him with the great sums the Agents got for granting of lands, upon which his Lordship took all the fees into his own hands, and fixed annual salaries upon his Agent, which lessened the Agents profits, upon which Innes would not pay Child the stipulated allowance, this occasioned small returns to his Lordship, as Child stopped the money he remitted to his L^{dp} to pay himself what Innes was to allow him. He then by his Lordship's allowance turned out Innes and got Mr. Wheatley the naval officer appointed in his place for which he got bonds from him for £1,000 at least and he was instructed to oblige Corbyn to sign bonds to his Lordship to execute his trust and account and pay for the money received, he also sent over a Table of Fees to be put up in the Office to let the Tenants Know what they were to pay, as several Fees were taken unknown to his Lordship, & some of the Tenants paid more than usual which had caused great complaints amongst them. However Child managed so with Corbyn that he got up the bond from Mr. Wheatley and kept it without perfecting it, and the table of Fees was not set up in the Office, nor any remittances of consequence sent to his Lordship, upon this Child got Wheatley turned out, and transferred his Mortgage to Mr. Bodeley from whom he got about £2,000, and other presents of great value, and got him appointed joint agent with Corbyn, with instructions to call Corbyn to

account, at the same time Child advised Corbyn not to account with him but delay it till he (Child) should come over, and at the same time directed him to make a party against the Governor's administration, and by a division being kept up between the Agents he could thence infer the necessity of his Lordships sending him over to settle his affairs, by these intrigues little money was remitted to Lord Granville, & great complaints were made by the tenants for unusual and extraordinary fees taken upon Surveys & Grants, above double of what were taken in the King's district, the Surveyors & Understrappers demanding fees even to be admitted to Corbyn to make their entries, or to be heard, in which he went snacks, Colonel Hayward being the Chancel through whom those demands were made, many double entries made & exorbitant sums taken to give the preference, these and many other abuses having irritated the heads of the Tenants, they applied in those Counties to their neighbour Robin Jones then His Maj^{ty's} Attorney General to know how to be relieved; he advised them to petition either the Earl or the Assembly to take their case into consideration but as he was Attorney General he could not appear publicly for them, but he would prepare or alter any petition they should get drawn, for which it is probable he was well paid, as they entrusted him with their whole Grievances, hitherto there were no riots.

In December 1758. they preferred this petition to the Assembly, and his friend Mr. Barker another of the Junto was made chairman of the Committee, and they finding it more for their Interest to make up matters with Corbyn, against whom the greatest charge was laid, they changed sides for a valuable consideration, and by the report of the Committee they had no redress, Corbyn was then obliged to produce his Table of Fees, but as great abuses were charged against Hayward and his sons and other Understrappers and no redress received nor money returned the Ferment increased. During this Tryal Hayward returned home, and in two or three days sickness died unexpectedly, and was buried privately. The Petitioners thought this was a trick to avoid his being prosecuted, and therefore went in a body to open the Grave, and finding his body left it there satisfied. This is the whole riot of digging up graves.

Nothing more happened till after the Session when in January 1759 the Petitioners having had neither redress nor their money unjustly taken from them returned, a number of them I believe about 20 went from Edgcomb to Corbyn's House near Edenton, and

obliged him in the night to go along with them in his own chair to Edgcomb where he held an office & there obliged him to give a security or faithfully to promise to return at the following spring Court, and to refund all the fees unjustly taken from them & then released him and let him return home along with the other Agent Mr. Bodeley whom they had detained until they brought up Corbyn in Custody.

No complaint of this treatment was made or any examination taken, the application was made to Corbyn to give them and to prosecute, nor had the Governor or Council any account or letter about it, nor did the present accuser Robin Jones then Attorney General who lived in their neighbourhood take or order any examination to be taken, though it was his duty and every adjoining Magistrates to have ordered prosecution—but soon after the Petitioners who were advised by Robin Jones, & probably he had taken a fee from them to petition, apprehended, & most think with Justice that he had got a large fee from Corbyn as a lawyer against them, and some of them vowed, as it was said, his destruction, and would not let him plead in the General or County Courts and frightened him so that he always carried pocket pistols about with him.

In May 1759. Mr. Jones attended the Sessions at Newbern, and appeared before me in Council and made oath of these proceedings, & said that unless a Proclamation was issued and a reward given to discover these rioters, there wou'd be no safety in those Counties. I then sent a message upon it to the Assembly to enable me to give a reward which they addressed me to do, upon which a Proclamation was issued and Mr. Jones carried it along with him to distribute in that neighbourhood, some persons were afterwards committed, and I heard afterwards the Jail was broke open and the prisoners set at large, and all these things happened before the laws were repealed, or promulged, and no Prosecution made against them; Corbyn indeed after this ordered a prosecution, but afterwards countermanded it, as Mr. Child had advised him to stop it saying if it came upon Tryal he (Corbyn) would be the sufferer, as he had done things he could not justify, and the fault would be laid to the charge of his Office.

This is the whole of these formidable riots and insurrections in the Province, and I cannot see how any fault can lay against the Governor & Council, when no complaint is made to them, so that if any neglect has been it must be imputed to Mr. Corbyn & Jones the Attorney General whose duty it was to prosecute, and not to the

Governor & Council, as no other notice was given by affidavits or any thing known of those riots but by flying reports of which the Government can take no notice.

As to the second or conclusive part of this Resolve to wit that some of their principal Leaders and Known Conductors have been preferred to the Magistracy & honored with Commissions, and that on the other hand Gentlemen of unexceptionable characters have from groundless prejudice without complaint or accusation been abruptly displaced, I deny the charge, & defy them to produce an instance to prove it, though I must observe what doubtless will readily occur to your Lordships that upon my arrival I was an utter stranger to the persons and characters as well of those that were in the Magistracy, as of those that were qualified to be admitted into it, & must therefore take & rely upon the recommendations and informations of others—Your Lordships will also allow that in infant colonies & new created counties where the first settlers chief concern is to procure food, clothing and decent lodging that very few have time to read and qualify themselves for being magistrates and that many Justices are wanted, & as *ex quo vis ligno non fit Mercurius* thus situated I laid it down as a rule to obey my instructions in appointing no Justices but in Council, and by their consent, and when any were appointed always took the recommendation of some of the Council when they knew any qualified or of the Members of the respective Counties, or of Gentlemen of the neighborhood of the best Fortunes & characters, I also laid it down as a rule I never swerved from, and defy them to produce an instance to the contrary, that I ever removed one Justice without the advice & consent of the Council and can't recollect any one instance of a Justice removed by the Council but one, unless it was upon account of their not qualifying, & taking the oath of Office and having their names in the Commission only to excuse themselves from other services, or upon their removal out of the Province or County where they resided, for the rule laid down in Council was when any Complaint or want of capacity appeared then to summon the accused party to attend the next Council, and to determine upon the hearing, and if the summons was served and they did not attend it was taken *pro confesso*, and he was dismissed; though I must also observe that as they are only made during pleasure the Governor in Council has a right to strike any out of the Magistracy without a hearing by virtue of his Prerogative, in case he be found acting contrary to the duty he owes his Majesty or counteracting his just measures.

The only instance which can be given of a Justice being agreed to be turned out by me in Council without any charge of injustice having been imputed to him was in agreeing upon my Application of turning out John Starkey Treasurer of the southern district from being a Justice of peace for Onslow. This old Gentlemen my Lords, not less in appearance than in principles, is a declared Republican, and by professing those principles had gained a great share of popular applause, and had upon all occasions endeavored to bring acts or clauses to restrain or lessen His Majesty's Prerogative, his constant schemes and declarations being to gain from the Prerogative by small and imperceptible degrees, and that by slipping in, if not closely attended to, occasional Clauses into useful Bills. Added to this was a constant opposition to everything that was asked or claimed as a right or Privilege in the Crown, an Instance of which as it is a very recent one I shall mention to your Lordships—His Majesty upon sending over a Train of artillery with all the Ordnance stores of above £3000 value had commanded me to appoint a storekeeper who was to correspond with the Board of Ordnance, & who gave £3000, security for his place; His Majesty in Council also commanded me to apply to the Assembly for a suitable appointment for him, which I accordingly did for £40. p. annum the usual salaries allowed in Europe, this recommendation John Starkey His Majesty's Treasurer opposed in the Committee and the House and said he could get it taken care of for £12. p. ann: which was with great difficulty allowed to the Gentleman (who was well qualified for such a trust) he was obliged to lodge the Stores at Fort Johnston which was not quite finished, nor had it at that time a Garrison to defend it, and with this salary it hath continued for some years, upon which in last December Session I applied again to Starkey and charged him as His Majesty's Treasurer and as he had opposed it before, in case he did not use his influence to comply with His Majesty's recommendation, that I would resent it and use him as he deserved; this he neglected and said as they had refused it before they would not agree to it, upon this I stated the whole case in Council & they unanimously concurred that he was unfit to enjoy any favour from the Crown, and left it to me to dismiss him or not as I thought proper, upon which when I saw him I told him he was no longer a Justice of the Peace for Onslow County, though I did not issue another Commission; I also my Lords, dismissed him from being Colonel of a Militia Regiment which was entirely in my own power without the Councils Concurrence, & I thought the reason for

my doing it justifiable, since as Colonel he never appeared in arms, and at the times of Musters when it was his duty to have had the men exercised and to have seen them regular in their accoutrements, he was with his account books calling the men out of their ranks to settle their accounts and discharge their demands, for as he has a considerable fortune chiefly acquired by his having been executor or Administrator to Orphans estates that together with his false popularity secures many both debtors & dependants, a man thus disqualified for every kind of military employment how could I consistent with my duty continue a Colonel of the Militia, which at this juncture especially I know not how soon I shall be forced to put in action; for these reasons my Lords as well as for political ones I think myself justified in depriving him of His Majesty's favours even before 1763 when the temporary Act will expire wherein the clause of his unlimited time of being Treasurer was class'd in through inadvertency, it being a perpetual clause added to a temporary Law and from whence may be justly inferred the necessity of never suffering a tack to an Aid Bill which they always endeavor to push when a supply is wanted on an emergency.

The other instance they hint at in dismissing Magistrates and Colonels of Militia is I suppose Mr. Corbyn, whom I turned out from being one of the Assistant Judges & Colonel of the Chowan regiment—The case, my Lords, was this. Mr. Corbyn had soon after my arrival in the Province wrote a letter against me to Lord Granville, complaining that I had granted Patents upon Lord Granville's lands, though he himself had always attended the Court of Claims where all Patents were granted, and therefore knew the accusation was false, Lord Granville upon his letter acquainted me with his Complaints, and desired me to recall such Grants if perfected; this accusation surprized me, and the first time I met him in his Council I charged him with it, he denied the charge & said he had never made such a complaint. upon which I had his Lordship's letter read in Council, he still persisted in the denial & said he had the Copy of the letter at home which he wrote to my Lord to show that what my Lord had wrote was false, I then charged him in Council to produce that Copy, upon which I sent an attestation under the hands of the Council to His Lordship that I had never granted such patents, and that Corbyn owned I had never made any such to his knowledge. This affair lay open to the December Session 1758. which was held at Edenton within 2. or 3. miles of Corbyns residence, and Mr. Bodeley one of his Lordship's Agents

having informed me that notwithstanding what he had said, that he (Corbyn) could make it appear that I had granted deeds upon his Lordship's estate, and had persons to prove it, I had it again brought before the Council, and had the person he produced examined upon oath, he said he had heard of a man who had such a patent, but had not seen it, and upon examining him, he being a Surveyor, where the lands lay, he said it was to the westward beyond the line which was run out by the Commissioners, where no line was fixed, he was then asked whether some of the lands which were in the southern part of that imaginary line in His Majesty's District had not been granted by deeds from Lord Granville's Office; he said he believed some of the lands were granted from Lord Granville's Office, and thus ended that enquiry.

Upon this I again told Corbyn he had frequently engaged in the Council to produce the Copy of his letter to Lord Granville against me to show that what his Lordship wrote was false, he again affirmed that he had it and would produce it as soon as he went to his house I told him I insisted upon it and if he did not produce it to make his veracity appear, he ought to be suspended from the Council for his Prevarication. He went home & returned once or twice without it, and said he had forgot it, but engaged again to bring it; thus he delayed to the end of the Session, upon which as he was to carry home some Company with him I told him if he did not send it to me or bring it the next day he had no veracity & was not to be trusted, and he must take the consequence upon himself—It not being thereupon produced, for I dismissed him from being Col: of the regiment and from being one of the Associate Justices, and to shew that it was not disrespect to Lord Granville, I appointed his other Agent Bodeley Associate Judge, and gave his Commission in the Militia to the Lieutenant Colonel of which I acquainted Lord Granville, and told him if he had not been his Lordship's Agent I shou'd have also by the consent of the Council have suspended him from the Council upon account of this and other Misdemeanors as a Member of the Council.

As to that part in which I am charged with preferring the principal Leaders of those terrible riots to the Magistracy, I can only say it is one amongst the many falsehoods that compose this Resolve. I am at a loss to suggest whom they even hint at, unless it is Mr. Alexander McCulloh the late Deputy Auditor who was a Justice of the peace long before my arrival, and whom I appointed Colonel of the Edgcomb Militia; this Gentleman indeed happened to be surrounded

by the Mob of petitioners and their friends, who had all got drunk and had gotten Mr. Bodeley one of Lord Granville's Agents in their Custody whom he was endeavoring to relieve upon this some of the drunken crowd thrust a Bible into his hand and would oblige him to swear the party to what oath he wanted to take, and forced him to hold the book in his hand until the party swore to something he would not attend to and was glad to make his escape after Bodeley who had luckily got out of their hands, and this was what Mr. Jones the Attorney laid to his charge as a crime, and thence inferred that he advised with and was the conductor of the Mob, but of this no Complaint was ever regularly made.

10th Resolution. That the Books, Records and Papers of the Secretary's Office being lately by the Governor's Orders removed to Cape Fear near the southern extremity of this Province renders it extremely expensive & difficult for the generality of the People to have the necessary recourse to that Office.

Answer. As the removal of this Office is one of those few Truths contained in these inquisitorial Resolves I must in some measure observe upon the Inconveniencies & Conveniencies of such a proceeding whereby it will appear how far I may be justified in the opinion of your Lordships. In respect of the inconveniency it is necessary to premise that the Act for fixing the seat of Government was repealed by his Majesty, and that no edifice or building hath been yet erected for keeping the Public Records. It is also notoriously evident that the unhealthy situation of the Town of Newbern deprives it of the least claim to such an advantage, as appears by the unanimous vote of the Assembly now upon their Journals, to wit, that the Town of Newbern upon account of its being an unhealthy situation was improper for the seat of Government. Besides this unanswerable objection I myself was under a necessity of leaving it, for exclusive of the want of every necessary convenience, I was apprehended to be dying upon account of the unhealthiness of the place and as the shell of a very good house situate on a healthy soil near Brunswick on Cape Fear River was offered me I removed thither where under God my health is re-established. Besides when the emergency of affairs requires the speedy calling of the Council, I was under the necessity of sending Expresses 100 miles north and south which took up three weeks before I could assemble them, and too frequently rendered the result of their meeting useless & ineffectual. In respect to the convenience I must observe that Wilmington to which the Records are removed is the most opulent town

in the Province, that it is situated on the River of Cape Fear whose Trade and navigation is more extended than any other, and tho' its situation is not absolutely central in respect to the whole Province, yet it is totally so in respect of His Majesty's District, the inhabitants of which are the persons chiefly interested in this Office, besides this place is 30 miles from the southern Frontier the same distance as Edenton is from the northern Frontier, where in the time of my Predecessor Johnston the Courts and Records were kept, but then the northern men complained not, another Convenience, and that a very material one too, is whenever a Counsel is required I can call them together in two days time, a Quorum of them residing near it, which together with the Lawyers that attend the Court of Chancery living in and about the Town enables me to hold that Court at pleasure and thereby renders the Business of it more regular and easy to the suitors.

These were the reasons that induced me to remove this Office, and if it be admitted (what cannot in truth be denied) that the Secretary's Office together with the Records ought to be as near the seat of Government as possible, & that there is no seat of Government yet fixed, where then cou'd I fix the keeping of the Records and Papers but at Wilmington, a place in every respect so advantageously circumstanced, I therefore hope in doing it to be justified by your Lordships.

13th Resolution. Resolved that it is the opinion of this Committee that the not granting a writ of Election for Tyrrel an antient County till after the present Assembly had sat and passed several Bills, and the granting another to Bertie County for fewer Members than they usually have sent to the Assembly is a manifest infringement on the rights of the subject, and tenders to endanger the Constitution.

Answer. This old County of Tyrrel, my Lords, was a five Member County, not established as the four first Districts were under the Proprietors at the first settling the Colony to make up a sufficient number to form a house, but was erected by Act of Assembly to which five Members were granted and was one of the Counties in the Act repealed in 1754 and I was instructed after an Act had passed to re-enact and erect those Counties again reserving the power of sending Members to the Assembly until that right should be granted them by Charter from His Majesty—All the other counties took out Charters and therefore had writs sent to them to elect Members, but Tyrrel, I suppose by means of the Attorney General who told them they had a right to send Members without a Charter, re-

fused or did not apply to get one, and therefore I issued no writ for that County; upon this advice however the Freeholders met and without a writ insisted the Sheriff should hold the Election, which he prudently refused having no authority for so doing,—Upon this they obliged a constable to hold the election, & chose five Members who knowing it was illegal did not attend at the meeting of the Assembly. Upon hearing this I sent to let them know that if they would take out a Charter pursuant to my Instructions, I would grant them the Privilege of sending five members which they accordingly complied with, upon which I sent a writ and they were duly elected and returned. But this is of a piece with the Attorney Child's other proceedings to accuse me for adhering to His Majesty's Instructions and supporting his just prerogative in the granting of Charters and the issuing of writs. The other part of the accusation in granting a writ only for electing 2 Members for Bertie, instead of 3. which they formerly did I answer thus. Bertie County was formerly a five Member County erected by an Act of Assembly, and was also one of those Counties dissolved by the repeal of the County Acts, but after its first erection when it was allowed five Members Northampton County was erected and taken out of it, and by that Act two of the 5 Members were taken from it and granted to Northampton, and they afterwards sent only three Members. Last winter for the conveniency of the 3 neighboring Counties of Northampton Bertie, and Chowan a third part was taken from each County, and a new County was erected and called Hertford County, and as 2 Members were to be given to that County by Charter, the County of Bertie agreed to give up a Member for their separated third part, and accepted a Charter for two Members & accordingly a writ issued for two Members for Bertie. But after the Meeting of the Assembly upon the Attorney and his Junto's making this a pretence for a cavil, upon reviewing my Instructions observing I had a power to regrant by Charter all their former privileges, I gave them without a fee or reward a further power of sending a third Member.

Your Lordships will therefore consider whether I am to blame in adhering to his Majesty's Instructions and supporting his Prerogative against his Attorney General Child and his Junto who would have Counties send Members without either Charter or Writ; but by the almighty power of the Junto who ruled the Assembly.

14th Resolution. That the diversity of the Forms in writs of elections issued to different Counties, some of which direct the Freeholders and others the Inhabitants in General to choose, by which last

form servants and even Convicts, may elect is repugnant to the Royal Charter of King Charles the Second by which it is directed that Laws shall be made by the consent of the Freemen and their delegates.

Answer. In answer to this I must observe that upon the repeal of these and several other Laws which depended upon them, I was at a great loss how to issue the writs as the Law for Freeholders to elect was then repealed, and therefore I thought myself obliged to follow the first and second Charters of the Colony, which power was lodged in the Freemen of the Colony or their delegates, and as I did not advert to the distinction made between Freeman and Inhabitants as my intention was that all free inhabitants should be Electors, until a proper law should again fix it to Freeholders, whether it was by Inadvertency that the word Free was not inserted I can't tell, but it is false so far as to say that some Counties had writs for Freeholders and some for the Inhabitants at large but one of the County elections (Granville) having broke up without making any return, it was inquired into by the Assembly, and I was addressed to issue another writ, and upon better information I ordered it to be directed to the Freeholders, so that they were all at first the same with only that single variation, and if this was a fault it proceeded only from inadvertency or omission of the Clerk not putting in the word Free before inhabitants; but I think the complainants Child, Barker and Johnston, three Lawyers, ought not to have complained, for they were chiefly elected by sailors or such Inhabitants who were not Freeholders, for had only Freeholders voted another sett of men had been elected, which surely was no sign that I wanted to new model the Assembly in my favour, which in other words was to serve the Government and to oppose Cabals and self interested Jobs.

My Lords having answered these inquisitorial Resolutions so far as they relate to myself I shall refer your Lordships to my nephew the Secretary for the other two Articles framed with a view to get him removed and one of the Triumvirate appointed in his room. I thank God there is not any colour of truth except in the whipping of Thomas Core which is greatly aggravated, and though in a passion he was undoubtedly wrong to whip a person, notwithstanding he had in writing abused his wife, yet he did it not under any authority derived from his station, and consequently can in no wise effect him as Secretary, for if he hath transgressed the law, he is still subject to the penalties of it.

But as the Resolution against our President the late Chief Justice Hasell appointed by me with the Concurrence of the Council after

Mr. Henley's death is intended to wound me through his sides for appointing an improper person, I shall only say that I found him Chief Justice and one of the Council at my arrival, and continued him as such till Mr. Henley came over—Upon his Death I then concurred with the Council in re-appointing him, and during the time of his being Chief Justice there was not any complaint ever made against him, as to the complaints about the Clerks fees he only followed the precedent given to him by Mr. Henley in dividing his Fees with his Clerks instead of taking the whole and allowing them salaries.

Upon the whole I believe this great Fabrick they have erected to accuse my administration will appear to be but slenderly supported as it is carried on only by the intrigue, heat and passion of the Junto who were disappointed in the scheme of being Judges, and who in consequence joined with the Attorney Child I may say in a secret conspiracy right or wrong to raise a flame against me in order to have me recalled without a hearing, and their new patron placed at the head of affairs, from whom they expected great matters, as he had promised to obtain for them every lucrative post in the Government. To render this scheme further successful an address was framed by my designed Successor, who prudently kept out of the house whilst the Farce was transacting, in the most artful language in his power calculated rather to inflame the passions than affect the reason, as it consists of no more than a recital of those false accusations contained in the foregoing resolves, which renders it unnecessary for me to trouble your Lordships with my Animadversions on it except in one instance which carries with it an accusation I am not heretofore charged with, to wit—That it was notorious that the true reason of the Councils rejecting the Aid Bill in May 1759. and of the Governor's Displeasure with the Assembly, was because one Mr. Smith his own private Attorney in London had not been proposed by the Assembly for that Appointment.

As I cannot remain silent under so false an accusation, I must previously beg leave so far to intrude upon your Lordships patience as to recapitulate some things which I before mentioned to your Lordships in my letters in Spring 1759. after the December Session, when the old Junto had begun the grand scheme of dividing the Bear's skin, the dividend of our share of the £50,000 amongst them, and taking it out of the hands of the Governor and Council, and lodging it in their own without leaving it in the power of the General Assembly to distribute it in such a manner as His Majesty

might think for his service, & the good of the Province to have it, expended in; for this purpose a select Committee of Correspondence was to be named by the Junto in a Corner of the Province, & one or two more were to be added who lived at a distance, & who consequently could not meet the others so that the whole distribution was to be in the hands of the Speaker and two of his nephews, his brother, John Starkey, and Mr. Barker the other Treasurer, who though in the general scheme was at such a distance as not to join in the Correspondence, and Robert Jones who projected the whole tho' equally concerned in the spoil, was not to be named in it; to compleat their scheme a proper Agent was to be appointed to receive & remit the money to them in Specie who was to be connected with them and was to correspond with them only, and they were only to be accountable to the Assembly which they then ruled, and would much more when they had the disposal of this Dividend in cash among their friends, so that the Government, the Governor & Council, were to be entirely excluded from any power over the money in the manner of laying it out for the good of the province, & I as Governor had nothing to do but to sign Warrants to the Treasurers to pay Cash to whomsoever they pleased. The intended plan was to apply almost the whole sum in paying off the paper Bills of Credit as well the Treasurers notes as the former Proclamation Bills, & under the specious pretence of raising the Credit of the paper Currency the publick was to have only the benefit of paying them off at $33\frac{1}{3}$ and the Junto with the Cash was to buy up the paper money at the present discount which is now raised to near 190£ so that about 56 p. cent was to be divided amongst the Junto & Treasurers, who were besides to have poundage upon it, and probably as a cloak a few of the friends of the Committee might be allowed some part at a somewhat lower discount; Thus was the spoil to be divided after Commission, Insurance, Freight &c. from England were deducted, & in 2 or 3 years the whole Cash would be carry'd back again to Britain to answer their debts there, and to procure more goods for this market, so that when they had paid off and burned a considerable part of the Paper Currency, raised the price of the remainder, as there would not be sufficient to answer the inland Demands of Trade, they would then be petitioning for a further emission. This, my Lords, is a true state of the case, and to accomplish this Mr. Abercrombie who had been closely connected with the Speaker, and his friends in the former Committee, & to

whom the Committee owed between 3. and 400th sterling, and who had got warrants from me sufficient to pay his whole appointment, but was sunk in the pockets of the Speaker, Starkey &c. to whom it was paid by buying up bad indigo & charging it at a high price tho' sold for a low one in London, and some still remaining in the Speaker's hands, Mr. Abercrombie, I say, was to receive & remit this great sum after paying himself the ballance due to him, he was also to have an allowance of £200. p^a ann: whilst he was Agent besides contingent charges, and he was only to correspond with that Junto, in which the Governor & Council were to have no Cognizance and this Junto only accountable to the Assembly. This was the plan which I was to defeat, and our first speaker a friend of Mr. Smith's who being ill and obliged to resign the chair, named him in Opposition to the Junto, but could not be attended to, however this Agency so well concerted was cunningly class'd into the second Bill for fixing the seat of Government which was thrown out in Council, and their scheme thereby defeated.

In Spring 1759, Mr. Secretary Pitt having intimated his Majesty's commands to procure a further supply to assist in the attack of Canada &c In pursuance of His Majesty's command I held an Assembly in May 1759 and as Mr. Pitt had engaged to apply to Parliament by His Maj^{ty}'s Order to reimburse them for any future supply as they should hereafter appear to merit, and that upon their fixing an Agent in concurrence with the Governor & Council, he would order payment for the share of the dividend of £50,000 and their further expense against Fort Du Quesne, they thought they could then fix their Agent, & go on with their plan in spite of the Governor and Council, and for fear they should not carry the person they wanted in a separate Bill, they tacked it to the Aid, and so clog'd & brought it in so late as to be of no service to His Majesty, and therefore was thrown out by the Council, for the rejection of which I have your Lordships, approbation 1st August 1759, to which and my former letters I refer your Lordships, so that Mr. Smith's name was not then brought upon the Tapis.

Indeed before upon the Assembly voting Mr. Abercrombie to be Agent and appointing him a salary by their own power without consent of the Governor & Council, they on the other hand in opposition to their resolution appointed Mr. Smith to be Agent for the Governor & Council, and it is so rested until this last April Session, for there was no attempt to appoint an Agent in the last November one. And in this late Session Mr. Smith's name was not so much

as once mentioned, so that the falsity of this insinuation I hope fully appears to your Lps:

However as an attempt in 1760 was again made by a separate Bill to appoint one Anthony Bacon upon the same plan as the former, the Council upon the same principles threw out the Bill, whereby the Bill as to that part remained unexecuted, yet the Junto by their influence in the Assembly obtained a resolve to make him Agent at a Salary of £200. p. annum without the consent of the Governor & Council subsequent to the address at the close of the second short Session, I cannot therefore conclude without making some brief observations on it.

This Mr. Bacon, My Lords, at the recommendation of Mr. Child the Attorney General and Agent to Lord Granville had made a very disadvantageous and I may say an iniquitous agreement with his Lordship to remit him his Quitrents & other fees at the rate of £170. this Currency for £90. sterling which is above 50. p. cent discount above the par of $133\frac{1}{3}$. and had a year's time to remit it in after the paper money was paid to his order in this Province. This person who was so deeply concerned in this compact with my Lord, and in which Child was to have a share was also to be agent and to have the benefit of sending the money over here, upon which Child and the Junto were to have the further profit of above 56. p. cent as they would buy up the paper money at 190. and pay it off in Cash at $33\frac{1}{3}$, this person was also chosen as being the most obnoxious to me, having had credible information that at your Lordships board he had falsely calumniated me, and assured without any foundation that in the seizure of a ship by Mr. Palmer collector of Bath for transgressing the Act of Navigation I had gone on board the Vessel with the Collector and forced him to make the seizure contrary to law, which was entirely false, I happened at that time to go to view the forts which were then erected at Portsmouth near Ocacock and old Topsail Inlet, in which excursion the Collector accompanied me; and at the same time informed me of the Ship's having broke the Act of Navigation, and produced the several Acts to me in which I found if I did not put those Laws in execution when come to my knowledge, I was to forfeit a large sum of money, and be rendered incapable of holding any employment under the Crown. He then asked my advice how he should act in it, upon which I told him I could no otherwise advise him than to obey the laws. Upon this I proceeded from viewing the Fort at old Topsail Inlet to Fort Granville on Core Banks near which the ship lay, when he went on

board and seized the ship, and had her afterwards lawfully condemned so that I never was on board the ship or in any manner otherwise concerned in it. These are the genuine facts, my Lords, I declare upon my honour, and for the truth of which I appeal to Mr. Palmer now in London.

But to show how deeply Mr. Child was engaged with Bacon an eminent Member moved that the blank should be filled up with the name of Mr. Pownall, and appealed to Child for his character, he with a low bow answered he would not enter into private characters, but when Bacon was named he gave him the most exalted character, and after having largely expatiated upon his unbiased integrity, the Junto got his name inserted, thinking by my speech at the opening of the first Session I must have passed the Bill, had it not been rejected in the Council, which baffled all their deep laid and selfish schemes.

To close therefore my defence against this formidable attack on Government through my administration, I appeal to your Lordships whether in these general accusations they have made anything appear that can impeach my integrity and honour or to prove that I have acted in any wise inconsistent with that trust His Majesty has thought fit to repose in me, nor can it be presumed that these charges are far from being a compleat catalogue of the sufferings of those placed under my administration, thereby insinuating that they only have remarked a few of the crimes (for as such they are painted) which I have committed, when it clearly appears that they have exhausted all their malice, as there is not one circumstance that could carry with it even the colour of exception since I came into this Province but what the Attorney and his Junto have falsely exaggerated. It is with pleasure therefore that I can beare the Consequence, as my conduct will admit of the strictest scrutiny.

I well know, my Lords, that as the liberties of the people when they degenerate into Republican principles are prejudicial to the just rights of the Crown, so is the Prerogative when raised beyond its due limits destructive and hurtful to the just liberties of the people. I therefore made it my sole aim to preserve a due medium so that neither should preponderate, but that Republican spirit which this Province is so notorious for in some degree rendered my efforts ineffectual; indeed it was frequently hinted that if I would accede to certain measures my administration might be easy and happy, which measures were tamely to be silent and let the heads of a Republican party engross the executive power of the Crown, and pro-

pose no Measures but what ultimately tended to their emolument. I replied as I ever shall reply and I hope my conduct has corresponded with my professions that I had no private view to gratify, and had never proposed any measure but what in my opinion would conduce to the benefit of the Province, and as such never desired either Council or Assembly to support me unless such measures were pursued, but this did not answer their purposes, for under such an Administration their self interested projects disguised under the mask of patriotism could not with facility be executed therefore they formed a Cabal against Government, and jointly determined to oppose everything that proceeded from the Crown as inconsistent with and oppressive of the rights and liberties of the people, and this with a view to force me into a concurrence with their Measures by making my administration as uneasy as in their power, but in this as before they were deceived too, for the ease experienced in a public station can alone proceed from the consciousness of having faithfully discharged the duty of it. That person therefore who unimpeached adheres to his instructions and is determined to concur in no schemes but what will advance the true interest of the Province he governs can in no wise deserve censure, and in that light I hope to appear to your Lordships—If these assertions therefore as [are] such as can be justified I must leave it to your Lordship's Judgment whether His Majesty's Government here can be supported with Honour, or this Colony can be kept in a reasonable dependance upon Britain, if the power of the Assembly is to be raised, & that of the Governor and Council made to truckle to a Junto of the Assembly.

And whether your Lordships will think it advisable to continue a gentleman in the station of His Maj: Attorney General who is come over with a view to raise a flame against the Administration in this Province, a gentleman who is obligated by his oath to support not to encroach upon the Prerogative of the Crown, & who ought to advise me to adhere to rather than force me to break thro' my Instructions, for by these means, the executive power of the Crown will be lessened & at last extinguished, & it would be then too late to curb the spirit of Independency rising in this Colony.

And whether you will think it proper either to confer or continue favors on those who for private views obstruct the supplies & counteract those measures which are necessary & essential to the future peace and safety of this Province.

I therefore submit the whole to your Lordships wise and prudent consideration, & hope that every circumstance of my conduct when it comes to be scrutinously enquired into may be received by your Lordship as a faithful discharge of the duty I owe to His Majesty & the Country, the Government of which is intrusted to my care.

ARTHUR DOBBS.

[FROM MSS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

To all to whom these Presents shall come I Thomas Child Esq^r late of the Parish of S^t James—Westminster in the Kingdom of Great Britain but now of the Parish of S^t Paul in the County of Chowan in the Province of North Carolina in America send Greeting.

Whereas the right Honorable John Earl Granville Viscount Carteret and Baron Carteret of Hawns in the County of Bedford in the said Kingdom of Great Britain Lord President of His Majesty's Most Hon^{ble} Privy Council and Knight of the Most Noble Order of the Garter The Sole Lord and Proprietor of a Certain District Territory or Parcel of Land lying in said Province of North Carolina Did in and by a Certain Instrument in Writing & under His Hand & Seal of Arms bearing Date the first Day of September One thousand Seven Hundred and fifty Six duly proved before the Right Honourable the Lord Mayor of the City of London Make Constitute & Appoint Joshua Bodley together with Francis Corbin Esq^r His Agents Commissioners & Attorneys jointly or Severally in Case of the Death or Absence of the other from the said Province to Execute all and every the Powers and Authorities particularly referred to in a Certain Letter of Attorney before them given by the said Earl to the said Francis Corbin and Benjamin Wheatley which is in the said first mentioned Instrument Expressly recited and referred to All which said Powers were particularly comprized or set forth in a Sett of General Instructions dated the Sixteenth Day of January One Thousand Seven Hundred and fifty two Under such Regulations Directions or Restrictions however as the said Earl might there after from time to time judge proper to give them And Whereas the said Earl in and by a certain other Instrument in Writing under his Hand & Seal of Arms bearing Date the tenth Day of April One Thousand Seven Hundred and Fifty Nine duly proved before The Right Honourable the Lord Mayor of the City of London and afterwards recorded in the Secretary's Office in the said Province Did Make Constitute and Appoint me the said Thomas Child Auditor of

his said District, and of his Revenues arising within the same And also of the Receipts Disbursements, Charges and proceedings of His Agents and of the Receivers & Collectors of his said Revenues and of the Accounts and Proceedings of all other Officers and Persons whatsoever appertaining or relating to His Lordship's Office at Edenton in the said Province or to his Estate or Interest in the same With full Power & Authority to me from time to time to Audit their said Accounts and proceedings And for the said Purposes from time to time to Oblige all and Singular such Officers and Persons on pain of being immediately suspended or removed from their respective Offices by me the said Thomas Child to Transmit or Produce to me every half year at least or oftener on demand fair Accounts of their Respective Receipts Disbursements Charges and Proceedings in Order to their being Audited by me as aforesaid And further with full Power and Authority to me the said Thomas Child to do and Exercise all other Acts whatsoever which might be requisite and Necessary whether by Process in Law or Equity or by the aforementioned Means of Removal or Suspension for effecting the said Purposes or enforcing a due and constant Execution of His Lordships Orders and Instructions relating to the Transactions of his said Affairs. Now Know Ye that I the said Thomas Child for that the said Joshua Bodley hath under Colour of the Powers and Authorities so given to him by the said Earl as aforesaid behaved himself greatly to the prejudice and Hindrance of his Lordship's Interests and contrary to the general Trust and Confidence in him by the said first recited Commission reposed and particularly for that the said Joshua Bodley hath wilfully transgressed the said Earls Instructions and declined to come to any determinate or final Account and Settlement for his particular receipts Disbursements, Charges & Proceedings made under Colour of the same as well as for divers other good Causes & Considerations relating to the said Earls Interests to and the Punctual Execution of his said Orders and Instructions in future Have in Virtue of the said Powers so delegated to me by the said Earl as aforementioned removed and by these presents do utterly remove the said Joshua Bodley from his said Office of Agent to the said Earl Hereby also revoking and Countermanding and making void the said recited Letter of Attorney to him the said Joshua Bodley made by the said Earl as aforesaid in so much thereof as personally relates to him the said Joshua Bodley Together with all Powers and Authorities to the said Joshua Bodley in and by any other Paper Writing Instruction or Order of the said Earl heretofore granted or given

and all things therein or in any or either of them contained And I do also on the said Earl's behalf hereby protest against disclaim and make void all Acts Matters and proceedings which shall or may henceforth be acted done or performed or be Attempted to be done by the said Joshua Bodley under pretence of the said Earls late Commission Instructions Orders or Directions to him Given as afore-said in any Manner Mode or form whatsoever—

In witness whereof I the said Thomas Child have hereunto set my Hand and Seal the Fifteenth Day of August in the year of our Lord One Thousand Seven Hundred and Sixty—

THO^s CHILD (Seal)

Sealed and Delivered In the

Presence of

J. CRAVEN

THO JONES

RICH^d VIGERS

Shown and Explained to Mr. Bodley the 16th August 1760 by us

RICH^d VIGERS

THO JONES

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

PORTSMOUTH, Sept. 17, 1760.

DEAR SIR,

I yesterday rec^d a letter from the Rev^d Mr. Smith of our Parish of No. Carolina, setting forth to me a complaint, or rather an ill character, given of him to the Society for propagating the gospel, by Mr. Woodmason of the So. Province, who I believe, you, as well as myself a little know. I dont know what this gentleman, if he may be so called, can alledge with any justice to the injury of Mr. Smiths character, nor would the purport of his letters upon this occasion be minded by the society, if they knew his condition in life, & how subject he too frequently is, by all report to a disorder in his mind, a report I have from many of his action^s ever believ'd and more especially from this instance of secretly attempting a man's reputation & by unfair methods endeavouring to deprive him & a large family of their bread. I am very sorry my business here will detain me some days longer, & that I cannot be present at the Society's meeting on Friday next to give Mr. Smith that character he so justly

deserves from me & all the Neighbourhood where he lives & that I conceive Mr. Woodmason's mis-representation *if in his senses* the effect only of some private pique. I say My Dear Sir my affairs at Portsmouth prevents my being in Town by Friday & obliges me to desire the Favour of you to attend the Society on that day and in my name assure those gentlemen, that for some years last I have been an eyewitness to Mr. Smith's great care of his congregation & good behaviour in the Parish where I live—that his duty there is very hard—his family very large—and his salary very small—and that I have been some months a judge of the great distress he has been driven to by taking from him his mission, to which if he be not again restored by the Society it will be impossible for him to live in No. Carolina by which means a very extensive Parish will be deprived of divine service where I think it the most wanted & the people robb'd of a minister held there in general esteem, for his farther character I shall refer the Society to a testimonial signed in my presence, by the governor and council of that Province, whose recommendation I hope will have due weight.

Your own Knowledge of Mr. Smith, I flatter myself will add some strength to this letter, whose goodness I never found wanting upon those occasions—I hope you are well & I am dear Sir

Your most obd^t Friend & Servant,

BENJⁿ HERON.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from Governor Bull to Governor Dobbs.

CHARLES TOWN SOUTH CAROLINA 21st September 1760

SIR.

Upon receiving an Account of the Surrender of Fort Loudoun, and the Overtures of Peace I immediately acquainted Col^o Byrd with the contents of it, and desired him to halt, till he should receive further Information from me, And at the same time apprized him of what had been done by Col^o Montgomery, and of his Departure from this Province, leaving behind him Four hundred of the Royals.

Since that, the Situation of our affairs in the Cherokee Nation is become truly deplorable; the Capitulation made with the Garrison of Fort Loudoun was perfidiously broken the first night of their Incampment, when all the Officers (except Cap^t Stuart) and Twenty

five Men were killed. They are reported to have murdered about Eighty more, reserving the rest for the Management of the Great Guns and a Cohorn, which they are bringing down in order to make an attack upon Fort Prince George, where they were Expected to Arrive the 14th inst. And in Addition to our Misfortune they are Joined by the Mortar, and Several Creeks and Assisted by Ten French Men.

This Fort is not very defensible; besides the Garrison is destitute of Meat, and th^o they are not in immediate want of Flour, Yet a considerable part of it being what was left by Col^o Montgomery upon his return from Echoe, had received damage by the Sweat of the Horses. Since the time of his quitting Keowee, we have in vain attempted to Supply their Wants, as frequent and numerous parties of the Indians were perpetually hovering about the Fort and it has been with the utmost difficulty that Expresses have made their way to and from thence. It is to be Lamented that Mr. Lyttleton left there upwards of 6000 w^t of Powder a quantity of Presents and Spare Arms; For unhappily for us, the Indians are fully apprized of those Circumstances, and are Flushed with the Expectation of being Speedily Masters of the Place, and the Acquisition of it will be of the greater Importance to them, as they will be thereby Enabled the better to Continue the War with us My first Endeavour shall be to give this Fort a Temporary relief by throwing in by means of the Rangers a supply of Beef, And if the Commanding Officer can hold out a Month or Six Weeks I hope we shall be Able to withstand their Force and repel their Incursions but I shall give him Orders if he thinks it untenable immediately to destroy the Surplus Powder, to Spike the Cannon Bury or Sink the Iron Shot and to withdraw the Garrison.

If I shall be so happy as to Accomplish the present relief of it, I make not the least doubt but that a proper direction of the force of our Several Provinces, we may have it in our power by carrying the War into the Enemies Country to give them Such a Stroke, as will Secure us from any Molestation from them hereafter. The Consequences of their making any further progress in this province, and the Calamities that must from thence be derived to our Neighbours, are too Obvious to Stand in need of being descanted upon.

The Assembly has provided pay for a Regiment of 1000 Men for six Months. The Commissions are already Issued, And as the Encouragement both in point of Bounty and in other Respects is large, there is no fear of their being Speedily raised. This Corps together with our rangers; and the Royals will form a Body of about Two Thousand Men.

These matters I have laid before his Majestys Council, who Joined with me in Opinion, that I should Impart these several Intelligences to you and desire that you would in the most pressing Terms represent to your Assembly the Necessity of raising Troops to Co-operate either with Virginia or this Province, and that you will be pleased to direct their Motions in such a Manner as may Effectually conduce to the Ends proposed.

We find by Experience, That if we don't heartily Co-operate in our designs, and time things by a previous Concert of Measures, all our Schemes prove abortive, or unsuccessful Therefore I take the liberty of suggesting a Plan of Operations for your Consideration.

That this Province March by the way of Keowee about the middle of November, the Direct way into the Cherokee Nation, Col^o Byrd with the Junction of the North Carolina Forces to Attack the upper Settlements at the same time. The Necessity the Enemy will be under to divide their forces, will make them less formidable to either of us, and must prevent them from eluding our Resentment by withdrawing from us, if they find us too powerfull for them.

And as this is a Most Important and Urgent Crisis I flatter myself you will not loose a moment in Acquainting me with the Result of your determinations thereupon

I am with great regard Sir &c

W^m BULL

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Stewart to the Secretary

BATH, N. CAROLINA Oct. 10, 1760

REV^d SIR

In my last dated 20th May sent from this by way of Virginia. I acknowledged the Rec^t of your favor but just then come to hand, together with the Society pamphlets, Stackhouses Hist^r &c. and informed you that the numbers of the Baptized that half year in my mission had been 121 white and 26 black infants, of adults white 2 & 9 black of actual Communicants 139 &c, and at the same time desired, that my most grateful thanks should be made, to the society for the Books sent, which were a long time getting round from S^o Carolina.

Since the writing of which letter nothing material has occur'd in my mission, the number of infants baptized by me this half year being 82 white & 13 black, of adults, 2 white men (one by immersion) & 5 negroes, actual communicants 96, & the number of inhabi-

tants about 2100. Besides in Sep^r I visited Currituck & woodstock Chapels in Hyde County, where they have no resident minister, & there baptized 46 white & 9 black infants & preach'd & read prayers to 2 large congregations, so that the whole of my returns this year is 249 white infants Baptisms & 48 black 4 white & 14 black adults & actual communicants 235.

When I mentioned that I baptized a person by immersion, I should be sorry that it should be thought by the society that it was either thro' affectation or singularity, I assure you sir, (tho' I know that it is conformable to our Rubric, to the practice of the primitive Christians of the Apostles & of the Jews before the coming of our saviour, generally to Baptize in that way) that it is only to keep people from falling off from our Church, that this person & some others not mentioned, have been baptized in that way by me, for of late years this province is overrun, with a people that at first called themselves anabaptists, but having now refined upon that scheme, have run into so many errors & have so bewildered & I may almost say bewitched the minds of people, that scarcely will they listen to anything that can be said in defence of the church we belong to. As far as my capacity and abilities would admit I have done my best endeavours to confute their errors. I wrote a small tract collected from the best authors I could here find in defence of the Baptism of our church (4 copies of which I sent the society last year) I dispersed 400 copies of it gratis thro this province, for want of Dr. Wall's abridgement of his history; this for some time Check'd their proceedings, but such a spirit of rash judging & censoriousness, such a notion of Inspirations, impulses, visions & of their sect being the peculiar elect of God, is gone out among them that till time convinces them to the contrary it is impossible that any abstracted reasons will, however S^r if there be any Pamphlets, in the societies collection in defence of the articles & Rubrick of our church they can no where be better bestowed than to this province.

I am Rev^d Sir &c

ALEX STEWART
at St Thomas' Bath Town

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Moir to the Secretary

EDGECOMBE Oct 30. 1760.

REV^d SIR

Our administration for some years past has been such, that I was loth to enter upon a detail of Public transactions.

Gov^r Dobbs was so sharply censured by the general assembly in the beginning of last summer, that one would have thought, he could not be so bold, as to put into the commission of the peace for Edgecombe County, another ringleader of the mob, and yet he did it; If no remedy is applied well disposed persons talk of leaving the Province.

We have had a sickly season this fall & I was much indisposed; I baptized only 74 whites & 5 Blacks; but this was chiefly occasioned by there being no vestry in the parish. This prevents the Sheriff, his being taken to task for detaining the Parish taxes. I this day draw for my salary from Lady day to Michaelmas 1760 and am Rev^d Sir your most &c

JAMES MOIR.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

FORT PITT Nov^r 26th 1760

SIR—

You are to March tomorrow morning With a Detachment of the Royal American and Virginia Regiments—and proceed to Fort Bedford Where you are to put yourself and your Detachment Under the Command of Capt. Curry; who is to Relieve the Garrison now at that Post. But in case Captⁿ Curry should have been Order'd to Philadelphia—You will then Relieve the Detachment of the Pennsylvania Troops there, who are to join their Corps and March to Carlisle

You will take Charge of the Provision and Stores of all Kinds in the Kings Store and Send me a Return of each Specie.

You are to Detach one Sergeant and eight men, all of the Same Corps to Garrison Junietta—and appoint at each Post a Soldier to be Employ'd as a foot Express to carry from Post to Post, every Letter on his Majestys Service for which they will be paid

You will Communicate these Instructions to Cap^t Curry—and in his absence Nothing is to be Issued from the Kings Store Without your Order in Writing

I am Sir

your most Humble Servant

HENRY BOUQUET Col

To Lieut SUMNER
of the Virg^a Reg^t

As the Provisions & Forage Stores at Fort Bedford are all amply Supplied you will not Suffer any more to be received in either of them than what the General has already ordered.

H^r BOUQUET

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 34.]

At the Court at S^t James's the 3^d day of December 1760.

Present

The Kings most excellent Majesty Arch Bishop of Canterbury &c.
&c.

Whereas there was this day read at the Board, a Representation from the Lords Commissioners for Trade and Plantation's dated the 2^d of this Instant, humbly laying before His Majesty for His Royal Directions an extract of a letter they had received from Arthur Dobbs Esq^{re} Governor of His Majesty's Province of North Carolina, dated the 19th of January last wherein he informed them that by the unanimous advice of His Maj^{ty's} Council in that Province he had suspended Francis Corbin Esq^{re} from his seat at that Board till His Majesty's Pleasure should be known. His Majesty taking the same into consideration, together with a Copy of the Minutes of the Council of the said Province dated the 2^d of January last, therewith transmitted containing the reasons of the said Governor's having suspended Mr. Corbin—And His Maj^{ty} approving thereof, was thereupon pleased with the advice of His Privy Council, to ratify and confirm the said suspension and to order, as it is hereby ordered, that the said Francis Corbin Esq^{re} be forthwith removed from his seat in the Council of the said Province. Whereof the Governor or Commander in Chief of His Majesty's said Province of North Carolina, for the time being, and all others whom it may concern are to take notice and govern themselves according.

W. SHARPE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23. p. 4.]

The King to Gov^r Dobbs.

8th Dec. 1760.

GEORGE R.

Trusty and wellbeloved, we greet you well. We being well satisfied of the loyalty, integrity and ability of our trusty and wellbe-

loved John Sampson Esq^{re} have thought fit hereby to signify to you our Will and Pleasure that forthwith upon the Receipt of these presents you swear and admit him the said John Sampson, to be of Our Council in Our Province of North Carolina in America, in the room of James Innes Esq^{re} deceased, and for so doing this shall be your warrant and so we bid you farewell.

Given at our Court at St. James's this 8th day of December 1760 in the first year of our Reign.

By His Majesty's Command.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 44.]

Letter from Governor Dobbs to the Board of Trade

BRUNSWICK 12th Dec^r 1760

MY LORDS,

I have just returned from Wilmington after holding a very disagreeable session of five weeks continuance to no purpose, where great attempts have been made against His Majesty's just prerogatives and the rights of the Council, and have been obliged to prorogue & afterwards dissolve them without passing a crude undigested Aid Bill tacked again with an Agent, which they insisted as their right to force upon the Crown—As I find a ship just ready to sail for London I have only time to send you the Journals unattested and the two rejected Bills for your information, until I can get the Bills and Journals of the two houses and minutes of the Council properly attested, under the Great Seal which I shall send by the next opportunity and shall beg leave to make some observations on the Transactions of the Sessions to show how necessary it is for His Majesty's service to support me and give me further Instructions where your Lordships shall find them necessary to support the dignity of His Majesty's Government, and quell the Spirit of the Assembly who think to obtrude themselves into the Government and daily claim new priviledges and refuse to obey His Majesty's Instructions. The northern Junto of Child, Barker and Jones being broke to pieces, and none of them attending, Sam^l Swann the speaker, his brother John in the Council, and John Starkey the southern Republican Treasurer, formed a Junto upon the speakers being disappointed of being assistant Judge, and led the House this Session.

The House was prorogued to the 30th of October but no Quorum appearing in either House I was obliged to prorogue them to the

first of November; when a Quorum being come to town I sent to them to attend me, but the lower House refused to assemble, so to avoid a dissolution was obliged to prorogue them *de die in diem* until the 7th of November and though above 25. Members were in town they still refused to meet denying His Majesty's right of constituting 15. to be a quorum, upon which I told them if they did not meet and adjourn themselves, I would no longer prorogue them but let them dissolve themselves—

Upon which they thought proper to meet & altho' there were 31. Members present besides the speaker in express contradiction to His Majesty's Instructions that 15 should be a Quorum and upon their meeting though they refused attending me to make my speech, they came to a resolution that they would stand by their interpretation of their Charter, and not enter upon business without a Majority of the whole House, and ordered warrants to be issued to take the absent Members into Custody, and that their Serjeant's fees should be paid by the defaulters, and then adjourned *de die in diem* until the 11th at night, and then sent to let me know they would attend and receive my speech, in answer to which after some days they attended me with their address, but entered not in their Journal that they had delivered their address, & consequently did not enter my answer to their Address and therefore have sent your Lordships my answer.

I must also observe that in the manner of passing the Treasurer's Accounts, which they have taken out of the Governors & Councils Inspection and will not allow the auditor or Lords of the Treasury to interfere in their accounts but pass them as they please with or without Vouchers, and keep all their Accounts in the Clerks hands which ought to be kept in the Auditor's Office, so that in forming their Committees of Accounts and Claims they have made the Committee of the Councils attendance nugatory, for the Committee of Accounts & Claims consist of from 7 to 9 of the Members of the Lower House in each; and but 2 in each from the Council, and as all things are carried by a Majority the Council must submit to their Majority, and always sign the report whether partial or not, and this report they think ought to bind the Governor and that he ought to approve of it and issue out his warrants accordingly, this I have refused sometimes to ratify or grant Warrants upon their Report, and now the northern Treasurer has made payments to his favourites without my Warrants, and the Assembly this Session have ordered their Southern Treasurer to pay Publick money without any order from me to pay their Sergeants fees for Members in Custody to secure the Members in the Junto's interest.

I must further observe to your Lordships the arts they made use of to carry a Majority in the Council to pass the tacked Aid Bill, which had been twice before rejected by the Council—By the Journals they voted that no Bills should be received after the 25th of November, yet delayed bringing in the Treasurer's Bill until the 29th. To explain this artifice to your Lordships I must inform you that Mr. Barker the Northern Treasurer and John Starkey had been appointed Treasurers in the Aid Bill granted in 1754, for a time unlimited, I being then not 6 weeks in the Government, and no person informed me of it until the Bill was passed, this Bill is temporary and the Aid expires in 1763. Mr. Barker having found out Mr. Child's artful designs and the false measures he led him into, and having kept very irregular accounts, if they can be called accounts, intends to quit the Province & therefore sent his resignation under his hand to the Speaker by Mr. Rieussett one of the Council and Collector of Roanoak with a Recommendation to make him Treasurer in his place; this the Speaker secreted from the House 'till near the end of the Session, and according as Mr. Rieussett was to vote in passing their Agent Bill tacked to the Aid Bill they were to make him Treasurer or not Therefore the Treasurer's Bill was to be kept back until the third reading of the Aid Bill, and then was brought in allowed to be filled up by the name of a member of the Assembly, but if Rieussett gave up His Majesty's right by having a foreign clause tacked to the Aid Bill, then it was to be altered at the 3^d reading, and Rieussett's name was to be inserted, the bait took, and by his vote the Aid Bill backed with their Agent passed the Council—I therefore whenever I heard the Treasurer's Bill was read in the House sent a Message to the Speaker that as he was Treasurer by an Act, I could pass no Treasurer's Bill without seeing his resignation, or having it entered on the Journals,—upon this Message they altered the preamble of the Bill that Mr. Barker inclined to resign but came into the following Resolutions,

Resolved that His Excellency's taking notice of any matter or thing transacting in this House before being made acquainted with it by this House, and directing Entries in the Journals thereof is inconsistent with the antient liberties and Privileges of this House

So that the Governor was to be the last man in the Province to know the Transactions there, as their Journals were all Kept back from him for 6. or 8. days before they would give time to the Clerk to copy them, and refused him an Assistant Clerk—and every person in the

Province has a right to know when a Bill is read in the House that they may have time to petition against it if they think it affects them or the public.

They afterwards upon the Councils altering the name of the Treasurer

Resolved—That it is the inherent right of this house to nominate persons to be appointed Publick Treasurers of this Province, and that the Council's nomination should not be admitted as a precedent hereafter.

I shall not mention the purport of my message to them and their address upon offering the Bills, as they are entered in their Journals, a copy of which is inclosed, but must observe that upon ending the Session and proroguing them for a day to reconsider the indigested Aid Bill, and to know whether they would expunge the tacked Clause upon which I had rejected the Bill, they again directly brought in the Bill in the same words only making the Agents clause the main title of the Bill and first clause; and then adding the Aid Bill to the other, and though they were before so exact that upon wanting one member to make up 35 the majority of the House, the Speaker went twice with the House and the Mace to a sick member in order to make a quorum, yet this new Agent and Aid Bill was read 3 times and passed without having a Majority present, so inconsistent were their actions, upon this I summoned the Council to meet me and laid before them the following reasons for dissolving the Assembly and that each Member should sign his name who were for or against the dissolution;—this they refused to do, and tho' some of them would willingly continue the Assembly, they declared that I had a right to dissolve them, and I might act as I thought proper.

As I have sent your Lordships the original Bill offered to me which I rejected, I think it my duty to point out the insufficiency & crude nature of the Bill, which I was kept a stranger to until sent to me to peruse before I should pass or reject the Bill—As Sam Swann, John Swann & John Starkey were three of the Issuers of the Bills, the sum granted was to be made as large as possible that they might have the more to emit the Bills, and so were to amount to £16,494. Currency, they therefore instead of giving one field Officer to the 5 Companies formed a regiment and appointed 3 field Officers at £15. 12. 10. per diem, and would not allow them to be Captains of 3. of the Companies, but were to pay 3. Captains besides to add to the expense; though the Assembly of South Carolina gave 22 dol-

lars bounty money, yet to prevent raising men speedily they only gave 40 shillings Currency, a guinea in value; Bounty money which would have delayed the service until it would have been too late to cooperate with the others, they had 100 men in each Company and raised independent of them 40. men more to guard Fort Dobbs, and Johnston without allowing Commission or non commission Officers to command them, in order to depreciate the Currency by too great an emission, when directed to employ above £6,000. lying in the Agents hands in England, which would amount by remitting here to near £12,000 Currency, they never took that money into consideration for reasons I shall mention below when I treat of the Agent they wanted to impose on the Governor and Council, but would issue more paper money to be made a legal tender, and would provide no tax to take place before January 1763. tho' next years poll tax does not exceed 4 shillings 11 pence per taxable, a very moderate tax—And in case the Cherokees should make peace and submit in 2 months, and the Troops disbanded, perhaps £10,000 might remain locked up in the Treasurers hands for his emolument, and was not to be burnt or to issue to take up the torn or disused Paper Bills, which generally fall upon the poor, but by the Bill were to be applied towards future contingencies, which were not to be applied by the Governor and Council but were to be disposed of by the General Assembly who thus usurped a share in the Government, and would take upon them to apply it when they met to pay their stipends, or continue it in the Treasurer's hands, so that the Aid would have been in itself nugatory; however as the next best thing I could do for His Majesty's service, as the Province of South Carolina can't near compleat their regiment for want of white men, I gave Governor Bull early notice to send up his Officers with levy money and have directed our disbanded Officers to endeavour to keep the men together to enlist in their Troops by getting so great a Bounty, and hope by these means they will near compleat their Regiments with disciplined Troops—I have herewith also sent you my speech after the short Prorogation and the Assembly's last address to me, and you will find by the clause for appointing Bacon Agent that they had paid him at a salary of £200 a year from the 1st of October last which sum was to be paid to him out of the Publick Treasury & of the money received from the Treasury in England which was to be paid to him by the following Committee of Correspondence by Bills to be purchased by said Committee, which makes it evident their new Agent was to take it out of the Agents hands in which it is lodged in England, and

was intended to be sent over to them in specie, and then they were to remit him back his salary upon what terms they liked to make a profit out of it to the Committee and their friends. The Committee was to consist of 3. of the Council and 5. of the Assembly or the majority of them, four of which were the Speaker, his Brother, his nephew and Treasurer Starkey, his dependant, and 2 others his friends only L. De Rossett and Harnet being independant, and none of the governing Junto, who would not be called upon to make a Majority.

I am, with the greatest regard &c

ARTHUR DOBBS.

[B. P. R. O. AM. & W. IND. VOL. 77.]

Letter to Governor Dobbs

SIR

WHITEHALL, Dec^r. 17th, 1760.

His Majesty having nothing so much at Heart, as by the most vigorous Prosecution of the War, to reduce the Enemy to the Necessity of accepting a Peace on Terms of Glory & Advantage to His Majesty's Crown, and beneficial, in particular, to his subjects in America; and as nothing can so effectually contribute to that Great and essential Object, as the King's being enabled to employ, as immediately as may be, such Part of the Regular Forces in North America, as may be adequate to some Great and Important Enterprize against the Enemy, I am commanded to signify to you the King's Pleasure, that in order the better to provide for the full and entire Security of His Majesty's Dominions in North America, & particularly of the Possession of His Majesty's Conquests there, during the Absence of such Part of the regular Forces, you do forthwith use your utmost Endeavours and Influence, with the Council and Assembly of your Province, to induce them to raise, with all possible Dispatch, within your Government, As large a Body of Men as the Number of it's Inhabitants may allow (your Province having hitherto been extremely wanting to The King's service in this respect) and forming the same into Regiments, as far as shall be found convenient, that you do direct them to hold Themselves in readiness, and particularly as much earlier, than former years, as may be, to march to such Place, or Places, in North America, as His Majesty's Commander in Chief there, or the Officer who shall be appointed to command The King's Forces in those Parts, shall appoint, in order to be employed there under the supreme Command of His Majesty's

said Commander in chief, or of the Officer to be appointed as above, in such Manner as, from the Circumstances, & Situation, of the Enemy's Posts, & the State & Disposition, of the Indian Nations, on that Side, He may judge most conducive for the King's Service, And the better to facilitate this important Service, The King is pleased to leave it to you to issue Commissions to such Gentlemen in your Province as you shall judge, from their Weight and Credit with the People, and their Zeal for the Publick Service, may be best disposed, and enabled to quicken and effectuate the speedy levying of the greatest Number of Men; In the Disposition of which Commissions, I am persuaded, you will have nothing in View, but the Good of the King's Service, & a due subordination of the whole to His Majesty's Commander; And all Officers of the Provincial Forces, as high as Colonels inclusive, are to have Rank according to their several respective Commissions, agreeable to the Regulations contained in His late Majesty's Warrant of the 30th of Dec^r. 1757, which is renewed by His present Majesty.

The King is further pleased to furnish all the Men so raised as above, with Arms, Ammunition, and Tents, as well as to order Provisions to be issued to the same, by His Majesty's Commissaries, in the same Proportion, & Manner, as is done to the rest of the King's Forces: The whole therefore, that The King expects, and requires, from the several Provinces, is, the Levying, Cloathing, and Pay of the Men; and on these Heads also, that no Encouragement may be wanting to the fullest Exertion of your Force. His Majesty is farther most graciously pleased to permit me to acquaint you, that strong Recommendations will be made to Parliament, in their Session next year, to grant a proper Compensation for such Expenses as above, according as the active Vigour, and strenuous Efforts of the respective Provinces shall justly appear to merit.

It is His Majesty's Pleasure, that you do with particular Diligence, immediately collect, & put into the best Condition, all the Arms, issued last Campaign, which can be, any ways, rendered Serviceable, or that can be found within your Government, in order that the same may be again employed for His Majesty's Service.

I am further to inform you, that similar Orders are sent, by this Conveyance to Maryland, Virginia, North Carolina, & South Carolina. The northern Governments are also directed to raise Men in the same Manner, to be employed, as His Majesty's Commander in chief shall judge Conducive for the King's Service in North America.

It is unnecessary to add anything to animate your Zeal in the Execution of His Majesty's Orders in this important Conjunction, which is finally to fix the future Safety and Welfare of America, and of your own Province in particular; And the King doubts not, from your known Fidelity and Attachment, that you will employ yourself, with the utmost Application and Dispatch, in this promising & decisive Crisis.

I am &c

W. PITT

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

FORT PITT, 17th December 1760

SIR

I send you inclosed the £2.16. you paid for Seven Pairs Shoes for the Soldiers of the R. A. R. Whatever necessities they may *really* want, of which you are the best Judge, you will please to let them have them, not exceeding their Pay & Arrears, and Send the amount thereof every month, which shall be paid.

I beg you will See if the Stores are in good order and repair, and if the Clercs and Store Keepers do their duty.

I am Sir Your obed^t h^{ble} Servant

HENRY BOUQUET

[Endorsement]

On His Majesty's Service.

To Lieut. SUMNER Lieut in the Virginia Regiment
Commanding at Fort Bedford.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Reed to the Secretary (Ext^t)

NEWBERN Dec^r 24 1760

REVEREND SIR

——— In these last 6 months I have visited S^t Johns' Parish Carteret County, thrice, once at a private house where I baptized 4 children, once at the Chapel upon newport river where I baptized 3 children & again at the above mentioned private house where I baptized 8 children & administered the Sacrament of the Lords Supper to 31 Communicants

I am Rev^d Sir, your most obliged,
obedient & humble Servant

JAMES REED.

[B. P. R. O. JOURNALS. B. T. VOL. 68.]

BOARD OF TRADE JOURNALS.

Tuesday, February 12th 1760.

Present

Earl of Halifax

Mr. Jenyns.

Mr. Hamilton

Mr. Sloper.

Mr. Bacon.

The Secretary laid before the Board two Orders of His Majesty in Council dated the 10th August 1759 the one repealing an Act passed in the Province of North Carolina in 1757 intituled An Act to empower the Justices of the Supreme Courts to take the acknowledgement or proof of deeds and for allowing them a salary the other confirming two Acts passed in Georgia * * *

Ordered that the above ment^d Orders in Council be transmitted to the Governors of the Provinces of North Carolina and Georgia together with copies of the Board's Reports upon the Acts mentioned therein.

Wednesday, April 23rd 1760.

Read a letter from Arthur Dobbs Esq. Gov^r of North Carolina to the Board dated Feb^y 28th 1760 stating the difficulties he is under with respect to the Towns and Counties that are to send Representatives to the next General Assembly

Ordered that the draught of a letter in answer thereto be prepared—which was agreed to and ordered to be transcribed on June 12th and was signed June 13th

Tuesday July 8th 1760.

The Secretary laid before the Board the following copies of orders of His Majesty in Council received from the Clerk of the Council in waiting, Viz:

Order of His Maj. in Council dated 6 Nov 1758 approving a Warrant appointing Charles Berry Esq. Chief Justice of the Province of North Carolina in the room of Peter Henley Esq. deceased.

Order of His Maj. in Council dated 2 Feb^y 1759 repealing an Act passed in the Province of North Carolina in Oct. 1755 to quiet the freeholders in the possession of their lands &c.

Order of His Maj. in Council dated 3 March 1759 repealing an Act passed in the Province of North Carolina in Jan^y 1755 for ap-

pointing Parishes & Vestries for the encouragement of an Orthodox Clergy &c.

Order of His Maj. in Council dated 14 April 1759 repealing five Acts passed in the Province of North Carolina in 1755 and 1756.

Order of His Maj. in Council dated 31st May 1759 approving the Draught of an Instruction for Arthur Dobbs Esq. Gov^r of North Carolina directing him to recommend to the Council and Assembly to pass an Act to amend two Acts passed there in 1748 and 1754.

Order of His Maj. in Council dated July 24th 1759 approving an Act passed in the Province of North Carolina in Dec. 1757 to dock the entail of certain lands now in the possession of Harding Jones &c.

Order of His Maj. in Council dated 10 August 1759 repealing an Act passed in the Province of North Carolina in December 1757 to empower the Justices of the Supreme Courts to take the acknowledgment or proof of deeds &c.

[B. P. R. O. JOURNALS. B. T. VOL. 69.]

At a Meeting of His Maj. Comm^{rs} for Trade & Plantations

Wednesday. November 26th 1760

Present Earl of Halifax.

Mr. Jenyns.

Mr. Hamilton.

Mr. Sloper.

Mr. Bacon.

Read the following letters and papers received from the Governor of North Carolina, viz:—

Letter from Arthur Dobbs Esq. Gov^r of North Carolina to the Board dated 19 January 1760 respecting Courts of Justice Alterations in the Council Accounts of the Treasurers Paper Bills of Credit &c.

Copy of Gov^r Dobbs Speech to the Council and Assembly of North Carolina at the opening of their Session

Copy of the Council's Address in answer to the Governor's Speech

Copy of the Assembly's Address in answer to the Governor's Speech.

Copy of Gov^r Dobbs Speech to the Council and Assembly on their dissolution.

Report of the Committee of Public Claims in November Sessions at Wilmington 1759.

Copy of Mr. Barker's account 1759.

Copy of a Bill for establishing a Court of King's Bench and Courts of Common Pleas for the Province of North Carolina which was rejected by the Council.

Copy of the Bill for establishing Superior Courts of Pleas and Grand Sessions and regulating the proceedings therein which was rejected by the Council

Minutes of Council in Assembly from 8 to 18 May 1759.

Minutes of Council in Assembly from 23 Nov. 1759 to 9 January 1760.

Minutes of Assembly from 23 Nov. 1759 to 9 January 1760.

Reports of the Committee of both Houses for stating the public accounts Dec 5. 1759.

Letter from Gov^r Dobbs dated 28 May 1760 informing the Board of the refusal of the Assembly to pass an Aid Bill unless he assented to the Bill for Superior Courts.

Gov^{rs} Speech to the Council & Assembly at the opening of the Session in April 1760

Address of the Council to the Governor

Gov^{rs} Answer to the Council's Address.

Address of the Lower House to the Gov^r

Gov^{rs} Answer to the Address of the Lower House

Assembly's Address to pass the Court Bills

Gov^{rs} Answer to Assembly's Address to pass the Court Bills

Assembly's Replication to the Gov^{rs} Answer

Gov^{rs} Answer to the Assembly's Replication

A second Replication of the Assembly to the Gov^{rs} Answer.

Queries respecting the establishment of Courts with the Chief Justice's Answer.

Queries on the same subject with the Attorney General's Answer.

Copy of two Resolutions of the Assembly

Gov^{rs} Speech to the Council & Assembly at the opening the second Sessions in May 1760

Gov^{rs} Speech at the close of the second Sessions in May

List of the Acts passed in the Sessions of April and May 1760.

Letter from Gov. Dobbs dated 21 July 1760 informing the Board of his having got an Aid Bill passed in lieu of the one rejected.

Gov^{rs} Speech to the Council & Assembly

Council's Address to the Gov^r

Assembly's Address to the Gov^r

Minutes of Council in Assembly from 24 April to 23 May 1760.

Minutes of Council from (sic) 26 May to 27, 1760

Minutes of Assembly on the same days.

Minutes of Council from 23 Nov. 1759 to 9 January 1760.

Copy of a Bill for granting an Aid to His Majesty

Copy of an Aid for granting an Aid to His Majesty and other purposes.

Ordered that extracts be made of so much of Gov^r Dobbs letters and of the Minutes of Council of the 2^d January 1760 as relates to the suspension of Francis Corbin Esq^{re} from his seat at the Council Board to be laid before His Majesty in Council and that the Draught of a Representation to His Majesty thereupon as also the Draught of a Representation proposing that John Sampson Esq. may be appointed of the Council of North Carolina in the room of James Innes Esq^r deceased be prepared.

Tuesday, December 2. 1760.

The draught of Representations to His Majesty proposing that John Sampson Esq. may be appointed of the Council of North Carolina in the room of James Innes Esq deceased and for laying before His Maj. the reasons of the Gov^r and Council for removing Mr. Corbin from his seat at that Board having been prepared pursuant to order were agreed to, transcribed & signed.

Tuesday December 9. 1760 .

Read an Order of His Majesty in Council dated the 3rd inst. approving a Representation of this Board that John Sampson Esq. may be appointed of the Council of North Carolina and directing a proper Warrant to be prepared.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington the 2nd January 1760

Present His Excellency the Governor

| | | | | | |
|------------------------|---|--------------|---------------------------|---|-------------------|
| The Hon ^{ble} | { | Mathew Rowan | Lewis De Rossett | } | Esq ^{rs} |
| | | James Hasell | and | | |
| | | John Dawson | Rich ^d Spaight | | |

Upon his Excellency's informing this Board that he had sent off a Letter to admonish Mr. Corbin for non attendance at the last Assembly and this Session and that he hitherto had received no apology on that account, And also for the many prevarications and

contempts to the Council and manifest falsehoods and Endeavours to impose upon the upper and Lower Houses of Assembly, It is unanimously agreed That he be suspended from being a Member of this Council until His Majesty's Pleasure shall be known.

As there are but the following Members of Council in this Province Viz^t—The Hon^{ble} Matthew Rowan, James Hasell, John Dawson, Lewis De Rossett, John Rieussett, and Richard Spaight Esquires and the Hon^{ble} John Swann, and Edward Brice Dobbs out of this Province and the Hon^{ble} James Innes Esq^r Deceased and also the Hon^{ble} John Rieussett Esq^r by an ill state of health obliged to leave this Town and The Hon^{ble} Matthew Rowan Esq^r being hardly able to attend by reason of his being in an ill state of health; His Excellency in Order to avoid the Publick Business of the Session being put a stop to in case of the sickness of any one Member has agreeable to his Majesty's [order] to nominate a Member or Members as the necessity of Affairs may require, Appointed Charles Berry Esquire Chief Justice to be one of His Majesty's Council.

Charles Berry Esq^r appeared at this Board and took the Oaths by Law appointed for His Qualification repeated and subscribed the Declaration and took the Oath of a Councillor and took his seat at the Board Accordingly.

A Petition from the Inhabitants of the Town of Wilmington Praying that the said Town be incorporated was laid before this Board which after some alterations was Granted.

Upon Petition of Jacob Munse, It is Ordered that a Patent issue to him agreeable to his Petition.

At a Council held at Wilmington the 8th January 1760

Present—His Excellency the Governor.

| | | | |
|--------------------------|---------------|-----------------------------|---------------------|
| The Hon ^{ble} { | Matthew Rowan | Lewis De Rossett | } Esq ^{rs} |
| | James Hasell | Rich ^d Spaight & | |
| | John Dawson | Charles Berry | |

His Excellency having mentioned to the Board the length of time the Assembly has now Sat and no Business done in re-establishing the Course of Judicature which His Majesty has repealed and no likelihood of their agreeing to Proper Laws His Excellency desired the opinion of this Board whether it would not be for His Majesty's Service and good of the Country that the Present Assembly be dissolved which was agreed to *Nem. Con.*

At a Council held at Wilmington the 9th day of January 1760.

Present His Excellency the Governor.

Upon Petition of Richard Spaight and upon Examination of William Herritage Esq^r upon Oath—It is Ordered that the Word above in a Patent granted to Thomas Stephens dated 20th day of November 1759 and that the Record be altered accordingly

Upon Petition of John Wolch, It is Ordered that a Warrant issue accordingly to the prayer of his petition.

Upon petition of John Fonvielle, Ordered that a Patent granted to Thomas Smith the 20th of April 1745 for three hundred and thirty Acres of Land in Craven County and thirty Acres of Land in Craven County and the Record thereof be altered agreeable to the Plott.

Upon Petition of Frederick Becton and James M^cDeed Ordered that the said Fred^k Becton and James M^cDeed have Patents issue upon the Surveyor Generals return of their Warrants.

Upon Petition of James M^cManus—Ordered that Patents issue upon his Warrant being mentioned by the Surveyor General Viz^t—One for five hundred acres, one for three hundred acres, and on one for one hundred and fifty acres of Land in the County of Anson agreeable to his Petition

At a Council held at New Bern the 24th Day of April 1760.

Present—His Excellency the Governor.

The Hon^{ble} { James Hasell Lewis De Rossett & } Esq^{rs}
 { John Swann Richard Spaight }

Then were Read several Warrants and Patents for Land which were granted as p Warrant and Patent Books.

At a Council held at New Bern the 10th May 1760.

Present—His Excellency the Governor.

The Hon^{ble} { James Hasell John Rieussett } Esq^{rs}
 { John Dawson Rich^d Spaight & }
 { Lewis De Rossett Charles Berry }

Then were read several Warrants and Patents for Land which were granted.

Upon Petition of Richard Fenner and reading the affidavit of Sol. Smith, Ordered that said Sol. Smiths Patent for 640 Acres of Land in Craven County dated 18th day of February 1737 be Recorded in the Secretary's Office.

At a Council held at New Bern the 13th May 1760.

Present—His Excellency the Governor

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|------------------------|---|-----------------|---------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } Esq ^{rs} |
| | | John Swann | Rich ^d Spaight | |
| | | John Dawson | and | |
| | | Lewis DeRossett | Charles Berry | |

Upon Petition of Samuel Swann Esq^r in behalf of William Cannon,

It is Ordered, That the Words up the Creek in a Patent granted by Governor Johnston the 11th of March 1740 be expunged and also that the Record be altered accordingly

Upon Petition of Samuel Swann Esq^r It is Ordered, That a Warrant of Resurvey issue to survey the Land Granted by Patent the 2^d day of November 1738 to George Moy containing 200 Acres in the County of Beaufort lying upon Grindal Swamp and to make return thereof to the Governor and Council.

Upon Petition of Samuel Swann Esquire It is Ordered, that the Patent granted to William Cannon for 400 Acres in Beaufort County the 6th of April 1745 the first [line] thereof be altered from S^o 60 E^t to N^o 60 E^t agreeable to the Plott, annexed to the Patent

Upon Petition of Samuel Swann Esq^r It is Ordered, That a Warrant of Resurvey upon the Lands granted by Patent to George Moy the 22^d November 1738 containing four hundred Acres in Beaufort County on the South side of Grindal Creek do issue and that return thereof may be made to the Governor and Council.

Upon a Petition of the Inhabitants of the Town of Halifax Praying that the said Town be incorporated was laid before this Board, which was accordingly granted.

At a Council held at New Bern the 15th day of May 1760

| | | | | |
|-------------------------|---|-----------------|-----------------|---------------------|
| The Hon ^{bles} | { | James Hasell | John Rieussett | } Esq ^{rs} |
| | | John Dawson | and | |
| | | Lewis DeRossett | Richard Spaight | |

Then was Read and Granted several Warrants for Land.

Upon a Petition of the Inhabitants of Edenton Praying that the said Town be incorporated in the same manner as the Town of Halifax, which was Granted.

Upon a Petition of the Inhabitants of the Town of Newbern Praying that the said Town be Incorporated in the like manner as the Towns of Halifax and Edenton Except that the number of Common

Councilmen be eight instead of twelve which was accordingly Granted.

Ordered that a New Commission of the Peace and Dedimus issue to the County of Hertford.

At a Council held at New Bern the 19th day of May 1760.

Present His Excellency the Governor

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|------------------------|---|------------------|---------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Reiussett | } Esq ^{rs} |
| | | John Swann | Rich ^d Spaight | |
| | | John Dawson | and | |
| | | Lewis De Rossett | Charles Berry | |

It is ordered that the *Queres* on the following Abstracts of His Majesty's Instructions and Clauses in two several Bills for Establishing Courts in the Province of North Carolina Proposed by His Excellency the Governor for the Consideration of Charles Berry Esq^r His Majesty's Chief Justice and Thomas Child Esq^r His Majesty's Attorney General.

Abstracts of His Majesty's Instructions

You shall not appoint any Person to be a Judge or Justice of the Peace without the advice and consent of at least three of our Council—signified in Council nor shall you execute yourself or by Deputy any of the said Offices, And its our Will and Pleasure that all Commissions to be Granted by you to any Person or Persons to be Judges, Justices of the Peace or other necessary Officers be granted during Pleasure only.

We do hereby Will and require you not to pass or give your assent hereafter to any Bill or Bills in the Assembly of our said Province of unusual and extraordinary nature and importance wherein our Prerogative or the property of our Subjects may be Prejudiced until you have first transmitted unto our Commissioners of Trade and Plantations in Order to be laid before us the Draught of such Bill or Bills and shall have received our Royal Pleasure thereupon unless you take care in the passing any Bill or Bills that there be a Clause inserted suspending and deferring the Execution thereof until our Pleasure be known concerning the same.

It is our further Will and Pleasure that you do not for the future upon any pretence whatsoever give your assent to any Law or Laws to be passed in our said Province inconsistent with our said Instructions to you; or prejudicial to that right or authority which you derive from us in virtue of our Commission and Instructions.

A Bill having passed both Houses of Assembly for Establishing Superior Courts of Justice &c in which there is a Clause directing that the Justices to be appointed by the said Act should hold their Commissions "*Quam Diu se bene Gesserint*" and also another Clause confining his Majesty in the Appointment of the Associate Justices

Quere, As the above Clauses are Repugnant to my Instructions Ought I consistant with my duty to pass this Bill; and do you give it as your opinion and advice that I ought to lessen his Majesty's Prerogative by passing this Bill

A Bill having passed both Houses for Establishing Inferior Courts of Pleas and Quarter Sessions, in which they have given the said Courts a Jurisdiction of Fifty Pounds.

Quere, As the late Law was Repealed by His Majesty in Council Principally on Account that the Jurisdiction was too extensive when at forty Pounds, Ought I to Pass the present Bill as it now stands, And do you give it as your opinion and advice that I ought to pass it.

At a Council held at Newbern the 21st day of May 1760

Present—His Excellency the Governor

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|------------------------|---|------------------|---------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } | Esq ^{rs} |
| | | John Swann | Rich ^d Spaight | | |
| | | John Dawson | and | | |
| | | Louis De Rossett | Charles Berry | | |

Ordered that a new Commission of the Peace and *Dedimus* for the County of New Hanover issue and that George Meares, John Davis Jun^r, John Paine, Frederick Jones and Job Howes be added in the Commission, and that the names of Armond De Rossett and James Morris who are both deceased be struck out.

Ordered, That a new Commission of the Peace and *Dedimus* issue for the County of Northampton and that John Dawson, Henry Dawson, Harwood Jones, Howel Edmons and Joseph Sikes be added in the Commission.

Upon Petition of John Bonners

It is Ordered, That a Warrant of Resurvey issue upon six hundred and forty Acres of Land belonging to Leonard Loftins on the East side of Handcocks Creek agreeable to the Prayer of the above petition

The Hon^{ble} Charles Berry Esquire laid before this Board his answer to the Queres proposed by the Governor of the 19th Inst and is as follows Viz^t

I have considered the several above clauses extracted from his Majesty's Instructions to your Excellency as likewise the Bill for Establishing Superior Courts of Justice within this Province which having provided Competent Salaries for the Associate Justices so as to make it worth while for Persons of skill and Learning in the Law to accept those offices whereby notwithstanding the expensiveness of the circuit the Suits and Causes depending in the superior Courts may now without delay to the suitors receive proper determinations I conceive the Chief reason for Repealing the Supreme Court Act passed in 1754 is thereby obviated and am of opinion that there cannot be a Bill better framed or more adapted to the peculiar circumstances of this Province than the present Bill

With regard to your Excellency's Quere wherein you desire my opinion whether you should give your Assent to the said Bill on Account of two Clauses in the Bill objected to by your Excellency and here stated, my opinion with Respect to that is as follows—

Considering the present circumstances and situation of affairs in this Province and [the] indispensable necessity there is of an immediate Establishment of Proper and convenient Courts of Justice upon which so greatly depends at this time as well the Interior Peace and wellfare as the support of the Trade and Credit of this province which has greatly suffered from a cessation of the administration of Justice for eight months past owing to there not having been during that time convenient and necessary Courts established; I would advise your Excellency to give your assent to this said Bill—notwithstanding the said two Clauses and the rather as I do not think His Majesty's Royal Prerogative can be in any danger of being lessened or diminished by your Excellency's giving your Assent to the Bill which is not conclusive on the Crown and can only exist during His Majesty's Royal Will and pleasure.

CHARLES BERRY Chief Justice

22^d May 1760.

With regard to the other Query I beg leave to observe to your Excellency that there were other Reasons for the Repeal of the late County Court Act more cogent in my opinion than that stated in the above Query as will appear in the Reports from the Lords of Trade to His Majesty

There is another circumstance which I would also beg leave to observe to your Excellency, and that is, that at the time I had under my consideration in England, the late County Court Act I was

a stranger to the nature of the Jurisdictions of the County Courts in General in America particularly those in Virginia a neighboring Colony which I find have a much higher jurisdiction than that given by the present Bill to the Inferior Courts here and therefore notwithstanding the Jurisdiction of the Inferior Courts here is somewhat increased by the present Bill yet considering that Writs of Error and Appeals do lay from the Inferior to the Superior Courts in all cases of consequence where any person may conceive himself agrieved by the Judgment of an Inferior Court, I am of opinion your Excellency may give your Assent to the said Bill as no very mischievous consequence can arise to His Majestys Subjects from the Judgment of those Courts while there are Superior Courts to Controul and correct their Errors without which such extensive Jurisdictions might be of very mischievous and dangerous consequence to the Subject as thereby the Judgments and Opinions of such Inferior Courts would in such Case be final and absolute.

CHARLES BERRY, C. J.

22^d May 1760.

Thomas Child Esq^r Attorney General this Day laid before this Board his Answer to the Queres proposed by the Governor of the 19th Instant which is as follows

With Respect to the first Clause in this state of a Case upon the Bill which has passed both Houses of Assembly, for establishing Superior Court of Judicature namely that the Justices pursuantly to be appointed should hold their Commissions "*Quam diu se bene Gesserint*," I am Opinion that the present desperate situation of Affairs in this Province requires your Excellency's Assent to be given thereto notwithstanding the Terms of that Clause which seem to be exceptionable on viewing the surface only of your Instructions and the rather as there are not wanting precedents too of this Nature in His Majesty's other provinces occasioned no doubt by the Spirit of particular times, which had devised the same measures for having the Justices Commissions in America to depend upon good behaviour as had occasioned those of the Judges to be so framed at home Moreover I am confident that no Gentleman who comes within the Qualifications provided by that Bill would quit an Established Practice at the Bar for an Office to be held on so precarious a Tenure as the pleasure of a Governor, and so a good Court Bill could never be properly executed

And as the second Clause which confines Governors to the appointment of fit Persons to be such Justices, I am clearly of Opinion that this no more than the other Clause forms an indispensable objection to the giving your Excellency's Assent as aforesaid. On the contrary late Experience of many successive appointments of Persons to those Offices who were devoid of every legal Qualification at the least necessitates the Insertion of some such Cautionary Clause, in Order that the rights of the Crown and the Dignity of Judicial Offices may be maintained and the rights of the People better secured for the future to which Clause likewise, were it an argument of any decisive weight, a Parallel instance may be produced.

But with relation to the extraordinary Query subjoined to the above mentioned State that is to say whether I would advise your Excellency "to lessen His Majesty's Prerogative &c" My answer is that happily for the Constitution of Great Britain, It is not in the Power of Governors by any Act whatsoever to diminish the Just rights and power of the Crown, which are inherent and inseparable and upon the preservation of which depends the very Constitution itself. They may indeed disgrace the Delagation of a particular trust to them by an abuse or unworthy Execution of it, but no Act of theirs, no not such as is even done within the express Terms of their Commissions can ultimately bind the Crown in Case his Majesty should afterwards think fit to give his Royal disallowance thereof.

T. C—A. G.

As to this Query relating to the Inferior Court Bill it is necessary for me previously to observe that I have already given your Excellency my opinion on that head founded upon the precedent of an Act passed in the Neighbouring Colony of Virginia which has actually, as I have since heard been confirmed by His Majesty in Council, the substance of this Precedent expressly answers one of the Chief objections made to the late County Court Act, and the Competency of many Gentlemen now Resident in the Several Counties to Constitute those Inferior Branches (were such only to be sought for and Commissioned) would remove that other, which was thought perhaps the most material objection of all.

Upon the whole considering the unhappy circumstances of the Province which has already been for near Eight months deprived of any Courts of Judicature, and must without your Excellencys assent to these Bills continue in its present State of Anarchy, interior

Tumult and dangerous Insurrection and considering also that such a deviation from the Letter of your Instructions can only tend to bring the Constitution of this Province to a nearer Degree of affinity with its mother Country and to dispense to His Majesty's Loyal Subjects here those rights and Priviledges which they Claim by Birthright as the unalienable Inheritance of their Ancestors, It is my advice and recommendation to your Excellency that you would give your immediate Assent to these two Bills

Remembering That the Act of restoring Life and Energy to Government, and to the Subject protection of his Liberty and Property is a Primary Civil Duty which at all times and in all circumstances is obligatory and indispensable

THO. CHILD, A. G.

New Bern 20th May 1760.

At a Council held at New Bern the 24th day of May 1760.

Present—His Excellency the Governor.

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|------------------------|---|--------------|---------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } Esq ^{rs} |
| | | John Swann | John Rieussett & | |
| | | John Dawson | Rich ^d Spaight | |

Whereas it appears that the two Tracts of Land belonging to George Moy in Beaufort County are in this District belonging to Earl Granville on which Tracts Warrants of Resurvey was Granted the 13th Ins^t

It is therefore Ordered that the Warrants of Resurvey do not issue and that the said Orders be void.

Mr. Fenner having proved the Service of the Order of Council of the 1st of September 1759 on Valentine Wade Esq^r and he having not appeared according to that Order or since to vindicate his character

It is Ordered that the said Valentine Wade be struck out of the Commission of the Peace.

It is Ordered that Richard Fenner, William Coole, Ross Bell and Thomas Shaw be added to the Commission of the Peace for the County of Carteret.

It is Ordered that John Frohock and John Oliphant be added to the Commission of the Peace for Rowan County.

At a Council held at Newbern the 27th day of May 1760

Present—His Excellency the Governor.

The Hon^{ble} { James Hasell Richard Spaight & } Esq^{rs}
 { John Rieussett Charles Berry }

Ordered that Tyre Harris, David Hart, Joseph Barbee and Nathaniel Kimbrough be added to the Commission of the Peace for the County of Orange.

Ordered that Benjamin Johnson, Joseph Wilson, Thomas Routledge and Daniel Herring be added to the Commission of the Peace for the County of Duplin.

Ordered that John Simpson, Edward Shufford and John Alderson be added to the Commission of the Peace for Beaufort County.

Ordered That Montford Elbech, John Bradford and James Smith be added to the Commission of the Peace for the County of Halifax.

Ordered That William Haywood and Micajah Thomas be added to the Commission of the Peace for Edgecomb County.

Ordered That Samuel Swift, Benjamin Allison, Robert Eyre and Robert Hardy be added in the Commission of the Peace for the County of Chowan.

Ordered that New Commissions of the Peace issue for the several Counties in the Province not before mentioned.

Then was Read and Granted Several Warrants and Patents for Land as ~~3~~ Warrant and Patent Books.

At a Council held at Wilmington the 4th day of July 1760.

Present—His Excellency the Governor.

The Hon^{ble} { James Hasell Richard Spaight } Esq^{rs}
 { John Swann and }
 { Louis De Rossett Maurice Moore }

Ordered that William Case upon his Non appearance when required by summons to answer several Charges against him in Council be struck out of the Commission of the Peace for the County of Duplin.

Ordered That George Meares and Lewis Powell be struck out of the Commission of the Peace for Duplin County they having removed out of the said County, and also that Benjamin Johnston be not inserted in the said Commission and that James Hollingsworth be added in his Room.

At a Council held at Wilmington the 12th day of July 1760

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Louis De Rossett } Esq^{rs}
 { John Swann Richard Spaight }

Then was read several Patents and Warrants for Land which were Granted p. Warrant and Patent Books

Ordered That the Governor sign a Patent for John M^rFarlen for one hundred Acres in Cumberland County and that Secretary countersign and issue the same.

Ordered That John Boyd, Thomas Bonner Jun^r and George Moy be added to the Commission of the Peace for Beaufort County.

Ordered That Isaac Saunders, Thomas Bonner and Jesse Eason be added to the Commission of the Peace for Perquimons County.

At a Council held at Wilmington the 18th November 1760

Present—His Excellency the Governor

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|------------------------|---|------------------|----------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } Esq ^{rs} |
| | | John Swann | and | |
| | | Lewis De Rossett | Maurice Moore | |

Several Warrants and Patents for Land were read and Granted as p. Warrant and Patent Books.

Read the Petition of William Spaight setting forth That the Petitioners Brother John Spaight obtained His Excellency's Warrant for three hundred Acres of Land in Craven County One hundred and thirty five acres of which was surveyed and Returned into the Secretary's Office and the said John Spaight by means of a Fall off a tree died suddenly before a Patent could be obtained in his name for the said Land, The Petitioner therefore humbly Prays a Patent may issue to him as heir at Law of his Deceased brother, and the matter alledged in the said Petition being proved by the Oath of Christopher Neale

It is Ordered a Patent issue to William Spaight on the Lands by him petitioned for

Ordered that Disputes and Caveats about Lands be heard on Thursday next in the afternoon and that publick Notice be given thereof.

At a Council held at Wilmington the 20th day of November 1760

Present—His Excellency the Governor

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|------------------------|---|------------------|----------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } Esq ^{rs} |
| | | John Swann | and | |
| | | Lewis De Rossett | Maurice Moore | |

Ordered that a Commission and *Dedimus* issue for Johnston County and that Needham Bryan, Needham Bryan Jun^r, John M^cCullers, Henry Harris and Isaac Bush be added to the Commission

Ordered that a Commission and *Dedimus* issue to William Harris, Thomas Smith, Thomas Barrow, Richard Harvey, Edward McSwain, John Lockhart, Benjamin Mason, John Webster, Thomas Jordan, George Barrow, Samuel Smith, Robert Gilles, Richard Wilkinson, Thomas Jones and Rotheas Latham to be Justices of the Peace of Hyde County.

Ordered That a Patent issue to Joseph Wallis for one hundred acres of Land in Craven County agreeable to a Plot sworn to by Chris^r Neale.

Ordered that administration issue to John Burgwin on the Estate of Robert Reyley deceased on giving Bond with Securities, the said John Burgwin appearing to be the greatest Creditor in right of John Baldwin

On hearing the Caveat Eleanor McDowell against Barnard Howard—

Ordered that a Patent issue to Barnard Howard of the Lands Caveated; and Ordered that a Patent issue to Mrs. McDowal according to the Plot Run, and that Mrs. McDowals Patent be of prior Date.

Ordered that all Caveats be determined on or before the Court of Claims next succeeding the Court when such Caveat shall be entered and on default thereof that such Caveats be discharged unless sufficient Cause shown to the Contrary.

At a Council held at Wilmington the 22^d November 1760

Present His Excellency the Governor

The Hon^{ble} { James Hasell John Rieussett }
 { John Swann and } Esq^{rs}
 { Lewis De Rossett Maurice Moore } }

Ordered That a Proclamation issue for a Thanksgiving to be held on Tuesday the 23^d of December next

At a Council held at Wilmington the 29th November 1760.

Present His Excellency the Governor.

The Hon^{ble} { James Hasell and }
 { John Rieussett Richard Spaight } Esq^{rs}

Several Warrants and Patents for Land were Read and Granted
 & Warrant and Patent Book.

Upon Petition of Thomas Graves setting forth that he obtained His Excellencys Warrant for two hundred Acres of Land on Batchelors Creek in Craven and had the same surveyed and returned,

that the Warrant by some accident has been mislaid so that the Petitioner has been thereby hindered from obtaining a Patent for the said Land, but the Plots of the Survey of said Land having been lately found, The Petitioner Prays a Patent may issue to him of the said Land agreeable to the said Plots.

Ordered that a Patent issue to Thomas Graves agreeable to the Prayer of the Petition

At a Council held at Wilmington the 5th December 1760.

Present His Excellency the Governor.

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|------------------------|---|----------------|-----------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Richard Spaight | } Esq ^{rs} |
| | | John Swann | and | |
| | | John Rieussett | Maurice Moore | |

Ordered That a Commission and *Dedimus* [issue] for the County of Granville and that Robert Harris, Samuel Henderson, Osborn Jeffries, Samuel Benton, and Philip Pryor Esq^{rs} be restored as Justices of the Peace for the said County and that they be placed in the Commission in the same rank they formerly stood.

Whereas several complaints has been made to this Board against some of the Justices in Granville county,

Ordered That the Chief Justice and Associates enquire into the said Complaints and make return of their Opinion thereupon to His Excellency in Council

Ordered That a Commission and *Dedimus* issue for Pitt County and that Edward Salter, John Hardie, William Speirs, John Simpson, Edward Stafford, John Tyson, George Moy, Francis Hobson and Robert Lanier Daniel, be Justices of the Peace for the said County

Ordered That a Commission and *Dedimus* issue for the County of Beaufort and that Robert Palmer, John Barrow, Michael Coutanch, Robert Boyde, Samuel Boutwell, James Bonner, Philip Prichet, John Boyde, John Alderson, William Dunbar, Thomas Respass, Moses Hare, James Ellison and John Wallace be Justices of the Peace for the said County.

Ordered, That a Commission and *Dedimus* issue for Dobbs County and that Robert Rainey, John Baptista Sheppard, Robert Sims and Robert Reynolds be added to the said Commission

Ordered, That a new Commission and *Dedimus* issue for Craven County and that James Parkinson, John Benners, and Christopher Dawson Jun^r be added to the said Commission

Read the Petition of Thomas Cunnynggham setting forth that he obtained a Patent from his Excellency Governor Johnston dated

the 5th day of March 1743 $\frac{1}{4}$ for two hundred acres of Land in New Hanover County on Lockwoods folly River and Bounding the Lands of Jonathan Swann and Thomas Bell, and whereas the Petitioner hath lately discovered that the said Land Granted as aforesaid is included on a Prior Patent now in the Possession and property of John Daniel of said County. The Petitioner therefore prays that the surrender of his said Patent be accepted and that he be no longer chargeable for the Quitrents accruing to His Majesty by virtue of said Patent and the same be Entered on the Council Journals

Ordered that upon his proving what is set forth in the above Petition that the surrender of His Patent will be accepted of.

Then was read and Granted several Warrants and Patents for Land as p Warrant and Patent Books.

At a Council held at Wilmington the 6th day of December 1760

Present—His Excellency the Governor

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|------------------------|---|------------------|---------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Rich ^d Spaight | } Esq ^{rs} |
| | | John Swann | and | |
| | | Lewis De Rossett | Maurice Moore | |

Upon the Petition of many of the Inhabitants of Rowan County It is ordered That a new Commission and *Dedimus* issue to the said County and that William Giles, William Ellis and William Lynn be added to the said Commission and that the names of those in the former Commission dead or removed out of the County be not inserted

His Excellency laid before this Board the following Reasons for dissolving the Assembly which he desired might be inserted in the Journals and were as follows.

1st. Because the Assembly in the first Session at New Bern arbitrarily admitted a person to sit in that House as a Member without His Majestys Writ.

2^d That during the same Session the Chairman of the Committee of Elections upon calling for a Sheriffs return in respect of a County Election cursorily reported the same to the House and the Assembly in Consequence thereof expelled a Member of that House without a hearing

3^d That during the same Session the Assembly refused to receive a Message from the Governor for near five hours having resolved themselves into a Committee of secrecy, wherein no Member was to communicate the proceedings of that day under pain of Arbitrary expulsion

4th That during the short Prorogation at New Bern the Governor desired to see the Proceedings of the Assembly and Particularly the Resolutions framed in the secret Committee which the Speaker in Person absolutely refused, alledging he must correct and amend them, and in Virtue of that Pretence withheld them from the Governor for the space of six days.

5th That the Assembly during the second Session took upon them by a Vote of that House to appoint one Anthony Bacon rejected by the Council in the preceeding Assembly the Agent for this Province with an annual Salary, thereby assuming to themselves the sole right of nominating an Agent and confirming that nomination independent of the other Branches of the Legislature solely by a vote of that House.

6th That the Assembly who when they met in June last raised three hundred men for the defence of the Frontier with only Twenty five members refused when convened on the like occasion in October to proceed upon Business without a Majority of the whole House expressly contrary to His Majestys Instructions, which they give out are no wise binding on them, or in no wise to be regarded by them.

7th That the Speaker from his great influence in the Assembly debates from the Chair and after a Division puts the question over again in a different manner, whereby it has happened that a Majority has been declared contrary to the first Question a Method inconsistent with the established Rules and usage of Parliament

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 30.]

LEGISLATIVE JOURNALS.

NORTH CAROLINA—SS.

At an Assembly begun and held at New Bern the twenty fourth day of April in the year of our Lord, one thousand Seven Hundred & Sixty and in the thirty third year of the Reign of our Sovereign Lord George the second by the Grace of God of Great Britain France & Ireland King &c being the first Sessions of this Present Assembly.

In the Upper House
Present.

| | | | | |
|------------------------|---|-----------------|-----------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Richard Spaight | } Esq ^{rs} |
| | | John Swann | and | |
| | | Lewis De Rosset | Maurice Moore | |

His Excellency the Governor came to this House & having Com-manded the attendance of the Assembly made to both Houses the following Speech.

GENTⁿ OF HIS MAJESTYS COUNCIL MR. SPEAKER AND GENTⁿ OF THE
ASSEMBLY

It is with the greatest Pleasure that I meet you in this new Assembly at this important Crisis which I hope will determine & soon finish by the Blessing of God upon the exertions of the United force of Britain and her Colonies a long & cruel War in which our Holy Religion Liberties & Possessions have been in the utmost Danger from our perfidious & cruel Enemies, and am confident if His Majesties Measures are supported by the United force of these Colonies it will secure our Peace & Safety to our latest Posterity.

I have received his Majestys Commands communicated to me by Mr. Secretary Pitt and a Letter from Gen^l Amherst, which I shall lay before you, to Assemble you on the earliest Notice and Consult with you on this important Crisis where your Assistance is required with the utmost despatch in raising what Men can be spared in the Colony, that we may exert our whole force in conjunction with his Majestys Forces from Britain to dispossess & drive the French from all the unjust acquisitions on this Continent His Majesty having resolved to exert the whole Force of Britain & the Colonies to finish the War this Campaign & give Peace by securing the Protestant, Apostolic Religion & Liberties of Europe & more immediately of Britain & these Colonies, which by a due Exertion of our United force will finish our expence and procure us for the future a lasting Peace from French and Indian Invasions & Depradation.

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY.

I am confident that from these vigorous measures inspired into His Majesty & his Council by the great & surprising Success of his Majesty's Arms throughout the Globe Sea and Land, and the present Distress & Ruin of the Trade & Marine of France wherein the influence & Assistance of divine Providence is so imminently displayed in the defence of our Holy Religion & Cause of Liberty, that you will exert your Power & continue that zeal which you have hitherto shown in defence of His Majestys Right & of our holy Religion & Liberties, as it will be the only effectual method to prevent any future expence which has been so heavy upon this Infant Colony which is but now settling. And I therefore recommend it to you in the strongest manner to ease you of all future expence, that you will grant a Supply to raise without Loss of time what Men can be spared to assist in these vigorous Measures.

GENT^a OF HIS MAJESTY'S COUNCIL MR. SPEAKER AND GENT^a OF THE
ASSEMBLY

I have nothing further to recommend to you but only the Reen-acting & amending the Repealed Bills of the Supreme & County Courts & the Act to Establish Vestries without the Clauses objected to in that Repealed Laws, in which you will consult the General Good of the Province, And I shall concur with you in every Measure that will make the Tax necessary to be raised for the Bounty Money Cloathing & Pay of the Troops required, to be the most easy to the Inhabitants until it be repaid by the Money already granted, or promised to be farther recommended upon a proper exertion of our Force & our zeal shewn at this important Crisis, and therefore recommend it to you to unite in appointing an Agent to receive & remit what Money his Majesty has or shall recommend to be given by the Parliament in Britain to this Province by a particular Bill framed for that purpose, which I shall heartily Concur in as it may be the means of lessening your Debt and ease you of future Expence, and hope by the Blessing of God on our endeavors, that I shall have no future Call upon you for any Supply but what you may think necessary for the Increase & Improvement of the Trade & Navigation of this Province.

This House took under their Consideration His Excellency's Speech; And order'd the same to be Read: Which was accordingly done: And the Hon^{ble} Lewis De Rosset & Maurice Moore Esq^{rs} were appointed a Committee of this House to prepare an Address to his Excellency.

Then the House adjourned till three O'Clock in the afternoon

The Hon^{ble} James Hasell Esq^r appeared & Adjourned the House till tomorrow Morning 9 O'Clock.

Friday 25th April 1760 The House met according to Adjournment

Present.

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|--------------------------|-----------------------|---------------------------|---------------------|
| The Hon ^{ble} { | James Hasell | Rich ^d Spaight | } Esq ^{rs} |
| | Jn ^o Swann | Cha ^s Berry & | |
| | Lewis De Rosset | Maurice Moore | |

The Committee appointed by this House to draw up an Address in answer to his Excellency the Governors Speech Reported they had prepared the same; Which was Order'd to be Read The same was Read approv'd of: And Resolved That the same stand the Address of this House & be entered on the Journal thereof as follows
Viz^t

SIR

We his Majesty's most dutiful and Loyal Subjects, the Members of his Council of North Carolina, beg leave to return your Excellency our most humble & hearty Thanks for your Speech at the Opening of this Session.

The Critical and important Situation of affairs in America at this juncture we are fully sensible of and hope that the great wise disposer of all things (as at every other Period of Importance since the beginning of this War) will render the event favorable to our Holy Protestant Religion Liberties & Possessions.

We view with the greatest Pleasure the distressed & indigent circumstances of the implacable & inveterate enemy to Britain & the British name: The French whose present wretchedness & Calamity (drawn on themselves by their own unjust designs against & wicked Practices in his Majesty's American Dominion) we hope will speedily not only be productive of a firm and lasting Peace, but will effectually secure our Holy Religion and give his Majesty's faithful American Subjects the Peaceable possessions and enjoyment of all North America.

His Majesty's Paternal Affection to his Infant Colonies at this time, in fully purposing to Act Vigorously (for their preservation) against the French in this Continent the ensuing Campaign is no less conspicuous than in any other instance during the whole course of the present War, and the event of such design is too interesting to leave the least room to doubt that the faithful Representatives of his Majesty's Dutiful & Affectionate Subjects of North Carolina, will to the utmost of their Power, second such valuable & important Purposes, from the Success of which only, can be derived that perfect Peace & Happiness which now is & so long has been ardently wished for, by all his Majestys (but more especially American) Subjects.

We assure your Excellency we shall with the utmost cheerfulness concur with the other House in every measure that may tend either to the Security of the British dominion in America or in enacting such Laws as will be most consistent with the Interests of this Province.

Then the House adjourned till 4 o'clock in the Afternoon.

The House met according to Adjournment.

Present as before.

Then the House adjourned till to-morrow morning 9 o'Clock.

Saturday 26 April 1760. The House met according to Adjournment.

Present as before.

The House waited on his Excellency and by the Hon^{ble} James Hasell Esq^r presented him with the Address thereof, to which his Excellency was pleased to make the following Answer

GENTⁿ OF HIS MAJESTY'S COUNCIL.

The just Sense you shew of his Majesty's great Care and Concern for our preservation and future safety from our inveterate Enemy the French & the preservation of our holy Religion Liberties & Possessions is inconsistent with the Zeal you have always shewn in the defence of his Majesty's Rights & Possessions in America & your assurance of Concurring with the Assembly in such Measures as will secure the British American Dominions, and in enacting such Laws as will be consistent with the Interest of this Province is very agreeable to me and is a confirmation of the Zeal you have always shown in defence of our Holy Religion Liberties and Possessions.

Then the House adjourn'd till 9 O'clock Monday Morning.

Monday 28th April 1760. The House met according to Adjournment.

Present as before.

Then the House adjourn'd till tomorrow morning 9 O'clock

Tuesday 29th April 1760. The House met according to Adjournment.

Present

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|------------------------|---|----------------|---------------------------|---|--------------------|
| The Hon ^{ble} | { | James Hasell | Rich ^d Spaight | } | Esq ^{res} |
| | | John Swann | Maurice Moore | | |
| | | John Dawson | and | | |
| | | Lewis DeRosset | Charles Berry | | |

Then the House adjourned till 3 o'Clock in the Afternoon.

The House met according to Adjournment.

Present as before

Then the House adjourn'd till tomorrow Morning 9 o'clock

Wednesday, 30th April 1760. The House met according to adjournment

Present as before

Rec'd from the Assembly the following Message

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have appointed Mr. Jones, Mr. Harnet, Mr. Corbin, Mr. Jos Hewes, Mr. John Harvey, Mr. Coutanch, Mr. M'Culloch, Mr. Leech, Mr. Benjⁿ Harvey and Mr. Moore a Committee of this House to State & settle the Public Accounts of this Province; And Mr. Starkey, Mr. Ashe, Mr. Vail, Mr. Caswell, Mr. Bartram, Mr. W^m Williams, Mr. John Barrow & Mr. Frohock a Committee of this House to settle & allow Public Claims in Conjunction with such of your Honors as you shall think proper to appoint for the Purposes afore-said.

28th April 1760

SAM SWANN Sp^r

On motion Ordered the following Message be sent to the Assembly

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY.

In Answer to your Message relative to the Committee We have appointed, the Hon^{ble} Lewis DeRosset, Rich^d Spaight and Charles Berry Esq^{rs} a Committee of this House to State & Settle the Public Accts. And the Honble John Swann, Jn^o Dawson & Maurice Moore Esq^{rs} a Committee of this House to Settle & Allow the Public Claims

Then the House adjourned till 3 O'clock in the Afternoon

The House met according to Adjournment.

Present as before

Then the House Adjourned till tomorrow morning 9 O'clock

Thursday 1st May 1760. The House met according to Adjournment

Present as before

Then the House adjourn'd till tomorrow morning 9 O'clock

Friday 2^d May 1760. The House met according to Adjournment

Present as before.

Then the House adjourned till 4 O'clock in the Afternoon

The House met according to Adjournment.

Present as before.

Recd from the Assembly by Mr. Hewes & Mr. Harnett A Bill for establishing Superior Courts of Pleas & Grand Sessions .

On Motion, Ordered the said Bill be Read. Read the same the first time Amended & Pass'd;

Recd from the Assembly by Mr. Cavy & Mr. Swann a Bill to establish Inferior Courts of Pleas & Quarter Sessions, in the several Counties in this Province.

Then the House adjourn'd till tomorrow Morning 9 O'clock

Saturday 3^d May 1760. The House met according to Adjournment

Present as before.

On Motion Ordered the Bill to establish Inferior Courts of Pleas & Quarter Sessions &c be Read Read the same the first Time & Pass'd

Rec'd from the Assembly by Mr. Gibson & Mr. Harvey a Bill for the better Care and Security of Orphans & Managements of their Estates.

On Motion, Ordered the said Bill be Read. Read the same the first time & pass'd.

Rec'd from the Assembly by Mr. Thompson and Mr. Magee a Bill for establishing Vestries.

On Motion, Order'd the said Bill be Read; Read the same the first time and amended & Passed.

Then the House adjourned till 3 O'Clock in the Afternoon.

The House met according to Adjournment.

Present as before

Then the House adjourned till Monday morning 9 o'clock.

Monday 5th May 1760. The House met according to adjournment

Present as before

Rec'd from the Assembly by Mr. Corbin & Mr. Johnston a Bill for making provision for an Orthodox Clergy;

On Motion Ordered the said Bill be read; Read the same the first time and passed.

Rec'd from the Assembly by Mr. Neale & Mr. Magee, a Bill to confirm an Agreement made by the present Churchwardens & Vestry of Edgecomb Parish in the County of Halifax with the Rev^d Mr. Thomas Burges, and a Bill for enlarging the time for the Inspection of Tobacco at the Public Warehouse in the Town of Halifax for

increasing the Salaries of the Inspectors of the said Warehouses and for other purposes therein mentioned;—

On Motion, Ordered the said Bills be Read. Read the same Bills the first time & Passed

Then the House adjourned till 3 O'clock in the Afternoon

The House met according to adjournment.

Present

The Hon^{ble} { James Hasell Lewis De Rossett Charles Berry }
 { John Swann Jn^o Rienssett and } Esq^{rs}
 { John Dawson Rich^d Spaight Maurice Moore }

Then the House adjourned till tomorrow morning 9 O'clock.

Tuesday 6th May 1760 The House met according to Adjournment
 Present as before

Rec'd from the Assembly by Mr. Hewes and Mr. Vail a Bill for repealing several Acts therein mentioned.

Rec'd from the Assembly by Mr. Ashe & Mr. Howe a Bill for Establishing Vestries

Then the House adjourned till 4 O'clock in the Afternoon

The House met according to Adjournment

Present as before

On Motion, Ordered the Bill for establishing Vestries be Read;
 Read the same the second time amended & Passed

Then the House adjourned till tomorrow Morning 9 O'clock

Wednesday 7th May 1760. The House met according to Adjournment

Present as before

Rec'd from the Assembly by Mr. Hutchins & Mr. Graves a Bill for making provision for an Orthodox Clergy

A Bill to confirm an agreement made by the present Churchwardens & Vestry of Edgecomb Parish &c with the Rev^d Mr. Tho^s Burges;

A Bill for the better care & Management of Orphans and their Estates;

And a Bill directing the Method of appointing Jurymen, &c.

On Motion, Order'd the Bill directing the Method of appointing Jurymen &c be Read; Read the same the first time & Pass'd

On Motion, Ordered the Bill for the better care and Security of

Orphans &c. be Read; Read the same the second time amended & Passed

Then the House adjourned till 3 O'clock in the Afternoon

The House met according to Adjournment

Present as before

Then the House adjourn'd till tomorrow Morning 9 O'clock

Thursday 8th May 1760. The House met according to Adjournment

Present as before

Then the House Adjourn'd till 3 O'clock in the Afternoon

The House met according to adjournment

Present as before

Rec'd from the Assembly by Mr. Williams & Mr. Barrow A Bill for Establishing Superior Courts of Pleas & Grand Sessions,

And A Bill to Establish Inferior Courts of Pleas & Quarter Sessions, in the several Counties in this Province

Then the House adjourned till to-morrow morning 9 o'clock.

Friday 9th May 1760. The House met according to adjournment

Present

| | | | | | |
|------------------------|---|-----------------|---------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Jno Rieussett | } | Esq ^{rs} |
| | | John Swann | Chas Berry | | |
| | | John Dawson | and | | |
| | | Lewis De Rosset | Rich ^d Spaight | | |

Rec'd from the Assembly by Mr. Bray & Mr. Houston, A Bill for Licencing Pedlars, And a Bill to amend and improve the Navigation from Howard Bay in New River in Onslow County to Bear Inlet.

On motion; Ordered the Bill for establishing Superior Courts of Pleas & Grand Sessions be Read; Read the same the second time Amended & Passed.

On motion, Ordered the Bill to establish Inferior Courts of Pleas & Quarter Sessions &c be Read; Read the same the Second time, Amended & Passed.

Then the House adjourned till 4 O'clock in the Afternoon.

The House met according to adjournment.

Present as before

Then the House adjourned till to-morrow Morning 9 O'clock.

Saturday 10th May 1760. The House met according to Adjournment

Present as before

Rec'd from the Assembly by Mr. Starkey & Mr. Barrow a Bill for the better Care & Security of Orphans & management of their Estates, A Bill for enlarging the time for Inspection of Tobacco at the Public Warehouse in the Town of Halifax &c and the following Resolves.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House on reading the Petition of John Rogers which we herewith send and having maturely considered the same have Resolved That the said Jno Rogers be allowed for his said Service in the said Petition mentioned the sum of Twenty Pounds Proc Money and that the same be paid out of the Tax for Contingencies to which desire your Honors Concurrence.

SAM SWANN Speaker.

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House on Reading the Petition of Henry Johnston which we herewith send & duly considering the same, have Resolved that the said Henry Johnston be allowed Thirty five Pounds Proc Money for his said Service in his said Petition mentioned out of the Contingent Tax and desire your Hon^{rs} Concurrence thereto.

S. SWANN Sp^r

On Motion, Ordered the foregoing Resolves be taken into Consideration the same were taken into Consideration and Concurred with.

On Motion, Ordered the Bill to amend & improve the Navigation from Howards Bay in New River &c be Read; Read the same the first time and Pass'd.

On Motion Order'd the Bill for Licencing Pedlars be Read; Read the same the first time & Pass'd.

On Motion Ordered the Bill for enlarging the time for the Inspection of Tobacco &c be Read; Read the same the Second time amended & Passed.

On Motion; Ordered the Bill for the Repealing several Acts therein mentioned be Read; Read the same the first time & Passed.

On motion Ordered the Bill for making provision for an Orthodox Clergy be Read; Read the same the Second time amended & Passed.

On Motion; Ordered the Bill to Confirm an Agreement made by the present Church Wardens & Vestry of Edgecombe Parish &c with the Rev^d Tho^s Burges be Read; Read the same the second time and Pass'd.

Then the House adjourned till 4 O'clock in the Afternoon.

The House met according to Adjournment.

Present as before

Rec'd from the Assembly by Mr. Barker, Mr. Ashe, Mr. Howe accompanied by many other Members of the Assembly A Bill for establishing Superior Courts of Pleas &c And a Bill to establish Inferior Courts of Pleas & Quarter Sessions &c.

Then the House adjourned till Monday morning 10 O'clock.

Monday 12th May 1760. The House met according to Adjournment

Present as before.

On Motion, Ordered the Bill for establishing Superiour Courts of Pleas &c be Read; Read the same the third time & Ordered the following Message be sent to the Assembly

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY.

On Reading a third time the Bill for Establishing Superior Courts of Pleas &c This House observe That in the third Page & 16th Line the word (Therefore) is *dele'd* and the word (and) inserted, which they apprehend to be a mistake, and that the word (and) should be struck out and the word (therefore) inserted—They further observe, that in the 22^d page and 2^d Line there ought to be inserted the following Words, (The Judgement or Decree of any Inferior Court)

They likewise take notice that by a Clause annexed to the Bill, Witnesses are compell'd to attend from Court to Court in consequence of one Summons. Whereas they apprehend that every summons ought to extend only to the Court to which Originally returnable, to which Amendments if your House agree Please to send such of your Members as you think proper to see the said Amendments made;

On Motion Ordered the Bill to Establish Inferior Courts of Pleas & Quarter Sessions &c be Read Read the same the third time And Order'd the following Message be sent to the Assembly

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY.

On Reading a third time the Bill to establish Inferior Courts of

Pleas & Quarter Sessions &c We observe you have given the Courts a Jurisdiction of Fifty Pounds, We propose that it shou'd be alter'd to thirty Eight Pounds And also that in the said Bill you have required Witnesses to attend from Court to Court in consequence of one Summons; We propose that every Summons shou'd only extend to the Court to which it was Originally returnable.—To which amendments if your House agree please to send such of your Members as you may think proper, to see the same done.

Then the House adjourn'd till 3 O'clock in the Afternoon

The House met according to Adjournment

Present as before.

Rec'd from the Assembly by Mr. Mackay & Mr. Blount A Bill for Repealing several Acts therein mentioned A Bill for establishing Vestries and a Bill to amend & improve the Navigation from Howards Bay in New River &c.

Rec'd from the Assembly by Mr. Taylor & Mr. Saunderson A Bill to confirm an Agreement made by the present Church wardens & Vestry of Edgecombe Parish &c with the Rev^d Mr. Thomas Burges

On Motion; Ordered the Bill for repealing several Acts therein mentioned be Read; Read the same the Second time and Pass'd

On Motion, Ordered the Bill to confirm an Agreement made by the present Church wardens & Vestry of Edgecombe &c with the Rev^d Thomas Burges be Read; Read the same the third time & Pass'd, Ordered to be Engross'd.

On Motion Ordered the Bill to amend & improve the Navigation from Howards Bay in New River &c be Read; Read the same the Second Time & Pass'd

Then the House adjourn'd till tomorrow Morning 9 O'clock

Tuesday 13th May 1760. The House met according to adjournment

Present as before

Rec'd from the Assembly the following Message

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

On Considering your Message of yesterday relative to the Bill for establishing Superior Courts The Assembly wou'd observe that this House upon the third Reading of the said Bill, Ordered the Preamble immediately preceeding the word (therefore) in the 16th Line in 3^d Page, to be *dele'd*; and the word (and) to be inserted, And if it

stands otherwise it is a mistake of our Clerk, and agree either to strike out the word (and) and insert the word (therefore) or *dele* the aforesaid Preamble which ever you think will make that part of the Bill most Consistent.

The House readily agree to Insert the Words (*The Judgement or Decree of any Inferior Court*) in the second line of the 22^d page.— As to the Clause requiring Witnesses to attend from Court to Court in consequence of one Subpœna until the Suit in which they shall be summoned be determined; We cant help observing that the Method you propose will greatly accumulate the Costs and impoverish the Suitors, therefore wou'd hope you will Pass the Bill without such alterations

SAM SWANN Sp^r.

On Motion, Order'd the above Message be taken into Consideration, the same was taken in Consideration & the several Amendments as agreed to by the Assembly being made in the Bill, the said Bill was put a third time & Pass'd Order'd to be Engross'd

Rec'd from the Assembly the following Message

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

In answer to your Message of Yesterday wherein you propose to alter the Jurisdiction of the Inferior Courts &c to Thirty Eight pounds, The Assembly would observe that the matters determinable in those Courts for the most part are of an obvious & easy nature many of them being Debts secur'd by * * specialties or Promissary Notes; That the proceedings in the said Courts are more expeditious & less expensive than the proceedings in the Superior Courts; And as the Party is allowed an Appeal in every Instance wherein he thinks himself aggrieved so that any Error which may happen in the Proceedings in the Inferior Courts may be corrected, We cant help thinking but it will be of essential Service, to the trading Interest of the Country to allow the said Courts the Jurisdiction proposed by this House And hope that upon your Considering these Reasons you will concur in Opinion with the Assembly and Pass the Bill without any alteration in that particular; especially when we inform you That if the Bill passes into a Law, The Assembly propose to Address his Majesty, and shew the Utility of the same and that it is well adapted to the particular Circumstance and true Interest of this Province—And we well hope to obtain his approbation thereof; as his Majesty hath already given his Assent to an Act of

an adjacent Province whereby the Inferior Courts thereof are allowed a much larger Jurisdiction; and experience sufficiently evinces that it conduces greatly to the Interest Ease and happiness of the People.—As to the Clause requiring Witnesses to attend from Court to Court in consequence of one Subpœne until the suit in which they shall be Summoned be determined, We cant help observing That what you propose will greatly accumulate the Costs on proceedings in the said Courts and impoverish the Suitors, therefore would hope you'll Pass the Bill without such alteration

SAM SWANN Sp^r

On Motion Order'd the abovesaid Message be taken into Consideration The same was taken into consideration And the Bill to Establish Inferior Courts of Pleas &c was a third time put & Pass'd and Order'd to be Engross'd

On Motion Order'd the Bill for making Provision for an Orthodox Clergy be Read; Read the same the Third time & Passed Order'd to be Engrossed.

On Motion, Order'd the Bill for establishing Vestries &c be Read; Read the same the third time & Passed Ordered to be Engrossed.

On Motion Ordered the Bill for the better Care & Security of Orphans and Management of their Estates be Read; Read the same the third time and Pass'd Ordered to be Engrossed.

Rec'd from the Assembly by Mr. Houston & Mr. Jo^s Jones A Bill for repealing several Acts therein mentioned

And a Bill to amend and improve The Navigation from Howards Bay in New River &c

On Motion Ordered the said Bills be Read; Read the same the Third time & Passed. Ordered to be Engrossed.

Then the House Adjourned till 3 oclock in the Afternoon

The House met according to Adjournment

Present as before

Rec'd from the Assembly by Mr. Taylor & Mr. Bonner A Bill directing the Method of appointing Jurymen &c

On Motion Order'd the said Bill be Read; Read the same the Second time and Pass'd

Rec'd from the Assembly by Mr. Barrow and Mr. M^cCulloch A Bill for granting an Aid to his Majesty for appointing an Agent for this Province & other Purposes.

Then the House adjourn'd till 10 O'Clock tomorrow morning.

Wednesday 14th May 1760. The House met according to Adjournment

Present as before

Received from the Assembly by Mr. Simpson & Mr. Caswell A Bill to appoint Commissioners to lay out Fifty Acres of Land on Ocacock Island for the use of the Public;

On Motion Order'd the said Bill be Read; Read the same the first time and Passed.

On Motion, Order'd the Bill for granting an Aid to his Majesty &c be Read; Read the same the first time Amended & Passed.

Then the House adjourned till 3 O'Clock in the Afternoon

The House met according to Adjournment

Present as before

Received from the Assembly by Mr. Williams & Mr. Hill A Bill for enlarging the time for the Inspection of Tobacco at the Public Warehouse in the Town of Halifax &c A Bill directing the Method of appointing Jurymen &c.

On Motion; Ordered the said Bills be Read; Read the same the third Time & Passed; Order'd to be Engross'd

Rec'd from the Assembly by the afs^d Gentⁿ A Bill to ascertain the Taxes payable within the Province & to continue the Tax for sinking the present Bills of Currency

On Motion, Ordered the said Bill be Read; Read the same the first Time & Passed.

Then the House adjourned till 9 O'Clock to-morrow Morning

Thursday 15th May 1760. The House met according to Adjournment

Present as before

Rec'd from the Assembly a Bill to ascertain the Taxes payable within this Province &c

Then the House adjourn'd till tomorrow morning 10 O'clock

Friday 16th May 1760. The House met according to adjournment

Present as before

Then the House adjourned till tomorrow Morning 10 O'clock

Saturday 17th May 1760. The House met according to Adjournment

Present as before

On Motion, Ordered the Bill to Ascertain the Taxes payable within this Province &c be Read; Read the same the Second time Amended & Passed.

Then the House adjourned till 4 O'clock in the Afternoon

The House met according to Adjournment.

Present as before

Then the House adjourn'd till 9 O'Clock Monday morning.

Monday 19th May 1760. The House met according to Adjournment

Present as before

Then the House adjourned till tomorrow morning 9 O'clock

Tuesday 20th May 1760. The House met according to Adjournment

Present as before.

Rec'd from the Assembly, A Bill for further continueing & Amending an Act Intituled an Act for the encouragement of James Davis to set up & carry on his Business of a Printer in this Province & for other purposes

On Motion: Ordered the said Bill be Read; Read the same the first time & Pass'd.

Rec'd from the Assembly by Mr. Leech & Mr. Barrow A Bill for further continuing & amending an Act Intituled an Act for the Encouragement of James Davis

On Motion, Ordered the said Bill be Read; Read the same the Second time Amended and Passed

Then the House Adjourned till tomorrow Morning 9 O'clock.

Wednesday 21st May 1760. The House met according to Adjournment

Present as before

Then the House adjourned till tomorrow morning 9 O'clock

Thursday 22^d May 1760. The House met according to Adjournment

Present as before

Rec'd from the Assembly by Mr. Jos: Jones and Mr. Sanderson A

Bill for further Continueing & amending an Act Intituled an Act for the Encouragement of James Davis &c

Then the House adjourn'd till 9 O'clock tomorrow morning

Friday 23^d May 1760. The House met according to Adjournment

Present

| | | | | | |
|------------------------|---|-----------------|---------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } | Esq ^{rs} |
| | | John Swann | Rich ^d Spaight | | |
| | | John Dawson | and | | |
| | | Lewis DeRossett | Chas Berry | | |

Rec'd from the Assembly the Reports of the Committee of Claims; Which on Motion were Read & Concurr'd with

Then the House adjourn'd till 3 O'clock in the Afternoon

The House met according to Adjournment

Present as before

Rec'd from the Assembly the Reports of the Committee of Acc^{ts} which were read approv'd of & Concurr'd with

On Motion: Ordered the Bill for further continueing and amending an Act Intituled an Act for the encouragement of James Davis &c be Read, Read the same the third time and Ordered it lie on the Table till Monday Morning.

His Excell^y the Governor came to this House and having commanded the attendance of the Assembly; The Speaker attended by the Assembly waited on his Excellency in the Council Chamber & presented him the following Acts for his Assent.

- 1 An Act for makeing Provision for an Orthodox Clergy
- 2 An act for Establishing Vestries
- 3 An Act for the better care & Security of Orphans &c.
- 4 An Act for Establishing Superiour Courts of Pleas and Grand Sessions
- 5 An Act for Establishing Inferior Courts of Pleas and Quarter Sessions
- 6 An Act directing the Method of appointing Jurymen
- 7 An Act to amend & improve the Navigation from Howards Bay in New River in Onslow County to Bear Inlet.
- 8 An Act for enlarging the time for the Inspection of Tobacco at the Public Warehouse in the Town of Halifax &c
- 9 An Act for repealing the several Acts therein mentioned
- 10 An Act to confirm an Agreement made by the present church

wardens and Vestry of Edgecombe Parish in the County of Halifax with the Rev^d Mr. Thomas Burges.

To which Acts His Excellency was pleased to Assent except the Act for Establishing Superior Courts of Pleas and Grand Sessions and the Act for Repealing several Acts therein mentioned

Then His Excellency the Governor was pleas'd to Prorogue this Assembly (by Proclamation) to Monday the 26th of this Instant

True Copy

JNO SMITH Clk of the Upper House of Assembly.

[FROM MSS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

NORTH CAROLINA—SS.

At an Assembly, begun and held at New Bern, the Twenty Fourth day of April in the Thirty third year of the reign of our Sovereign Lord George the Second, by the Grace of God of Great Britain, France and Ireland, King &c., and in the year of our Lord One Thousand seven hundred and sixty; being the first Session of this present Assembly—

Received from the Clerk of the Crown, Certificates of the Return of the following Writs for Electing Members for the several Counties and Towns in this Province, to sit and vote in this present Assembly—Viz^t

Onslow County—Samuel Swann, John Starkey.

Craven County—James Davis, Thomas Graves.

Carteret County—Joseph Bell, Moses Houston.

Dobbs County—Richard Caswell, Abraham Shepard.

Johnston County—John Hinton, Needham Bryan.

Beaufort County—John Barrow, John Simpson.

Hyde County—Thomas Barrow, W^m Webster.

New Hanover County—George Moore, John Ashe.

Bladen County—W^m Bartram, Robert Howe.

Anson County—Anthony Hutchins, Charles Robinson.

Halifax County—Blake Baker, Alexander McCulloch.

Chowan County—Thomas Child, Thomas Barker, Francis Corbin, Samuel Johnston, Edward Vail.

Duplin County—Andrew Thompson, William McGehee.

Bertie County—William Williams, John Hill.

Perquimans County—Benjamin Harvey, Richard Saunderson, John Harvey, Francis Brown, Thomas Bonner.

Newbern—Joseph Leech.

Edenton—Joseph Hewes.

Wilmington—Cornelius Harnett.

Brunswick—Maurice Moore.

Bath Town—Mich^l Coutanch.

Mr. Johnston and Mr. Harnett waited on his Excellency the Governor and acquainted him that a Majority of the Members of this Assembly were met; who being returned brought for answer; That His Excellency said he would send some of the Members of his Majestys Council to qualify them.

Richard Spaight and Maurice Moore, Esqrs Members of His Majesty's Honourable Council came to the House and were present when the foregoing Members, except Mr. Maurice Moore, Mr. Thomas Bonner, and Mr. Richard Saunderson appeared and took the Oaths by Law appointed for their Qualification and subscribed the Test

His Excellency sent a Message, requiring the Attendance of the Members in the Council Chamber.

The Members qualified waited on his Excellency the Governor in the Council Chamber, when His Excellency directed them to return and make Choice of a Speaker.

Mr. Howe and Mr. Harvey waited on his Excellency the Governor, and acquainted him that the Members had made Choice of a Speaker and desired to know when they should wait on his Excellency and present him; who on their Return, reported that his Excellency desired the immediate attendance of the Members in the Council Chamber.

The Members waited on his Excellency the Governor in the Council Chamber, and presented to his Excellency Samuel Swann Esq^r for their Speaker.

His Excellency was pleased to approve of their Choice; whereupon Mr. Speaker requested his Excellency that [he] would protect the Assembly in their ancient Rights and privileges, exercising a Power over their own Members; and that they may enjoy Freedom of Debate, as of Right they have used and been accustomed:

To which his Excellency answered, that he should always protect the Assembly in the Exercise of their just Rights and Privileges; and then made a Speech to his Majesty's Council and this House a Copy of which, to prevent mistakes, Mr. Speaker obtained; which he laid before the House.

Ordered, That the same be Read. Read the same, as follows viz^t

[For the Governor's address see Journal of the Upper House.—
EDITOR.]

On Motion, Ordered That the Clerk of the Crown lay before the house the Writs for the Election of Representatives for the several Counties and Towns within this Province, with the several returns on the same, To-morrow; and that he be served with a Copy of this Order.

On Motion Ordered Mr. Robert Howe, Mr. John Ashe, and Mr. George Moore do prepare an Address in Answer to his Excellency the Governor's Speech, and lay the same before the House for Approbation.

On Motion, Resolved, That a Committee of Privileges and Elections be appointed; and Mr. Child, Mr. Barker, Mr. Starkey, Mr. Harvey, Mr. Howe, Mr. Ashe, Mr. Corbin, Mr. Johnston, and Mr. Hill are accordingly appointed; and that they have Power to send for Persons, Papers, and Records for their Information

Resolved, That a Committee of Propositions and Grievances be appointed, and Mr. Baker, Mr. Harvey, Mr. McCulloch, Mr. Starkey, Mr. Bell, Mr. Coutanch, Mr. Davis, Mr. Caswell, Mr. Bartram, Mr. Hill, Mr. Bryan, Mr. Hutchins, Mr. Harnett, Mr. McGee, Mr. Moore, Mr. Barrow, Mr. Leech, Mr. Hewes are accordingly appointed

Then the House adjourned till to morrow morning 10 o'Clock

The House met according to Adjournment

Mr. Waddell and Mr. Frohock the Representatives for the County of Rowan; Mr. McNeal, and Mr. Gibson, the Representatives for Cumberland County; Mr. Washington, and Mr. Jones Junr. the Representatives for Northampton County, appeared took the Oaths appointed by Law for their Qualification, subscribed the Test, and took their seats in the House

Received from the Clerk of the Crown a Certificate of the Return of Writs for electing Representatives for the County of Granville, in these Words: That the said Sheriff of the County of Granville, was [in] a riotous and violent manner, obstructed in taking the Poll for representatives for the said County, by means whereof, he could not attend the Execution of his Office therein; so no person or persons were elected to represent the said County as by the Writ and Return herewith sent Appears.

The Sheriff of the County of Halifax returned to the House a Certificate of the Election of Mr. Stephen Dewey, Representative for

the Town of Halifax in the said County to sit and vote in this present Assembly.

On Motion, Resolved, That the said Mr. Dewey, a Representative for the said Town of Halifax, is duly elected according to Law, to sit and vote in the present Assembly.

Pursuant to the Returns aforesaid the following Members appeared, to wit, Mr. Dewey, Mr. Lowry, Mr. Swann, jun^r, Mr. Bonner and Mr. Saunderson, took the Oaths by Law appointed for their Qualification, subscribed the Test, and took their seats in the House

On Motion, Ordered, That Mr. Dewey, Mr. Jones and Mr. Swann Jun, be added to the Committee of Privileges and Elections.

On motion, Ordered, That Mr. Barrow, Mr. Waddell, Mr. Jones, Mr. Gibson and Mr. Dewey, be added to the Committee of Propositions and Grievances.

His Excellency the Governor laid before the House a Letter, dated January the 7th 1760, from Mr. Secretary Pitt; and also, a Duplicate of a Letter from General Amherst, dated the 21st of February, 1760 which were read, And

On motion, Ordered, That the said Letters ~~lie~~ for Perusal and Consideration of the Members.

Then the House adjourned till 4 °Clock Afternoon.

P. M. The House met according to Adjournment

The Petition of William Little was presented and Read setting forth that a Number of Voices at the Election for Representatives for the County of Anson to sit and Vote in this Present Assembly were refused or Neglected to be received in favour of your Petitioner which would have given a Great Majority of Voices in his favour—Praying the House would take the same into Consideration

Whereupon on motion Resolved the said Petition be referred to the Committee of Privileges and Elections and that the said Committee Examine into the Allegations thereof and Report their Opinion thereon to the House.

Mr. Harnett acquainted the House that Maurice Moore Esq^r who was Returned a Representative for the Town of Brunswick is Qualified a Member of His Majesty's Honble Council and therefore disqualified himself to serve as a Member of this House for the said Town, Therefore moved that his Excellency be addressed to direct the Clerk of the Crown to Issue a Writ to Elect a Member for the said Town to sit and vote in this present Assembly

Ordered his Excellency be Addressed Accordingly

Read the Petition of William Gray of Bertie County setting forth that he was duly Elected one of the Representatives for the said County to sit and vote in this present Assembly and that the Sheriff of the said County has refused to return him as such. Praying the House to make such Order thereon as to them shall seem meet Whereupon on Motion Resolved the said Petition be referred to the Committee of Privileges and Elections and that the said Committee Examine into the Allegations of the said Petition and report their Opinion thereon to the House

Then the House adjourned till tomorrow morning 9 °Clock

Saturday the 26th of April 1760. The House met according to Adjournment

On Motion Resolved the Reverend James Reed be appointed Chaplain to this House and that he meet the House daily at 9 °Clock in the Morning in order to perform Divine Service

Mr. Simpson laid before the House a Certificate from the County Court of Beaufort thereby Certifying that Robert Dunbar son of William Dunbar of the said County is deaf and Dumb, and recommending him to be Exempt from paying Public Taxes

Ordered he be Exempt Accordingly

Then the House adjourned till 9 °Clock Monday Morning

Monday the 28th of April 1760. The House met according to adjournment

Mr. Barker from the Committee of Privileges and Elections, Reported that the Committee had met and took under their Consideration Several Writs of Election to them referred and came to several resolutions which he read in his place and delivered in at the Table where the same was again read by the Clerk as follows—(viz)—Resolved, that it appears to this Committee that a Writ for Electing representatives for the County of Granville dated the seventh day of March 1760 hath been Issued and delivered to the Sheriff of the said County who in obedience to the Command thereof summoned the Inhabitants of the said County to meet at the day and place in the said Writ specified and to Elect two Representatives as by the said Writ he was directed and that he Endeavoured to Execute the same but was obstructed by Sundry Persons in such a manner that he could not compleat a free and open Election.

2^d. Resolved that the Proceedings of the said Sheriff on the said Writ are Void

3rd. Resolved That it appears to this Committee that the said Sheriff at the time and place Appointed for the said Election Appointed and swore one Reuben Searcy of the said County of Granville one of his Clerks for taking a Poll of the Voters Suffrages

4th. Resolved—That it Appears to this Committee that the said Reuben Searcy shewed great Partiality therein and Acted in several Instances in a manner subversive of the rights and Freedom of Elections—

THO^s BARKER Chⁿ

To which Resolves the House Agreed.

On Motion Resolved That His Excellency be Addressed to direct the Clerk of the Crown to Issue a writ for Electing Two members for Granville County to sit and vote in this present Assembly as the Sheriff of the said County was obstructed in the Execution of the Writ last Issued for Electing Members for the said County whereby the same became Void

On Motion Resolved that Reuben Searcy who was appointed by the Sheriff of Granville County one of his Clerks for taking the Poll of the voters Suffrages at the said Election having shewn great Partiality in the Execution of that trust be sent for by the Serjeant at Arms attending the House in Custody to answer such Behaviour and that Mr. Speaker issue his Warrant accordingly.

Mr. Dewey moved that a Committee be appointed to prepare and bring in a Bill for Establishing Superior Courts of Pleas and Grand Sessions—And on Motion Ordered that Mr. Dewey Mr. Child and Mr. Barker be a Committee to prepare and bring in the said Bill

Mr. Starkey moved that a Committee be appointed to prepare and bring in a Bill for Establishing Inferior Courts of Pleas and Quarter Sessions in several Counties in this Province.

On motion Ordered that Mr. Starkey, Mr. Barker, Mr. Jn^o Harvey, Mr. Sam^l Swann J^r, Mr. William Williams and Mr. James Cary are accordingly appointed

John Swann, and Lewis De Rossett Esq^{rs} Members of His Majesty's Hon^{ble} Council Attended And Mr. Duncan Lemon, Mr. W^m Haywood, Mr. James Washington, Mr. Jacob Farrow, Mr. W^m Ferebe Mr. James Cary jr Appeared took the Oaths Appointed by Law for their qualification subscribed the Test and took their Seats in the House.

Ordered the following Message be sent to the Governor—Viz^t

TO HIS EXCELLENCY ARTHUR DOBBS ESQ^r CAPT GE^l, GOV &C.

SIR—The Sheriff of Granville County having returned the Writ

to him Directed for Electing Two members for the said County to sit and vote in this present Assembly that he was obstructed in the Execution of that Writ by means whereof no members were Elected for the said County as by the said Writ he was Commanded—This House therefore desire your Excellency will please to direct the Clerk of the Crown to Issue another Writ to Elect Two Members for the said County to sit and vote in this Present Assembly.

SAM^l SWANN Speaker

By Order

W^m HERRITAGE Clk.

28th April 1760.

Mr. Jones moved a Committee be appointed to prepare and bring in a Bill for making provision for an Orthodox Clergy and Establishing Vestries and ascertaining their duty and Power,

And on Motion Ordered that Mr. Jones, Mr. Starkey, Mr. Caswell and Mr. Corbin prepare and bring in the same.

Mr. Dewey laid before the House the Petition of Daniel Elebank and James Martin Inspectors of Tobacco at the Town of Halifax in the County of Halifax and several others—setting forth that a large Quantity of Tobacco has been brought to the Inspection there and that more would have been brought but have not ware house room to House the same &c.

Praying an Augmentation of their present Wages and that a Law may be made for an additional Salary to that Office and that the time for reception of Tobacco there may be enlarged.

And moved that a Committee be appointed to prepare and bring in a Bill pursuant to the Prayer of the said Petition, and Mr. Dewey and Mr. McCulloch and Mr. Barker are accordingly appointed to prepare and bring in the same

Mr. Starkey moved for leave to bring in a Bill for regulating Orphans and securing their Estates.

Ordered he have leave and that he prepare and bring in the same

On motion Ordered a Committee be appointed to state and settle the Public Accounts of this province And Mr. Jones, Mr. Harnett, Mr. Corbin, Mr. Joseph Hewes, Mr. John Harvey, Mr. Coutanche, Mr. McCulloch, Mr. Leech, Mr. Benj^a Harvey and Mr. Moore are accordingly appointed.

On motion Ordered That a Committee [be appointed] to settle and allow the Public Claims of this Province, And Mr. Starkey, Mr. Ashe, Mr. Vail, Mr. Caswell, Mr. Bartram, Mr. W^m Williams, Mr.

John Barrow, Mr. Frolock and Mr. James Cary are accordingly appointed

Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House have appointed Mr. Jones, Mr. Harnett, Mr. Corbin, Mr. Hewes, Mr. John Harvey, Mr. Coutanche, Mr. McCulloch, Mr. Leech, Mr. Benj. Harvey and Mr. George Moore a Committee of this House to state and settle the Public Accounts of this Province, And Mr. Starkey, Mr. Ashe, Mr. Vail, Mr. Caswell, Mr. Bartram, Mr. W^m Williams, Mr. Jno Barrow and Mr. Cary a Committee of this House to settle and allow Public Claims in Conjunction with such of your Hon^{rs} as you shall think Proper to appoint for the aforesaid Purposes.

28th April 1760

SAM^l SWANN Speaker

The Petitions of several of the Inhabitants of Anson County was Presented and Read—Setting forth that they are in great danger of being robbed and murdered by the Cherokee Indians &c. Praying Relief &c.

Ordered the said Petition lye for Consideration.

The Petitions of Thomas Casey and Robert Campbell were presented and Read

Ordered the said Two Petitions be referred to the Committee of Claims.

Then the House Adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment

Mr. Ashe from the Committee Appointed to prepare an Address in Answer to His Excellency the Governors Speech Reported the Committee had prepared the same and which he laid before the House for Approbation.

Ordered the same be Read—Read the same—and on Motion Resolved the same stand the Address of the House and be Entered on the Journal thereof as follows—Viz^t

NORTH CAROLINA.

To His Excellency Arthur Dobbs Esq^r Capt. General, Gov^r and Commander in Chief in and over the said Province.

Sir—We His Majesties most dutifull and Loyal Subjects the Mem-

bers of the Assembly of North Carolina return your Excellency our thanks for your Speech at the Opening of this Session.

We Congratulate your Excellency on the success of His Majestys Arms by Sea and Land wherein providence has evidently displayed itself by defeating the destructive Machinations and Wicked Designs of the Powers Combined to destroy the Protestant interest and the Peace of Europe.

We shall take into Consideration what your Excellency has recommended with respect to the Supplies and should be glad your Excellency as requested by your last Assembly would be pleased to lay before us an Account of the Application of the Public Moneys which have been Intrusted to your direction of which we expect there will be a Considerable Surplus and we hope it will be in our power for [to] furnish the Supplies at Present required without imposing an Additional Tax on the Province, Already greatly impoverished by repeated and high Taxations.

We thank your Excellency for the Justice you have done us in your Acknowledgment of the warmth we have hitherto shown in defence of his Majestys just Rights and our Religion and Liberties, And beg leave to Assure your Excellency that if the reduced state of the County should not permit us to be so liberal as other Provinces the most Loyal is not animated with greater Zeal for the success of his Majesty's Measures and the Preservation of his sacred Person and Illustrious family.

We shall give great attention to what your Excellency has said in regard to the Bills for Establishing Courts of Justice and Vestries as being of the highest Importance to the Interior Peace and well being of this Province which on the one hand is in danger of falling into Anarchy and Confusion from the unrestrained Licentiousness of Mobbs and Insurrections and on the other into Prophanenes and Irreligion from the defeat of a Proper Provision for the Clergy— And your Excellency may be assured that we shall take proper Care to appoint an Agent and give due attention to every thing else you have mentioned. We beg leave Sir to make some observations on the two speeches of your Excellency made to your former Assembly the one at the Prorogation in May last, the other at the dissolution in January following—Copies of which you declined giving to the Speaker that the House had not the usual opportunity of Explaining such part of their Conduct as seemed to have been the subject of your Excellencys Animadversion. In that at the Prorogation you was pleased to express great displeasure that an Aid had

not been Granted and to place the Blame of the miscarriage of the Bill brought in for that Purpose on the Assembly Altho' it was rejected not in their House but by the Council—Indeed it was Intimated by your Excellency that the Bill was unconstitutional by the Inserting Clauses foreign to the Aid but as you did not Condescend to mention any Exceptionable Clause in Particular it is difficult to give a particular answer to so general a Charge however your Excellency will be pleased to Remember that the Bill was formed for no other Purpose than Granting an Aid to his Majesty and appointing an Agent for the Province both which were recommended by Mr. Secretary Pitts Letter and tho it gives us the greatest Concern to differ in sentiment with your Excellency on any Occasion we cannot help thinking the Bill was well adapted to Answer the Purposes Proposed by Mr. Secretary Pitt, and beg leave to observe that this was the first Instance in which your Excellency or any of your Predecessors have taken Exception to the manner in which the Assembly have formed a Bill for supplies

At the Sessions in January last tho the Assembly had granted the Supplies then required yet having prepared Two Bills successively for Establishing Courts of Justice both which were rejected by the Council a Dissolution ensued at which your Excellency in your Speech was pleased to take Exception to the Manner in which the Treasurers gave in their Accounts in that they were not passed before your Excellency Whereas the Treasurers are by Law to Account with the Assembly—And the Constant Practice has been to Account before a Committee Appointed to report the State of the Accounts to the House who reexamine them on the report of such Committee, in this manner they have hitherto accounted agreeable to Law and the uninterrupted usage with respect to the Sheriff Indeed we have Observed deficiencies in several of their Collections, but in the Present Confused Scituation of Affairs from the Turbulent Disposition of factions Caballs and dangerous Insurrections we cannot with reason suppose that they more than Magistrates and other Officers are Capable of fully complying with the duties of their respective Functions tho' we hope and doubt not that those inconveniencies will be removed on the Establishing Courts of Justice on a Respectable Foundation

Permit us sir to assure you that these matters are only mentioned in consequence of the duty we owe to our Constituents with whose Liberties we are intrusted—And not to raise disputes with your Excellency. On the Contrary it will give us the highest Pleasure so

far as is Consistant with the rights and Liberties of a free and loyal People who never refused a single Aid you have required gladly to cooperate with you in everything that may contribute to his Majesty's Service and the Interest of the Province, And we shall avoid all occasion of unnecessary altercation whereby the harmony which ought to subsist between the several Branches of the Legislature might be Interrupted

SAM^r SWANN Speaker.

Then the House adjourned till tomorrow morning 9 °Clock.

Tuesday the 29th of April 1760 The House met according to Adjournment

Mr. Barker Presented the Petition of the Vestry of Edgcomb Parish in the County of Halifax Setting forth that the said Vestry had Employed the Rev^d Thos Burgess as Minister of the said Parish at one hundred and Twenty Pounds p annum agreeable to an Act of Assembly at the time of the said Agreement in force and the said Act being repealed they apprehend no certain Provision for the enforcing the said Agreement—Praying an Act may Pass to Confirm and Establish the said Thomas Burgess minister of the said Parish during his Natural Life

On Motion Ordered Mr. Barker prepare and bring in a Bill pursuant to the Prayer of the said Petition

On Motion Ordered That Henry Deton who was appointed assistant Clerk to the Clerk of the Assembly, and Clerk to the Committee of Public Accounts of this Province be sent for in Custody of the Serjeant at arms, attending this House and that he bring with him all books and Papers regarding the Public Accounts. And also all other Books and Papers belonging to the public which he at any time hath received in his Custody as Assistant Clerk of the said Committee or otherwise and that Mr. Speaker Issue his Warrant accordingly.

Then the House adjourned till 3 °Clock Afternoon

P. M. The House met according to Adjournment

Col^o Harvey and Mr. Harnett waited on his Excellency the Governor and acquainted him the House had Prepared an Address and desire to know when he will be pleased they should wait on him and present the same, And being returned Reported that his Excellency

desired the Immediate attendance of the House in the Council Chamber

Mr. Jones Presented the Petition of Several of the Inhabitants of this Province relative to the Establishing Courts of Justice &c.

And on Motion Ordered the said Petition be referred to the Committee Appointed to bring in a Bill for Establishing Superior Courts of Pleas and Grand Sessions.

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber where Mr. Speaker presented His Excellency with the Address of this House. To which his Excellency returned for Answer a Copy of which to prevent mistakes Mr. Speaker obtained.

And on Motion Ordered the same be read Read the same and is in these words (to wit)

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY.

I return you thanks for the warm Congratulations you express for the surprising success of His Majestys Arms and for your promise of co-operating with me in every thing for his Majesty's Service and the Interest of the Province, and to preserve the Harmony so necessary at this Juncture between the several branches of the Legislature.

I have already Pursuant to your former Address laid before you the Accounts lately sent to me from New York and the Officers who served on the Ohio are ready to Account when required by the General Assembly for the sums they received upon that Account, as no money went thro' my hands I having only issued Orders to the Treasurers which the Persons who received the Money to account for.

The Occasion of loosing the Aid Bill you mention was from the tacking a Clause of a Different Nature to the Aid Bill which is Certainly unconstitutional.

As to the Notice you have taken of the Observations I made at the dissolutions of the Assembly, I am only to Inform you that I acted in pursuance of my Instructions which requires me to see the Accounts are properly audited which then I am to lay before the General Assembly and afterwards transmit them to England; If his Majesty withdraws that Instruction I shall gladly acquiese in it I thought it then my duty to inform you that the Accounts Produced were not regular as no list of Taxables were laid before you by the Northern District nor any arrear returned so as to Inform the Gen-

eral Assembly what should be the Amount of the Tax or whether the deficiency was occasioned by the Sheriffs or from the Neglect of the Treasurers, for if the Amount of the Taxes is not certainly known and properly Collected the burthen must be Increased upon your Cunstituents.

I shall always Endeavour to the utmost of my Power to Promote the harmony between the several branches of the Legislature and readily concur in every Measure that may conduce to the Happiness and Prosperity of this Province

Received from his Excellency the Governor a verbal Message by Mr. Powell Acquainting the House that his Excellency had received a Letter from William Bull Esq^r Lieutenant Gov^r of South Carolina which he sent to the House for their Perusal The same was read and on motion Ordered the said Letter lye for Consideration.

Then the House adjourned till 9 °Clock to morrow morning

Wednesday the 30th of April 1760 The House met according to Adjournment.

Mr. Tyree Harris one of the Members for Orange County appeared took the Oaths by Law appointed for his Qualification subscribed the Test and took his seat in the House.

Mr. Waddell presented two petitions from several of the Inhabitants of Orange County Setting forth that the Indians have committed several depredations and Murders on the Frontier Inhabitants of this Province—Praying a Fort may be Erected That Arms and Ammunition may be sent them and such other Relief as shall be thought proper.

On Motion Ordered the said two Petitions lye for Perusal and Consideration of the Members

Mr. Barker from the Committee of Privileges and Elections Reported that the Committee had come to several Resolutions which he was ready to lay before the House if they would be pleased to receive the same.

Resolved the same be received and Read; Read the same as follows Viz^t

The Committee of Privileges and Elections have had under their Consideration a Writ directed to the Sheriff of Perquimons County for electing representatives for the same and the return of the said Writ and have come to the following resolutions thereupon.

Resolved, that it appears to this Committee that the Sheriff by

Virtue of the said Writ hath returned Mr. John Harvey, Mr. Benjamin Harvey, Mr. Richard Saunderson, Mr. Francis Brown and Mr. Thomas Bonner representatives for the said County to sit and vote in the Assembly.

Resolved, That the said Mr. John Harvey, Mr. Benj Harvey, Mr. Richard Saunderson and Mr. Thomas Bonner are duly Elected and Returned representatives for the said County.

Resolved, the said Francis Brown is rendered incapable to sit and Act in Assembly as a representative for the said County and that the return of the said Sheriff so far as relates to Mr. Francis Brown is void.

THOS. BARKER Chairman

To which the House agreed.

Then the House took under Consideration the above Reports and on hearing Mr. Francis Brown regarding his Capacity to sit and vote in this present Assembly and fully and maturely having Considered the same—

Resolved That the said Francis Brown is Incapable to sit and vote in this Present Assembly and that his Excellency be addressed to direct the Clerk of the Crown to Issue a Writ for Electing a Member for the County of Perquimons to sit and vote in this Present Assembly in the room and stead of the said Mr. Francis Brown

Mr. Jones moved that the Committee appointed to prepare and bring in a Bill for making Provision for an Orthodox Clergy Establishing Vestries and Ascertaining their duty and Power, be discharged accordingly

Resolved, the said Committee be discharged accordingly

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN—

In answer to your Message relative to the Committees, we have appointed the Hon^{ble} Lewis DeRossett, Richard Spaight and Charles Berry Esq^r a Committee of this House to state and settle the Public Accounts, And the Hon^{ble} John Swann, John Dawson and Maurice Moore Esq^{rs} a Committee of this House to settle and allow Public Claims.

30th April 1760.

Resolved The following Message be sent to his Excellency the Governor Viz^t

SIR—It appearing to this House that the Election of Mr. Francis Brown one of the Members Elected for the County of Perquimons is Void Therefore desire your Excellency will be pleased to direct the Clerk of the Crown to Issue a Writ for Electing a Member for the said County of Perquimons to sit and Vote in this present Assembly in the room and stead of the said Francis Brown.

Then the House Adjourned till tomorrow morning 9 °Clock

Thursday 1st May 1760. The House met according to Adjournment.

Mr. Thomas Taylor and Mr. Jervis Jones two of the Members for Pasquotank County and Mr. Stephen Williams, Mr. W^m Bray and Mr. Caleb Everidge three of the Members for Currituck County appeared took the Oaths appointed by Law for their qualification subscribed the Test and took their Seats in the House.

Then the House Adjourned till tomorrow morning 9 °Clock

Fryday the 2nd of May 1760. The House met according to adjournment

Mr. Dewey from the Committee appointed to prepare and bring in a Bill for Establishing Superior Courts of Pleas and Grand Sessions and regulating the Proceedings therein Reported that the Committee had prepared the same which he was ready to Present—If the House will receive it

On Motion Ordered the said Bill be received and read the same the first time passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Hewes and Mr. Harnett

Then the House adjourned till 3 °Clock Afternoon

P. M. The House met according to Adjournment

Mr. Starkey from the Committee appointed to prepare and bring in a Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province Reported that the Committee had prepared the same which he was ready to Present, If the House will receive it

On Motion Ordered the said Bill be received and Read.

Read the same the first time passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Cary and Mr. Swann Jr.

Mr. Caswell moved for leave to absent himself from the service of

the House till Monday next—And Mr. Coutaneh moved for leave to absent himself from the service of the House till Tuesday next.

Ordered Mr. Caswell and Mr. Coutaneh have leave to absent themselves accordingly

On Motion Ordered Mr. Vail, Mr. Leech, Mr. Ashe, Col^o Waddle and Col^o Bartram do prepare and bring in a Bill for the better Regulation of the Militia and other Purposes.

Then the House Adjourned till 9 o'clock tomorrow morning

Saturday the 3^d of May 1760. The House met according to Adjournment

Received from the Council the Bill for Establishing Superior Courts of Pleas and Grand Sessions &c Endorsed In the Upper House read the first time amended and passed 2^d May 1760.

And Also the Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province Endorsed In the Upper House read the first time and passed 3^d May 1760

Mr. Starkey according to Order brought in a Bill for the Better Care of Orphans and Security and Management of their Estates, which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Gibson and Maj^r Harvey.

Mr. Jones moved for leave to bring in a Bill for Establishing Vestries.

Ordered he have leave and that he prepare and bring in the same

Mr. Jones according to Order brought in a Bill for establishing Vestries which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Thompson and Mr. Magee

On Motion, Resolved that the Governors Speech made at the opening of this Session Mr. Secretary Pitt's General Amhersts Letters therein referred to and the Letter of Lieutenant Gov^r Bull, the several Petitions from the Frontier Inhabitants of this Province relative to the depredations Committed by the Cherokee Indians and the Governors answer to the Address of the Assembly be taken under Consideration and that the House Resolve itself into a Committee of the whole House for that purpose on Monday next.

Resolved—The House resolve into a Committee of the whole

House to Consider of the above mentioned Speech, Answer, Letters and Petitions on Monday Next.

Received from the Council the bill for the better care of Orphans and management and security of their Estates. Endorsed in the Upper House read the first time and passed 3rd May 1760.

On Motion, Ordered. Mr. Howe and Mr. Cary be added to the Committee appointed to prepare and bring in a Bill for the better regulation of the Militia and other Purposes.

Mr. Jones moved for leave to bring in a Bill for making Provision for an Orthodox Clergy.

Ordered he have leave and that he prepare and bring in the same.

Mr. Jones according to Order brought in the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk and Passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Corbin and Mr. Johnston.

Then the House adjourned till Monday Morning 9 o'Clock.

Monday the 5th of May 1760. The House met according to adjournment.

Mr. Baker according to Order brought in a Bill to confirm an Agreement made by the Present Church Wardens and Vestry of Edgcomb Parish in the County of Halifax with the Rev^d Mr. Thomas Burgess which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Neal and Mr. Magee.

Mr. Bell Presented the Petⁿ of Nathan Yeomans late deputy Sheriff of Carteret County which is Ordered to be read—Read the same as follows Viz^t

TO THE WORSHIPFUL THE SPEAKER AND THE REST OF THE MEMBERS
OF THE ASSEMBLY

The Humble Petition of Nathan Yeomans late deputy Sheriff of Carteret County—

Sheweth—That [on] his way by water to settle with and pay the Public Treasurer of the Southern District for the Taxes due from the County of Carteret for the year 1758 the Vessel in which he was, over sett with the sum of £175—which he had received for the said Taxes by means whereof the said sum of money was lost &c,

Praying a remission of the said sum or such other Relief as this Assembly shall think meet and just &c.

On Motion Resolved the said Petⁿ be rejected

Received from the Council the Bill for Establishing Vestries. Endorsed 3rd May 1760. In the Upper House read the first time amended and passed

Mr. Dewey, Pursuant to Order brought in a Bill for Enlarging the time for the Inspecting Tobacco at the Public Warehouses in the Town of Halifax for Encreasing the Salaries of the Inspectors of the said Warehouse and for other Purposes therein mentioned, which he read in his Place and delivered in at the table where the same was again read by the Clerk. Passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. McNeal and Mr. Magee

On Motion Ordered the Bill for Establishing Vestries be read a Second time. Read the same a Second time amended passed and Ordered to be sent to the Council

Received from the Council the Bill for making Provision for an Orthodox Clergy,

And the Bill to Confirm an Agreement made by the Present Church Wardens and Vestry of Edgecomb Parish in Halifax with the Rev^d Tho^s Burgess

And also the Bill for Enlarging the time for the Inspection of Tobacco at the Public Warehouse in the Town of Halifax &c

Endorsed 5th May 1760. In the Upper House read the first time and passed

Sent the Bill for Establishing Vestries to the Council by Mr. Ashe and Mr. Howe

The Order of the day being read The House Resolved into a Committee of the whole House to Consider the Governors Speech made at the Opening of this Session &c and unanimously chose Mr. Starkey Chairman who took the Chair Accordingly

After the said Letters Speech &c were read and Considered by the Committee the said Committee came to several Resolutions which Mr. Chairman was directed to report to the House and then

On Motion Resolved the Committee rise and Mr. Speaker resume the Chair.

Mr. Speaker resumed the Chair.

Mr. Chairman Reported That the Committee of the whole House have had under their Consideration His Excellency's Speech made

to the Assembly at the opening of this Session, Mr. Secretary Pitts Letter of the seventh of January and General Amhersts of the 21st of February last therein referred to. His Excellencys answer to the Address of the Assembly, Lieutenant Governor Bulls Letter and the Petitions of the Inhabitants on the Frontiers of this Province to them referred and have come to several resolutions thereupon, Viz^t

1. Resolved that as great a number of Men as the unhappy circumstances of this Country will allow be raised with the utmost dispatch to joyn his Majesty's other Forces in offensive operations against the Common Enemy or be Employed in Preventing the further depredations and Cruel Murders committed by the Cherokees on the Frontier of this and the neighbouring Provinces

2. Resolved That an Aid be granted to His Majesty sufficient to defray the Expence of raising Cloathing and Paying such forces

3. Resolved that Establishing a Vestry of each respective Parish with Proper Power to raise a Competent Salary and Provision for the Minister thereof and the due Management of Parochial Affairs may tend to Encourage Orthodox and Learned Clergymen to settle in this Province and to Promote true Religion and Piety

4. Resolved That Establishing Superior Courts of Justice in this Province on a respectable foundation and under proper Regulations will render the Administration of Justice Easie and Expeditious and be a Security to the lives Liberty and Property of the subject.

5. Resolved That the Establishing an Inferior Court in every County will promote good Order and due observance of the Laws and be of Essential Service to the Trading Interest of this Government

6. Resolved That a Person of Integrity Experience and Address be Constituted Agent of this Province and a Committee of Correspondence Appointed and authorized to Communicate to him from time to time such matters relative to this Government as it shall be thought necessary to have represented to His Majesty or the several Boards in England

7. Resolved that it is the Indubitable right of the Assembly to frame and model every Bill, whereby an Aid is Granted to his Majesty in such manner as may render the same most effectually conducive to his Majestys Service and the Honor and Interest of the Crown and that every Attempt to deprive them of the Enjoyment thereof is an Infringement of the rights and Privileges of the Assembly.

8. Resolved That the Method Observed by the Treasurers in stating their Accounts Exhibited to the last Session of Assembly was

agreeable to the directions of the several Laws of this Province by virtue whereof the money by them Accounted for was levied And Consonant to Constant and uninterrupted usage—And that the method Proposed by His Excellency is unprecedented and repugnant to Law.

To which the House Agreed.

On motion, Resolved the House resolve into a Committee of the whole House to take into Consideration the Bill for Establishing Superior Courts of Pleas and Grand Sessions to morrow morning

On motion, Resolved the House resolve into a Committee of the whole House to take into Consideration the Bill to Establish Inferior Courts of Pleas and Quarter Sessions to morrow.

Then the House adjourned till tomorrow morning 9 o'clock

Thursday the 6th of May 1760 The House met according to Adjournment

Mr. Benjⁿ Harvey whose Indisposition rendered him Incapable to attend the Service of the House moved to absent himself therefrom.

Ordered he have leave to absent accordingly

Mr. Caswell, Mr. Shepard and Mr. Coutanche appeared

Mr. John Harvey moved for leave to bring in a Bill for repealing the several Acts herein mentioned

Ordered he have leave and that he prepare and bring in the same

Mr. Harvey brought in the aforementioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Hewes and Mr. Vail

Mr. Joseph Jones one of the Members for Pasquotank County appeared took the Oaths by Law appointed for his Qualification subscribed the Test and took his seat in the House

On Motion Ordered the Bill for Enlarging the Time for the Inspection of Tobacco at the Public Warehouse in the Town of Halifax be committed for amendment to the Members of Northampton County

The Order of the Day being read the House resolved into a Committee of the whole House to take under Consideration the Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province and Chose Mr. Starkey Chairman who took the Chair Accordingly After reading the said Bill and

fully Considering the same the Committee agreed to several amendments thereto

On Motion Resolved the Committee rise and That Mr. Chairman Report to the House that the Committee had Proposed several Amendments necessary to the said Bill but not having time to reduce them into form desire leave to sit again tomorrow

Resolved—The Committee have leave to sit again tomorrow

Then the House adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment

The Order of the day being read That the House Resolve into a Committee of the whole House to take under Consideration the Bill for Establishing Superior Courts &c. And on Motion Resolved the House Resolve into a Committee of the whole House tomorrow for the Purposes aforesaid

Mr. Jones moved for leave to bring in a Bill directing the Method of appointing Jurymen in all Causes Criminal or Civil and for an Allowance for their Attendance at the Superior and Inferior Courts

Ordered he have leave and that he prepare and bring in the same

Mr. Jones according to order brought in the above mentioned Bill which he read in his place and Delivered in at the Table where the same was again read by the Clerk Passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Hutchins and Mr. Graves

On Motion Resolved the Bill for the better care of Orphans and security and management of their Estates be read the second time; Read the same a second time amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Hutchins and Mr. Graves

On Motion Resolved Mr. Anthony Hutchins be added to the Committee of Claims.

On Motion Ordered the Bill for making Provision for an Orthodox Clergy be read the second time. Read the same a second time passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Hutchins and Mr. Graves

On Motion Ordered the Bill to Confirm an Agreement made by the present Church Wardens and Vestry of Edgcomb Parish in the County of Halifax be read a second time. Read the same a second time passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Hutchins and Mr. Graves.

Mr. Cary moved for leave to bring in a Bill for Licencing Pedlars.

Ordered he have leave and that he prepare and bring in the same.
Then the House adjourned till tomorrow morning 9 o'clock.

Wednesday the 7th May 1760. The House met according to Adjournment

Mr. Cary Presented the Petition of Barnaby M^cKinnie of the Province of North Carolina Setting forth that Barnaby M^cKinnie late of Edgecomb County Grandfather to your said Pett^r in his life time was seised in his Demesne as of fee of and into Three Hundred Acres of Land in Halifax County formerly called Edgecomb did by his last will and Testament &c. bearing date the thirteenth day of August in the year One Thousand seven hundred and thirty seven devise the same to his son Richard M^cKinnie with limitation over That if the said Richard should dye without Issue then to his son John M^cKinnie Father to your Pett^r whose son and heir he is and to the Heirs of his body Lawfully begotten and to their Heirs for ever And that after the Death of the said Barnaby M^cKinnie Richard the son Entered and dyed seized thereof about the month of May in the year One Thousand seven hundred and fifty five without having Issue of his body lawfully Begotten by means whereof the Property of the Aforesaid Three Hundred Acres of Land vested in your said Petitioner as son and Heir to the said John M^cKinnie to whom the said Three hundred Acres of Land was Limited the said John M^cKinnie being long since dead.

That he is apprehensive that there may be some doubt whether the aforesaid Three Hundred Acres of Land may not be thought to be Entailed, And to the end that he may Prevent Expensive and tedious Law suits—

Therefore prays that the Entail of the aforesaid Three Hundred Acres of Land may be Docked and the fee simple thereof vested in the Pett^r And that other Lands may be settled in lieu thereof to the same uses

Also the Petition of John Lane of the Province of South Carolina Setting forth that Barnaby M^cKinnie late of Edgecomb County in his lifetime was seized in his Demesne as of fee of and into One thousand six hundred and ninety Acres of Land scituate lyeing and being in Halifax County (formerly Edgecomb) And by his last Will and Testament in Writing bearing date the 13th of August One Thousand seven hundred and Thirty seven devised the same with other Lands to his son Richard M^cKinnie with Limitation over that if the said Richard should dye without Issue then to Patience Lane

(Mother of your said Pettr) and Mourning Pope Equally to be divided between them And that after the death of the said Barnaby the said Richard Entered and died seized thereof on or about the Month of May One Thousand seven Hundred and fifty five without leaving lawfull Issue whereby the Property of One half of the said one Thousand six hundred and ninety Acres of Land vested in your said Petr as son and Heir to the said Patience Lane

And that he is apprehensive that there may be some doubt whether the aforesaid Land by a strained Construction may not be thought to be Entailed and to the End that he may Prevent future Expensive and Tedious Law Suits and to Enable him to make provision for a Numerous family of young children—

Therefore prays that the Intail of the aforesaid Lands the Property whereof is in your Petr and that other Lands may be settled in lieu thereof to the same use &c.

Then on Motion Resolved That the Consideration of the Petition of John Lane be reffered till next session of Assembly And That Mr. Cary, Mr. Caswell, Mr. Swann Jr, Mr. Williams and Mr. Harvey Enquire into the Allegation of the Petr of Barnaby McKinnie and make Report thereon to the House.

Received from the Council the Bill for Establishing Vestries. Endorsed 6th May 1760. In the Upper House read the second time amended & passed.

Mr. Cary laid before the House the Petⁿ of John Rogers setting forth That he was Sergeant in the Company Commanded by Maj Hugh Waddell and Employ'd in the Expedition against Fort Du Quesne.

That the Commanding Officer at Loyal Hanning Promised a reward of Fifty Guineas and another Officer of Four Hundred Guineas for taking of an Indian Prisoner That in Consequence thereof and to distinguish his Zeal for the Public Service at the Hazard of his life he did take an Indian Prisoner in Nov^r 1758 who gave satisfactory Intelligence &c—That General Forbes is since dead therefore Conceives he cannot obtain the Reward.

Therefore prays the house will consider the said service and make some allowance for the same.

The House took the said Petition under consideration and on Motion Resolved That the Petr be allowed for his said Service twenty pounds Proclamation Money and that the same be paid out of Tax for Contingencys.

Received from the Council the Bill for the better care of Orphans

and Security and Management of their Estates. Endorsed 7th May 1760. In the Upper House read the second time amended and passed.

And the Bill directing the Method of appointing Jurymen in all Causes Criminal and Civil and for their Allowance for their attendance &c. Endorsed 7th May 1760. In the Upper House read the first time and passed.

And also the Bill for Establishing Vestries. Endorsed 6th May 1760. In the Upper House read a second time amended and passed.

The Order of the day being read the House Résolved into a Committee of the whole House to receive the Amendments in the Inferior Court Bill and Mr. Chairman took the Chair then laid before the Committee the several Amendments Proposed to the said Bill which were agreed to by the Committee Yesterday—And then on Motion Résolved the Committee rise, Mr. Chairman report the said Amendments to the House and Mr. Speaker resume the Chair.

Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had reduced the Amendments thought necessary to the Bill to Establish Inferior Courts &c—which he laid before the House to which the House agreed and Ordered the said Amendments be Inserted in the said Bill

The said Amendments are accordingly Inserted therein.

On motion Ordered the said Bill pass the second time with the said Amendments and be sent to the Council

The order of the Day being read the House Résolved into a Committee of the whole House to Consider the Bill for Establishing Superior Courts of Pleas &c and chose Mr. Starkey Chairman who took the Chair accordingly.

Ordered the said Bill be read Read the same

Resolved That the said Committee not having time to go through the Bill do rise, and Mr. Chairman Report to the House the same, and desire leave to sit again to morrow, And that Mr. Speaker resume the Chair.

Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had taken under Consideration the said Bill but not having time to go through the same desire leave to sit again to morrow.

Resolved, the said Committee sit to morrow

Then the House adjourned till to morrow morning 9 °Clock

Thursday the 8th of May 1760. The House met according to Adjournment

James Dunlevy Serjeant at Arms having returned the Warrant to him directed to take into his Custody Henry Delon Assistant Clerk to the Clerk of Assembly and Clerk of the Committee of Public Accounts and bring him before the House together with all the Papers in his Custody belonging to the public That he had brought before this House the said Henry Delon together with the said Papers as above directed

The said Henry Delon Appeared and on motion Ordered he attend the Committee of Public Accounts and lay before them the said Books and Papers and that the said Committee Examine them and make report to the House thereon

The Order of the Day being read the House Resolved into a Committee of the whole house and took under Consideration the Bill for Establishing Superior Courts &c and Mr. Chairman took the Chair.

Ordered the said Bill be read, Paragraph by Paragraph the same is read accordingly—And several Amendments Proposed and Agreed to by the Committee.

Then on Motion, Resolved the Committee Rise Mr. Speaker resume the Chair And Mr. Chairman Report to the House that the Committee had agreed to several Amendments and lay the same before the House.

Mr. Speaker Resumed the Chair.

Mr. Chairman Reported the Committee had taken the above Bill under Consideration and Agreed to several Amendments which he laid before the House.

Ordered the same be read, read the same, to which the House Concurred and Ordered the said Amendments be Inserted in the said Bill. The same are Inserted Accordingly, And on Motion Ordered the said Bill Pass the second time and be sent to the Council.

Sent the above mentioned Bill and also the Inferior Court Bill to the Council by Mr. Williams and Mr. Barrow.

Then the House adjourned till tomorrow morning 9 o'Clock.

Fryday the 9th of May 1760 The House met according to Adjournment.

On Motion Ordered the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House on reading the Petⁿ of John Rogers which we herewith send, and having maturely considered the same have Resolved That the said John Rogers be allowed for his said service in the said Petⁿ mentioned The sum of Twenty pounds Proclamation Money and the same be paid out of the Tax for Contingencies to which desire your Honours Concurrence

SAMP SWANN Speaker

By Order

W^m HERRITAGE Clk.

Sent the above Message to the Council by Mr. Starkey and Mr. Barrow.

The Petition of Divers of the Inhabitants of Onslow County was Presented and Read, setting forth that Bear Inlett in the said County hath a sufficient depth of water for Vessells of Burthen & Praying Proper Persons may be appointed to Amend the Navigation from Howard Bay in New River through the Sound to Bear Inlet and that the Powder Money arising on Vessells coming into the said County and a small Tax for Two or Three years sufficient to make up the sum of one hundred and Twenty pounds be laid out and levied on the Inhabitants of the same &c. for the purposes aforesaid

Ordered that Mr. Starkey prepare and bring in a Bill Pursuant to the Prayer of the said Petition

Mr. Starkey according to Order brought in a Bill to amend and Improve the navigation from Howard's Bay in New River in Onslow County to Bear Inlet which he read in his place and delivered in at the Table where the same was again Read by the Clerk Passed and Ordered to be sent to the Council.

Sent the same with the said Petition to the Council by Mr. Bryan & Mr. Houston

Mr. Baker moved the Committee Appointed to Inquire into the Allegations set forth in the Petitions of Barnaby McKinnie and John Lane Presented to the House the 7th Instant be discharged

Ordered they be discharged accordingly

Mr. Baker moved for leave to withdraw the Petitions of Barnaby McKinnie and John Lane

Ordered that he have leave and that the Clerk deliver the same

Mr. Harnett from the Committee appointed to State and Settle the Public Accounts to whom the Examination of the state and Condition of the Books and Papers belonging to the Public formerly delivered to Henry Delon late Clerk of the said Committee

Reported that Henry Delon in Obedience to an Order of the House Appeared in Custody of the Sergeant at Arms and delivered into your Committee Several Books and other Papers relative to the Public Accounts of this Province which upon his Oath he deposed were all that were in his Custody or ever came to his hands relating thereto which appeared to this Committee to be in good Order

CORN^s HARNETT Chairman

Henry Delon Appeared at the Barr of this House in Custody And on Motion Ordered the said Henry Delon be discharged

The Petition of the Inhabitants of Bladen County was presented and read, Setting forth that an Act of Assembly Passed at November Session at Wilmington in one Thousand Seven Hundred and fifty nine—Entitled an Act to Impower and direct the Commissioners of the Districts herein after mentioned to lay out and make new Roads and that they conceive the said Act passed thro' misrepresentation for that some of the Powers thereby Vested in the Commissioners is greatly prejudicial to the Inhabitants of the said County

Praying a Bill may be brought in to repeal part of the said Act so far as relates to new Roads therein Mentioned to be laid Out

Ordered Mr. Howe do prepare and bring in a Bill pursuant to the Prayer of the said Petition

The Petition of Henry Johnston was Presented and Read, Setting forth that he was appointed and acted as Adjutant to the Troops in the Pay of this Province when under the Command of General Forbes

That in Consequence of the said Appointment he acted in that Capacity for the space of seven months

Praying such an Allowance for his said service as the Assembly shall think reasonable

The House on Mature Consideration of the said Petition Resolved the said Henry Johnston be allowed Thirty five Pounds for his said Service out of the Contingent Tax—And that the following Message be sent to the Council Viz

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House on reading the Petⁿ of Henry Johnston (which we herewith send) and duly considered the same have Resolved that the said Henry Johnston be allowed Thirty five pounds Proclamation Money, for his said Service in the said Petition mentioned out

of the Contingent Tax, and desire your Honours Concurrence thereto

SAMUEL SWANN Speaker

By Order W^m HERRITAGE Clk

Sent the above Message by Mr. Starkey and Mr. Barrow.

The Petition of Sundry of the Inhabitants of Beaufort County was Presented and read setting forth the utility of a Division of the County of Beaufort—Praying an Act may pass for the division thereof.

And also the Petition of sundry of the other Inhabitants of Beaufort County was presented and read—

Setting forth that Sundry of the Inhabitants of the upper and lower End of the said County have Petitioned the Assembly and therein asserted that the said County is in Extent One Hundred miles or more and divided by a Boisterous and Tempestuous River &c—And Praying the said County and Parish be divided—

And that the matters of fact in the said Petition for dividing the said County are altogether untrue and praying the said County may not be divided.

On which the Motion was made and the Question put whether a Bill be brought in for Dividing the said County or the Petitions for and against the division of the said County be referred to the Assembly at the next Session thereof for Consideration—And was carried by a majority for referring the said Petitions as aforesaid

Pursuant to Notice Ordered the Bill for the better care of Orphans and security and Management of their Estates be read the third time—Read the same a third time amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Starkey and Mr. Barrow.

Received from the Council the Bill for Establishing Superior Courts of Pleas and Grand Sessions &c—And the Bill to Establish Inferior Courts of Pleas and Quarter Sessions. Endorsed 9th May 1760—In the Upper House read the second time and passed with Amendments

On Motion Ordered the Bill for Enlarging the time for Inspection of Tobacco at the Public Ware House in the Town of Halifax &c be read the second time—Read the same a second time amended passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Starkey and Mr. Barrow.

On Motion Ordered his Excellency be Addressed to direct the

Clerk of the Crown to issue a Writ for Electing Members for the County of Hertford to sit and vote in this present Assembly and that the following Message be sent to his Excellency the Governor—Viz^t

TO HIS EXCELLENCY ARTHUR DOBBS ESQ^r CAP^t GEN^l GOV &c—

Sir The Assembly desire your Excellency will be pleased to direct the Clerk of the Crown to Issue a Writ for Electing Members for the County of Hertford to sit and vote in this Present Assembly.

SAM^l SWANN Speaker

By Order W^m HERRITAGE Clk

On Motion Resolved that James Dunlevy Serjeant at Arms who went for and brought Henry Delon to the Barr of this House in Custody be allowed for the same seven pounds and ten shillings Proclamation Money Including his ferriages and two days attendance before discharged and that he be paid the same out of the Contingent Tax.

Then the House adjourned till tomorrow Morning 8 °Clock.

Saturday the 10th May 1760 The House met according to Adjournment

Pursuant to the return of the Writ for Electing Members to sit and vote in this present Assembly for the County of Tyrell Mr. Edmond Smithwick, Mr. Jacob Blount, Mr. William Mackey, Mr. James Blount and Mr. Stephen Hooker Appeared.

The Hon^{ble} John Swann and John Dawson Esq^{rs} Members of his Majestys Hon^{ble} Council came to the House and before them the aforesaid Members for Tyrrell County took the Oaths by Law appointed for their Qualification subscribed the Test and took their Seats in the House.

On motion Ordered the Bill for Establishing Superior Courts of Pleas and Grand Sessions &c be read the third time Read the same a third time, Amended and Passed

And the Bill to Establish Inferior Courts of Pleas and Quarter Sessions &c be read the third time Read the same a third time Amended and passed.

Ordered the said Two Bills be sent to the Council.

Then the House adjourned till 4 °Clock Afternoon.

P. M. The House met according to Adjournment

Sent the Superior and Inferior Court Bills to the Council by Mr.

Barker Mr. Ashe and Mr. Howe and such other members as shall please to Accompany them.

Then the House adjourned till 9 °Clock Monday morning.

Monday the 12th of May 1760. The House met according to Adjournment

Received from the Council the following Bills Viz^t

The Bill for repealing Several Acts herein mentioned The Bill to amend and Improve the Navigation from Howards Bay in New River &c And the Bill for Licencing Pedlars Endorsed 10th May 1760 In the Upper House read the first time and passed.

And also the Bill to Confirm an Agreement made by the present Church Wardens and Vestry of Edgecomb Parish in the County of Halifax Endorsed 10th May 1760. In the Upper House read the second time and passed.

And also the Bill for Enlarging the time for the Inspection of Tobacco in the Town of Halifax for Increasing the Salaries of the Inspectors &c. Endorsed 10th May 1760. In the Upper House read the second time amended and passed.

On Motion Ordered the Bill to amend and Improve the navigation from Howards Bay in New River &c be read a second time Read the same a second time amended passed and Ordered to be sent to the Council.

And the Bill for repealing the several Acts therein mentioned be also read the second time. Read the same a second time passed and Ordered to be sent to the Council.

Sent the above two Bills to the Council by Mr. Mackey and Mr. Blount

On Motion Ordered the Bill for Electing Vestries be read the third time Read the same a third time Amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Mackey and Mr. Blount

On Motion Ordered the Bill for Electing Vestries be read the third time Read the same a third time Amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Mackey and Mr. Blount

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENT^l OF THE ASSEMBLY.

On reading a Third time [the Bill] to Establish Inferior Courts of

Pleas &c We observe you have given the Courts a Jurisdiction of Fifty Pounds. We propose that it be altered to thirty Eight Pounds and also that in the said Bill you have required Witnesses to attend from Court to Court in consequence of one Summons.

We propose that every Summons should only extend to the Court to which it was originally returnable to which amendments if your House agree please send such of your Members as you may think proper to see the same done.

12th May 1760.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill for Establishing Superior Courts of Pleas &c. This House observe that in the third page and sixteenth line the word (therefore) is *dele'd* and the word (And) Inserted which they apprehend to be a mistake and that the word (And) should be struck out and the word therefore Inserted.

They further Observe that in the 22^d page 2nd line there ought to be Inserted the following words, viz^t (the Judgment or decree of any Inferior Court)

They likewise take notice that by a Clause annexed to the Bill Witnesses are compelled to attend from Court to Court in Consequence of one Summons Whereas they apprehend that one Summons ought to extend only to the Court to which originally returnable to which amendments if your House agree please send such of your Members as you think proper to see the said Amendments made

12th May 1760.

On Motion Resolved that Mr. Robert Jones Mr. Barker and Mr. Starkey be appointed a Committee to Consider of ways and means for raising the Aid Proposed to be granted to His Majesty by the resolve of this House on Monday last and that they Report their opinion thereon to the House.

On Motion Resolved the Bill to Confirm an Agreement made by the Present Church Wardens and Vestry of Edgecomb Parish in the County of Halifax with the Reverend Thomas Burgess be read the third time—Read the same a third time passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Taylor and Mr. Saunderson
Then the House adjourned till 4 °Clock Afternoon

P. M. The House met according to Adjournment

Mr. Howe who was ordered to bring in a Bill to repeal an Act Intituled an Act to Impower and direct the Commissioners of the Districts herein after mentioned to lay out and make New Roads &c—moved to be discharged therefrom

Ordered he be discharged accordingly

Mr. Haywood and Mr. Howe moved for leave to absent themselves from the service of the House

Ordered they have leave to absent [themselves] accordingly

Then the House adjourned till 9 °Clock tomorrow morning

Tuesday the 13th of May 1760. The House met according to Adjournment

Mr. Baker moved for leave to absent himself from the Service of the House.

Ordered he have leave to absent himself accordingly

On Motion Resolved the following Message be sent to the Council Viz^t

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

In answer to your Message of yesterday wherein you Propose to Alter the Jurisdiction of the Inferior Courts &c—to thirty Eight pounds, The Assembly would observe that Matters determinable in those Courts for the most part are of an obvious and easy nature many of them being Debts secured by Specialties or Promisory Notes, That the Proceedings in the said Courts are more Expeditious and less expensive than the Proceedings in the Superior Courts, And as the party is allowed an appeal in every Instance wherein he thinks himself aggrieved so that any Error which may happen in the Proceedings in the Inferior Courts may be corrected—We cant help thinking that it will be of Essential Service to the Trading Interest of the Country to allow the said Courts the Jurisdiction proposed by this House And hope that upon your considering these reasons you will Concur in Opinion with the Assembly and pass the Bill without any Alteration in that Particular, Especially when we Inform you that if the Bill passes into a Law, The Assembly propose to Address his Majesty and show the utility of the same, And that it is well adapted to the Particular Circumstances and true Interest of this Province, and we well hope to obtain his Approbation thereof as his Majesty hath already given his Assent to an Act of an Adjacent Province whereby the Inferior Courts thereof are allowed a

much larger Jurisdiction and Experience Sufficiently evinces that it conduces greatly to the Interest ease and happiness of the people.

As the Clause requiring Witnesses to attend from Court to Court in Consequence of one Subpœna untill the Suit in which they shall be summonsd be determined, We cant help observing that the method you propose will greatly accumulate the Cost on Proceeding in the said Courts and Impoverish the Suitors; Therefore would hope you will pass the Bill without such Alteration.

SAM^r SWANN Speaker.

By Order. W^m HERRITAGE Clk.

Sent the above Message to the Council by Mr. Bell and Mr. Mackey.

Received from the Council the Bill to amend and Improve the Navigation from Howards Bay to Bear Inlett—And the Bill for repealing Several Acts herein mentioned.

Endorsed the 12th May 1760. In the Upper House read the second time and passed.

On Motion Ordered the Bill for making provision for an Orthodox Clergy be Read a third time—Read the same a third time amended passed and Ordered to be sent to the Council.

Sent the above Bill to the Council by Mr. Bell and Mr. Mackey.

On Motion Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

On Considering your Message of yesterday relative to the Bill for Establishing Superior Courts &c.

The Assembly would observe that this House upon the third reading of the said Bill, Ordered the Preamble Immediately preceeding the word (Therefore) in the 16th line in the 3^d Page to be *dele'd* and the word (And) to be inserted, And if it stands otherwise it is a mistake of our Clerk, and agree either to strike out the word (And) Insert the word therefore or *dele* the aforesaid Preamble whichever you think will make that part of the Bill most Consistent.

This House readily agree to insert the words (The Judgments or decree of any Inferior Court) in the 2^d line of the Twenty second page.

As to the Clause requiring Witnesses to attend from Court to Court in Consequence of one Subcepna untill the Suit in which they

shall be summoned be determined, We cant help observing that the Method you propose will greatly accumulate the Costs and Impoverish the Suitors; Therefore would hope you will pass the Bill without such Alteration.

Sent the above Message to the Council by Mr. Bell and Mackey.

On motion Ordered the Bill for repealing the several Acts herein mentioned be read the third time. Read the same a Third time amended passed and ordered to be sent to the Council

And the Bill to amend and Improve the navigation from Howards Bay in New River &c to Bear Inlett be read a third time. Read the same a third time passed and Ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Houston and Mr. Jones.

On motion Ordered the Commissioners for the Navigation of Port Bath, Port Roanoke and Port Beaufort do lay before the Assembly at the next Session thereof their accounts of the Monies by them Received In virtue of the Act for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort at [and] that the Clerk give notice thereof to one of the Commissioners in each of the said Ports

Received from the Council the following Bills Viz^t

The Bill for Establishing Superior Courts of Pleas and Grand Sessions Endorsed 13th of May 1760 In the Upper House read the third time and passed Ordered to be Engrossed

The Bill to Establish Inferior Courts of Pleas and Quarter Sessions &c Endorsed 13th of May 1760 In the Upper House read the third time and passed Ordered to be Engrossed

The Bill for the Better care of Orphans and Security and Management of their Estates Endorsed 13th May 1760 In the Upper House read the third time and passed Ordered to be Engrossed

The Bill for making Provision for an Orthodox Clergy Endorsed 13th May 1760 In the Upper House read the third time and passed Ordered to be Engrossed

And the Bill for Establishing Vestries Endorsed 13th of May 1760 In the Upper [House] read the third time and passed Ordered to be Engrossed

Mr. Jones from the Committee appointed to Consider of ways and means for raising an Aid for his Majesty, Reported that the Committee had come to several resolutions which he was ready to lay before the House when they will please to receive them

Ordered the said resolves be received Mr. Jones Presented the

same and Read them in his Place [and delivered them in at the Table] where the same were again read by the Clerk and agreed to by the House as follows—Viz^t

Resolved That it is the Opinion of this Committee that it is Impracticable in the present Impoverished State of the Province to raise such an Aid by a Poll Tax

Resolved That the Issuing Paper Bills of Credit redeemable out of the Proportion of the Parliamentary Grants which shall be allotted to this Province is the only Effectual Method by which money can be raised for his Majesty's Service in this present Emergency

Resolved That it will be a means of Supporting the Credit of such Bills if a proper person is Impowered to receive such Proportion and remit the same in specie so that the said Bills may be redeemed out of the same in a reasonable time

On Motion Ordered Mr. Jones, Mr. Barker and Mr. Starkey be appointed a Committee to Prepare and bring in a Bill Pursuant to the above Resolves and they are accordingly appointed for that Purpose

Mr. Jones from the said Committee reported that the said Committee had prepared the Bill for Granting an Aid to his Majesty for appointing an Agent for the Province and other purposes which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent the Same to the Council by Mr. Barrow and Mr. McCulloch

On Motion Ordered the Bill for Appointing Jurymen in all Causes Criminal and Civil be read the Second time Read the same the second time amended Passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Taylor and Mr. Bonner

Then the House adjourned till 9 o'Clock tomorrow morning

Wednesday the 14th of May 1760 The House met according to adjournment.

Mr. Coutanche moved for leave to bring in a Bill to appoint Commissioners to lay out fifty Acres of Land on Ocacock Island for the use of the Public

Ordered he have leave and that he prepare and bring in the same

Mr. Coutanche brought in the aforementioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Simpson and Mr. Caswell.

On Motion Ordered the Bill for Enlarging the time for inspecting

of Tobacco of the Public Ware House in the Town of Halifax and for Increasing the Salaries of the Inspectors &c. be read a third time. Read the same a third time. Ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Mr. Hill

Received from the Council the Bill to Amend and Impower the Navigation from Howards Bay in New River &c to Bear Inlet.

And the Bill for repealing Several Acts therein mentioned

Endorsed 13th May 1760. In the Upper House read the third time and passed Ordered to be engrossed.

And also the Bill directing the Method of appointing Jurymen in all Causes Criminal and Civil.

Endorsed 13th May 1760. In the Upper House read the second time and passed.

On Motion Ordered Mr. Child and Mr. Starkey be appointed to draw an Address to his Excellency the Governor to desire him to pass the Superior and Inferior Court Bills.

Mr. Child from the Committee appointed to prepare the said address Reported that the Committee had prepared the same which he was ready to Present to the House if they will receive it

Then on Motion Ordered the said Address be received and read—read the same.

Resolved the same stand the address of this House and be entered on the Journal thereof as follows—Viz^t—

TO HIS EXCELLENCY ARTHUR DOBBS ESQ^r CAP^t GEN^l AND GOV^r OF
THE PROVINCE OF NORTH CAROLINA

The Humble Address of the Assembly of the said Province

Sir As Bills for restoring the Courts of Judicature, and through them, life to Government and the Rights and Liberties of the People appeared to be Indisputably of the first Importance to the Province We thought it our duty to give them the Precedence of all other Objects whatsoever.

These Bills, Sir, have been dispatched with unexampled unanimity and concurrence by both Houses; Are Engrossed and now only wait for your Excellencys Assent, that they may be passed into laws, which we trust will by their Operation and Excellent Effects distinguish the Wisdom and Justice of the Present Legislature.

The extreme solicitude of the People for the Enactment of such Laws and our own Experience of the great mischiefs and Inconveniences which have happened in a long Licentious Interval, call upon

us to beseech your Excellency that you will be pleased to give your Immediate Assent to them in Order that a Proper Foundation may be laid, as well for rendering so just a satisfaction to the People as for warranting our Procedure to the dispatch of other Important Matters

And we deem your Excellencys Assent the more Necessary to be given at this time, since we Propose to frame a Proper remonstrance to His Majesty for explaining the Expediency of our Deviation in some Articles from what may have been Considered as a direction to us in the Constructions of those Bills.

Sir, we take leave to strengthen this our Importunity by assuring your Excellency that we will exert a very practicable Endeavour to demonstrate the Strictness of our Attention to the General Objects which were so Powerfully Recommended to us at the Opening of this Session having first with such satisfaction to our Consciences provided for the Particular Security of the lives, Liberties and Properties of our Constituents, His Majestys Approved faithfull and most loyall Subjects upon all occasions

Resolved—The same be Presented to His Excellency.

Mr. Barker moved for leave to bring in a Bill to ascertain the Taxes Payable within this Province and to Continue the Tax for sinking the Present Bills of Currency

Ordered he have leave and that he prepare and bring in the same

Mr. Barker Presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Williams and Mr. Hill

Received from the Council the Bill for Granting an Aid to His Majesty for appointing an Agent for this Province and other Purposes Endorsed 14th May 1760 In the Upper House read the second time amended and Passed.

And the Bill to appoint Commissioners to lay out fifty Acres of Land on Ocacock Island for the use of the Public Endorsed in the Upper House read the first time and Passed May 14th 1760

Then the House Adjourned till 3 °Clock Afternoon

P. M. The House met according to Adjournment

On Motion Ordered the Bill directing the Method of Appointing Jurymen in all Causes Criminal and Civil be read the Third time

Read the same a third time amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Williams and Mr. Hill

On Motion Ordered the Bill to appoint Commissioners to lay out fifty Acres of Land on Oeacock Island for the use of the Public—be read a second time Read the same a second time and amended Then the Motion was made and the Question put whether the said Bill be rejected [or] Pass—and resolv'd the same be rejected

Then the House adjourned till 9 °Clock tomorrow morning

Thursday the 15th of May 1760. The House met according to Adjournment

Mr. Vail from the Committee appointed to prepare and bring in a Bill for the Better regulation of the Militia—Reported that the Committee had prepared the same which he was ready to present if the House would receive it

Resolved the House receive the said Bill

Mr. Vail Presented the said Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk And on motion Resolved the same lye on the Table

Received from the Council the Bill directing the Method of Appointing Jurymen in all Causes Criminal and Civil Endorsed 14th of May 1760 In the Upper House read the third time and passed Ordered to be Engrossed

And the Bill to ascertain the Taxes Payable within this Province and to Continue the Tax for sinking the Present Currency Endorsed 14th of May 1760 In the Upper House read the first time and passed

On motion Ordered the Bill to Ascertain the Taxes Payable within this Province and to Continue the Tax for sinking the Present Currency be read the second time. Read the same a second time amended passed and Ordered to be sent to the Council.

Sent the above Bill to the Council by Mr. Etheridge and Mr. Ferebee.

Then the House Adjourned till 9 °Clock to morrow morning

Friday the 16th of May 1760. The House met according to Adjournment.

Pursuant to the return of the Writ for Electing Members for Granville County Mr. Robert Harris and Mr. Samuel Benton appeared took the Oaths by Law appointed for their Qualification sub-

scribed the Test and took their Seats in the House. Mr. John Harvey moved for leave to absent himself from the service of the House.

Ordered he have leave to absent [himself] accordingly.

Mr. Dewey according to Order Presented a Bill for Confirming the Charter of the Boroughs of Wilmington, Edenton and Halifax and Enlarging the Jurisdiction of the Courts held for the said Boroughs which he read in his place and delivered in at the Table where the same was again read by the Clerk. Then on motion being made and the Question put whether the said bill pass or be rejected and Resolved the said Bill be rejected.

On motion Resolved the following Message be sent to His Excellency the Governor Viz^t

TO HIS EXCELLENCY ARTHUR DOBBS ESQ^r GOV^r &C.

SIR—The two Houses of Assembly having passed—Two Bills for the Establishing Courts of Judicature [on] which every Bill already passed and now before the Assembly has a necessary Dependence and connection and without which they Cannot Operate.

The Assembly would desire to Offer some observations to your Excellencys Consideration Concerning the Utility and Expediency of. your passing the said Bills Immediately into Laws and for that purpose have prepared an Address to your Excellency—And would desire to be informed when they may wait on you and present it.

Sent the above Message by Mr. Waddell and Mr. Cary.

The Petition of James Davis Printer was presented and read setting forth that since the Act passed for the Encouraging James Davis to set up and carry on his Business of a Printer Eight New Counties have been Erected by reason whereof the Public Business is greatly Increased. Praying the said Act may be continued and his Salary Augmented

On Motion Ordered Mr. Barker prepare and bring in a Bill pursuant to the Prayer of the said Petition.

Received from the Council the Bill for Enlarging the time of Inspection of Tobacco at the Public Warehouse in the Town of Halifax &c Endorsed 14th of May 1760. In the Upper House read the third time and passed Ordered to be Engrossed

On Motion resolved the House resolve into a Committee of the whole House to morrow to consider the Bill for Granting an Aid to his Majesty for appointing an Agent and other Purposes

Philoman Hawkins Serjeant at Arms to whom Mr. Speakers War-

rant was Directed and delivered to take the body of Reuben Searcy, Returned the said Warrant in these Words Viz^t

In Virtue of the within Warrant to me directed I have taken the within Reuben Searcy whose body I have ready as I am within Commanded. And have also summoned the Persons as Witnesses whose names are hereunto annexed as I also am within Directed

So say

PHIL HAWKINS.

Resolved that the Ill behaviour of the Members for Granville County in the said Warrant Mentioned be referred for Inquiry to the Committee of Privileges and Elections.

Ordered that the above Reuben Searcy and the said Witnesses Attend the said Committee.

Mr. John Harvey who was Appointed one of the Committee of Privileges and Elections having obtained leave to absent himself from the Service of the House.

Therefore on Motion Resolved Mr. Cary be added to the said Committee in the Room and stead of the said Mr. Harvey

Mr. Waddell and Mr. Cary acquainted the House that in Obedience to the Command thereof they had waited on His Excellency the Governor [with] the Message of this House of this day and that his Excellency returned for answer That he will be ready to receive the Address of the House in the Council Chamber at 5 °Clock this Afternoon

Then the House adjourned till 4 °Clock Afternoon

P. M. Then the House met according to adjournment

The House in a full body waited on his Excellency the Governor in the Council Chamber when Mr. Speaker Presented him with the Address of the House regarding his Excellencys Immediate Assent to the Superior and Inferior Court Bills Mr Speaker with the House returned and Mr. Speaker acquainted the House that he had presented His Excellency with the Address thereof in regard to His immediate assent to the two Bills for Establishing Superior and Inferior Courts of Judicature and that his Excellency returned for Answer "That it was of an unusual and unpresidented Nature and that he would consult with Gentlemen who were more conversant in those Affairs and when he had so done would send an Answer in writing which may be Entered on the Journal"

Then the House Adjourned till 9 °Clock tomorrow morning

Saturday the 17th May 1760 The House met according to Adjournment.

Received from his Excellency the Governor a Written Message by Mr. Powell Viz

MR. SPEAKER & GENTⁿ OF THE ASSEMBLY.

It is with the greatest concern that at any time I should be obliged not to comply with an Address of the Assembly and more Particularly at this Important Crisis when you were summoned to meet by his Majesty's Command with the utmost dispatch to give his Majesty an Aid of Men, which ought if possible to have been Complied with the first thing in the Session, as the men were required to be raised by the first of this Instant, or as soon as possible which has now been postponed above three weeks to give way to laws which only relate to the Interior part of this Colony, And therefore not material at what time they should be offered in the Session; Whereas we having the men raised for Immediate Service, is not only necessary for the Peace and Safety of this Province until His Majesty Commands them to Assist his Foreign Operations which at this Critical Emergency may not only secure the religion Liberties and Peace of this Province, for Ages to come, but also of all his Majesty's other Colonies and Dominions by a Speedy Exertion of our force

I must also in Common Decency and respect to the Crown give the Precedency in passing an Aid Bill to every other Act that is Offered; for it has been the uninterrupted usage of the Commons of Great Britain and Ireland ever since the happy Establishment of their Constitution and Liberties by the Revolution in 1688 to offer the aid Bill for the Royal Assent before any other, And I found it so in this Province where all the Bills have been Offered together; for in the single Instance last Session in passing the Short Militia Bill it was given in Aid to Enable His Majesty to Command them out of the Province; nor can it be any way Material whether the Bills you Address for to have the Preference given of the said Aid Bill which you were so earnestly pressed to dispatch is offered this day or a few days hence

I always Expected from the Zeal the Assembly of this Province has Expressed to give assistance to drive out Cruel Enemies from this Continent—That the Aid Bill if not passed before all others should have at least gone hand in hand together and not have been postpon'd until the Close of this Session which has delayed the rais-

ing and disciplining the force and Consequently may be ineffectual
and not answer the End

ARTHUR DOBBS

The 17th of May 1760

On Motion, Resolved the Consideration of the said Message be referred till to morrow.

Received from the Council the Bill to Ascertain the taxes payable in this Province, and to Continue the tax for sinking the present Bills of Currency Endorsed In the Upper House, read the second time amended and passed

The Order of the Day being Read, regarding the House Resolving into a Committee of the whole House, to Consider the Aid Bill &c.

Then on Motion, Resolved the House Resolve into a Committee of the whole House on Monday next to Consider the said Aid Bill &c.

On Motion Ordered That the Bill to Ascertain the Taxes payable within this province and to Continue the Tax for sinking the present Bills of Currency be read the third time. Read the same a third time.

Then the Motion was made and the Question put whether the said Bill be rejected or pass And Resolved, *Nem: Con:* the said Bill be rejected.

Then the House Adjourn'd till 9 o'Clock Monday Morning.

Monday the 19th of May 1760 The House met according to Adjournment

The Order of the day being read the House took under Consideration his Excellencys the Governor his Message of Saturday last and Resolved That the following Message be sent to his Excellency Viz^t

SIR—On reading your Message of Saturday last relative to the Address of the Assembly beseeching your Excellencys Assent to the Bills for Establishing Courts of Judicature, We Observe that you say that these Bills “Only relate to the Interior benefit of this Colony and therefore not Material what time they shall be offered in the Session” In answer to which give us leave Sir, that even that Object alone surely cannot be of slightest concernment but when we consider how many Licentious, disaffected and evil disposed persons in different parts of the Government for many months past at different times Assembled themselves in great numbers Entered into Traterous and dangerous Conspiracies, broke open the Public Prisons and

set malefactors and others at large and by force unjustly restrained others of their Liberty and that hitherto no Effectual methods have been taken to suppress these Outrages—We think it a matter of the greatest Importance that those Laws should be passed as speedily as possible in Order that the Hands of Government may be strengthened and a check put to such disorders

We apprehend that by the Laws and Usage of the Parliament of Great Britain the Commons are at Liberty to offer the Bills they pass in what Order they think proper for the Royal Assent And that the Particular Circumstances and Emergency of the times are the only matters which Govern them therein

We have on all occasions manifested our Loyalty to his Majesty and most ardent Zeal for His Service by readily granting every aid of Men and Money you have required even to the Impoverishment of our Constituents and we are still ready with our Lives and Properties to joyn in defence of his Majestys just rights and Possessions and have now under Consideration a Bill for that Purpose but, as not only that but every other Bill already passed and yet under the contemplation of the Two Houses of Assembly have a most intimate connection with and dependance on the Court Bills and in many instances cannot operate unless those shall first pass into Laws we thought it our Indispensable duty to give them the Precedency to every other Bill.

When you Consider these Reasons we hope your Excellency will Immediately give your Assent to the said Bills, And give us leave to assure you that you will thereby render a most Essential and acceptable service to the Country as by that means protection and security will be Afforded to the lives and properties of those we represent.

Mr. Barker according to Order brought in a Bill for further continuing and amending an Act Entitled an Act for the Encouragement of James Davis to set up and carry on his Business of a Printer in this Province and for other Purposes which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Blount and Mr. Gibson.

Received from his Excellency the Governor a Letter to him directed from the Lieutenant Governor of Virginia, with a verbal Message by Mr. Powell recommending the same to the consideration of the House. The same was read and on Motion Ordered it lye for Consideration.

The Order of the day being read

On Motion Ordered the Consideration of the Aid Bill be postponed till to-morrow.

Mr. Barker from the Committee of Privileges and Elections Reported that the said Committee have had under their further Consideration the Warrant for taking Reuben Searcy for Partiality and misbehaviour at an Election in Granville County at which Election he had been sworn as a Clerk to keep the Poll, And thereupon came to the following resolution—Resolved it is the Opinion of this Committee that the Sheriff by reason of vast crowd and concourse of People In the said Court House at the said Election was obliged to discontinue the taking the Polls of the Suffrages at the said Elections and directed his Clerks to desist from any further proceedings thereon untill the same could be proceeded in with more regularity—That accordingly the Sheriff and William Pearson and Reuben Searcy who were appointed and sworn as Clerks for taking the said Polls withdrew from the said Court House and the Polls were Adjourned that the said Reuben Searcy without any Direction of the said Sheriff did at the Instance of Sundry persons return into the said Court House without the direction of the said Sheriff and in his absence did Proceed in the continuation of taking the same And that after he had taken down the names of all such as offered themselves as suffrages did sum up the same and Publicly Proclaimed without any direction from the said Sheriff Samuel Benton and Robert Harris as duly Elected and carried away the Polls so by him taken but afterwards returned and upon several applications by the Sheriff for the delivery of the same did make a surrender thereof to him, tho' at first he denied doing it alledging he had a right to detain the same as being a sworn Clerk, That before the Proclamation aforesaid the Sheriff was Informed and Public Declaration made that there was now room in the Court House for the Sheriff to proceed in his said Election but that the Sheriff paid no regard thereto.

Resolved, That it is the Opinion of this Committee that the said Reuben Searcy by Proceeding in the Manner above recited Acted inconsistent with his Duty.

To which resolves the House agreed.

On motion Resolved, That Mr. Robert Harris, Mr. James Blount and Mr. Tyree Harris be added to the Committee of Propositions and Grievances.

Then the House Adjourned till 9 o'Clock to morrow morning

Tuesday the 20th of May 1760 The House met according to Adjournment

The Writ for Electing a Member for Bertie County was returned whereby it appears that William Gray was duly Elected a Member for the said County to sit and vote in this Present Assembly

Mr. Swann Jun^r moved that Mr. John Lowry (whose Indisposition renders him incapable to attend the House) have leave to absent himself from the service thereof

Ordered he have leave to absent himself accordingly

On motion the House took under Consideration the Report of the Committee of Privileges and Elections regarding the misbehaviour of Reuben Searey at an Election of Members for Granville County, And Resolved that the said Reuben Searey be reprimanded by Mr. Speaker

The said Reuben Searey Appeared at the Barr of the House and was Reprimanded by Mr. Speaker

Resolved the said Reuben Searey be discharged paying Cost to be settled by the Committee of Privileges and Elections

Received from the Committee the Bill for further continuing and amending an Act Intituled an Act for the Encouragement of James Davis to set up and carry on his business of a Printer Endorsed May 1760 In the Upper House read the first time and passed.

On motion Ordered the Bill for further continuing and amending an Act Intituled an Act for the Encouragement of James Davis to set up and carry on his Business of a Printer &c. be read the second time Read the same a second time Amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Leech and Mr. Barrow.

Mr. Starkey Chairman of the Committee of Claims reported that the said Committee had settled and allowed sundry Claims and laid the report thereof before the House for Concurrence.

The said Report was read Approved of and agreed to by the House

Resolved the said Report be sent to the Council for their Concurrence

On motion Ordered the Bill for further Continuing and Amending an Act Intituled an Act for the Encouragement of James Davis to set up and carry on his business of a Printer &c be read the third time Read the same a third time passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Jo^s Jones and Mr. Saunderson

Mr. Rob^t Jones Jr laid before the House a Certificate from the County Court of Northampton therein recommending John Worrel son of John Worrel of the said County to be exempt from paying Public Taxes &c

Ordered to be exempt accordingly

The Order of the Day being read on motion the Consideration of the Aid Bill is Postponed till to morrow

Sent the reports of the Committee of Claims to the Council by Mr. Waddell and Mr. Cary for Concurrence.

Then the House adjourned till 3 °Clock Afternoon

P. M. The House met according to adjournment

Then the House adjourned till 9 °Clock to morrow morning

Wednesday the 21st of May 1760 The House met according to Adjournment

The Order of the day being read On motion the consideration of the Aid Bill is postpon'd till tomorrow.

Mr. McNeil moved for leave to absent himself from the Service of the House

Ordered he have leave to Absent [himself] Accordingly

Then the House adjourned till 8 °Clock tomorrow morning.

Thursday the 22^d of May 1760 The House met according to Adjournment

Mr. Robinson moved for leave to absent himself from the Service of the House

Ordered he have leave to absent himself accordingly

On motion Resolved That the Treasurer pay the Expences of the Messenger (whilst in Town) which is sent to His Excellency with Express from the Lieutenant Governor of Virginia to this Province and to South Carolina out of the Tax for Contingencies and that he be allowed the same on Passing his Accounts with the Public

Then the House adjourned till 3 °Clock Afternoon.

P. M. The House met according to adjournment.

Received from the Council the Bill to Confirm an Agreement made by the Present Church Wardens and vestry of Edgcomb Parish in the County of Halifax with the Rev^d Mr. Thomas Burgess. Endorsed 12th May 1760. In the Upper House read the third time and passed Ordered to be engrossed.

Received from his Excellency the Governor the following Message in Writing by Mr. Powell Viz^t

MR. SPEAKER AND GENTⁿ OF THE ASSEMBLY.

I have received your Replication to my Answer to your Address Insisting under various suggestions upon my passing the Court Bills immediately before you have prepared an Aid Bill to be passed though it is of the utmost consequence to have passed an Aid Bill Previous to all others as called by His Majestys Orders at this Important Crisis for that very Purpose and find now that being misled by some of His Majestys Servants you are determined to Proceed on no business untill you know the fate of those Bills

I must therefore inform you that those self interested Gentlemen who have procured the repeal of the former Laws and have taken upon them to Conduct those Bills and mislead the Assembly have been the Cause that those Salutary Laws, as well as the Aid Bill have not been already passed by Clogging those Bills with unnecessary Clauses, to diminish his Majestys Prerogative and lay me under a Delema, to serve their own Secret Ends of betraying my trust and disobeying His Majestys Orders and Instructions, If I should comply with your request, or to raise a flame against my administration in case I should refuse to pass these Bills, which one of those Gentlemen hath so far as in his Power already raised Contrary to his duty to the Crown, in Order to throw the blame upon me and excuse himself from having been the cause of Repealing the former Bills by the Artfull advice and Pretences he laid before his Majesty and Council to repeal the former Bills which he would now re-enact with restricting Clauses contrary to my Instructions from His Majesty so that the loss of the Superior Court Bill if not Passed must be laid at his door.

You make use of the Licentious Behaviour of Great Numbers and Traterous conspiracies, breaking open Prisons &c. to show the necessity of Passing the Bills, Yet for so long a time as eight months no complaint was ever made to me to have the Laws now in force put in Execution by a Commission of Oyer and Terminer, in case such facts are true which might for the Present have Answered the End, And if not sufficient you ought to have formed Bills not lyable to objections and ought in decency to have applyed to me to know whether I could by my Orders and Instructions pass these Clauses which might have been done early in the Sessions—And all the Bills might have been long since passed

But since nothing will satisfy you but knowing the fate of these Bills, I must with great concern Inform you that I can't betray my Trust to the Crown nor shall disobey his Majestys Orders and Instructions so that nothing will induce me to pass the Superior Court Bill but by making it Temporary until His Majesty's Pleasure be known upon it, or by striking out the Exceptionable Clauses, so that all the regard I can shew to your Application is, That after the Aid Bill and other Bills are Passed, In case you give any Aid I shall then put an End to the Session, and Prorogue the Assembly for a Day and you may then reconsider the Bill and Either expunge the Exceptionable Clauses contrary to the Articles of Instructions which I herewith lay before you or make it temporary for a year or Two until his Majesty's Pleasure is known. Otherwise the Bill if I could pass it as it is now framed may be again Repealed and the Province be in the same scituation again as at Present

This Answer I send you with Great Regret in being brought under so disagreeable a Dilemma by cunning designing Persons who endeavour to bring this Province into confusion to Serve their own Ends and shall heartily Concurr with you in every measure consistent with my Duty to Promote the Peace Safety and happiness of this Province.

ARTHUR DOBBS.

On Motion the Consideration of the said Message be referred till tomorrow

The Order of the day being Read,

On Motion resolved the Consideration of the Aid Bill be postponed till tomorrow

Then the House adjourned till 9 o'clock tomorrow morning.

Fryday the 23^d of May 1760 The House met according to Adjournment

Mr. Barker moved the House resolve into a Committee of the whole House to Consider the Distressed State of the Province and also His Excellency the Governors Message to this house of Yesterday

Resolved—The House resolve into a Committee of the whole House for the Purposes Aforesaid

Resolved that if any Member shall discover to any person or persons, the words or the Purport of the words which any member may make use of in any debates and Proceedings of the House—The Member or Members making such discovery shall be Expelled the House of Assembly as unworthy a seat therein.

The House resolved into a Committee of the whole House to Consider the distressed State of the Province and also his Excellencys Message of Yesterday to this House And unanimously chose Mr. Dewey Chairman who took the Chair Accordingly—The Committee having taken under Consideration the said distressed State of the Province and also His Excellencys Message of Yesterday came to several Resolutions thereupon which Mr. Chairman was Directed to report to the House—And then On Motion Mr. Speaker resumed the Chair

Mr. Chairman Reported That the Committee had come to Several Resolutions which they had reduced to form and which he was ready to lay before the House for Concurrence when the House will please to receive the same—Resolved the House receive the said Reports—Mr. Chairman Presented the said Reports to the House—And on Motion Ordered the same be Read—The same are read and Concurred with by the House *Nem : Con :* And Ordered to be Entered on the Journal thereof, and are as follows—to-wit

1. Resolved, That the large Sums which have been cheerfully Granted for his Majesty's Service amounting to upwards of seventy four thousand pounds and Chiefly Intrusted to the Application of His Excellency the Governor have been Injudiciously applyed And several military Commissions have been granted to Persons of little Weight and Interest in the Province whereby the Service has been delayed and the Aids granted have not had the good Effect Proposed by the Assembly

2. Resolved That His Excellency without any Color of Law having appointed his Nephew Mr. Spaight Pay Master of the forces raised in this Province, by means whereof he hath drawn Commissions on Several Aids Granted to his Majesty for raising and Paying the said Forces, The same has been a Cause of rendering the said Aids insufficient for the Intended Purposes and an obstruction to his Majesty's Service

3. Resolved That His Excellency out of the Proportion of the Money coming to this Province by the Grant made by his Majesty and the Parliament of Great Britain towards reimbursing this and the Neighbouring Provinces the Expences they have Incurred during the Present Warr in Promoting the Common Cause having Procured a Payment of One Thousand pounds Sterling which has never been Accounted for or any Intimation given to the Assembly that it has been applyed for his Majesty's Service or the benefit of this Country, or to whom the said Money was paid the same has a mani-

fest tendency to frustrate the Gracious and Benevolent Intentions of His Majesty and Parliament towards this Province

4. Resolved That altho the Governor has been frequently Addressed to Cause an Account of the Money's that have been paid to his Orders, to be laid out before the Assembly the same has not been done, And the Account he has sent to the House the Present Session from Mr. Wallace, a Gentleman unknown to the Assembly and in whom they never reposed any trust does not in any wise tend to shew the Application of the Sums he has drawn out of the Treasury

5. Resolved That His Excellencys Practice in Disposing of Royal Charters to several Counties to Impower them to send representatives to the Assembly at a different but Exorbitant prices under the Denomination of fees to the Governor and Secretary is Illegal and Oppressive

6. Resolved, That the Granting Licences to Persons to Practice the Law who are Ignorant even of the Rudiments of that Science is a reproach to Government disgrace to the Profession and greatly Injurious to Suitors.

7. Resolved, That the taking four Pistoles for the Governor and his Secretarys fees on such Lycences is Expressly Contrary to an Act of Assembly.

8. Resolved, That the Governor was Addressed by the Assembly in June last to take necessary Measures to suppress the several Mobbs, and Insurrections which for many months in Open Violation of all Law have with Impunity Assembled in great Numbers in different Counties Erected Sham Jurisdiction and restrained men of their Liberty and Broke open Goals released Malefactors dug up the Dead from the Graves and Committed other Acts of rapine and violence, but no Effectual Steps have been taken to check the Torrent of their Licentious Extravagances notwithstanding their having since repeated those Outrages. On the contrary some of their Principal Leaders and known Conductors have been preferred to the Magistracy and honoured with Commissions in the Militia whilst on the other hand Gentⁿ of unexceptionable Characters and distinguished worth who have filled those Offices with Credit, and whose conduct in the discharge of their respective functions had been justly rewarded by the approbation and applause of all who were Witnesses of their Public deportment have from Groundless Prejudice and unreasonable Caprice without complaint or accusation against them been abruptly displaced whereby Magistracy is fallen into Disgrace Courts have lost their Influence and Government its Dignity and life Lib-

erty and Property is rendered Precarious; And without a Speedy Establishment of Courts of Justice on a respectable foundation and appointment of Justices of the Principal Courts on such Terms as Gentlemen of Suitable Abilities may accept such appointment without apprehension of being displaced but for misconduct, The Government will be in no less Peril from the usurped Domination of its Internal Enemies, than from the depredations of Savages on the Frontier Settlements.

9. Resolved, That it appears to this Committee that many Irregularities and Palpable Frauds have happened in the Secretarys Office since the Appointment of Mr. Spaight to that Important Trust a Flagrant Instance of which is an entry in the books of the said Office regularly made and the accustomed fees paid thereon, being by his express orders Transposed so as to give himself a preference and right to the land so Entered.

10. Resolved, That the Books records and Papers of the Secretarys Office being lately by the Governors Order removed to Cape Fear near the Southern Extremity of this Province renders it Extremely expensive and difficult for the Generality of People to have the Necessary recourse to that Office.

11. Resolved, That it appears to this Committee that the Secretary, during the Time the Supreme Court Law was in force was a Justice of the Supreme Court of the New Bern District and by his own Authority without Legal Tryal by a Jury for a supposed Libel Ordered one Thomas Core to be striped naked tyed and whip't which was accordingly done with great inhumanity and in violation of the Laws of this Province and Contrary to the Great Charter of Liberties.

12. Resolved, That the Practice of the late Chief Justice Mr. Hasell in taking and unjustly Exacting part of the Clerk's fees to his own use was not only contrary to the Tenor of his Oath of Office but occasioned such Clerks to Extort Money from the Suitors to their Greivous Oppression.

13. Resolved, That it is the Opinion of this Committee that the not granting a writ of Election for Tyrell an Ancient County till After the Present Assembly had sat and passed several Bills and the Granting another to Bertie County for fewer Members than they have usually sent to represent them in Assembly is a manifest Infringement on the rights of the Subject and tends to Endanger the Constitution.

14. Resolved, That the diversity of the Form in the Writs of Election Issued to different Counties, some of which direct the freeholders and others the Inhabitants generally to chuse, by which last form Servants and even Convicts may Elect, is repugnant to the Royal Charter of King Charles the Second by which it is directed that Laws shall be made by the Assent of the Freemen or their Delegates.

15. Resolved, That an Humble Address to his Majesty be drawn up to be transmitted to the Right Hon^{ble} William Pitt Esq^r his Majestys Secretary of State to be laid before his Majesty Testifying the duty and Loyalty of his faithfull and Loyal Subjects in this Province and representing their Grievances and Praying Relief.

16. Resolved, That Mr. Anthony Bacon of London Merchant be charged with the said Address to be delivered to Mr. Secretary Pitt and that the Speaker cause the said Address with the Journals and other Documents Necessary to be sent home to be transmitted as soon as may be—And write a Letter to Mr. Bacon requesting him to accept the Charge

17. Resolved That the Speaker Write Letters on the said occasion to the Right Hon^{ble} the Earls Granville and Halifax and the Right Hon^{ble} William Pitt Esq^r His Majestys Secretary of State, and send with the said Letters Copies of the Address

18. Resolved That the Bills which have passed Both Houses this Session for Establishing Courts of Judicature are so constructed that should persons of Competent Abilities and Qualifications be Appointed to discharge the Executive Powers of them they cannot fail of rendering the Administration of Justice easy and Expeditious and suppressing these dangerous Practices and Traterous designs which (Altho' not attended to by the Administration) for many months past have subverted all rule Order and Government and even render life and Property Precarious.

19. Resolved, That the advice given to the Governor by Thomas Child Esq^r Attorney General to pass the said Bills immediately into Laws has a manifest Tendency towards strengthening the hands of Government adding dignity and power to the Courts of Law promoting the Administration of Justice and rescuing this Province from imminent danger of Anarchy and ruin.

20. Resolved that the Unanimous Thanks of the Assembly be given to Mr. Attorney for having given the said Advice and that Mr. Speaker in the Name of the House do present him with their thanks accordingly

Mr. Chairman also Reported that the Committee had prepared an Address to his Majesty which he laid before the House and Read the same in his place.

On Motion the House concurred thereto and Resolved the same stand the Address of the House and be Entered on the Journal thereof as follows (to wit)

TO THE KINGS MOST EXCELLENT MAJESTY

The Humble Address of the Assembly of North Carolina
MOST GRACIOUS SOVEREIGN

We your Majesty's most dutifull and Loyal Subjects the Members of the Assembly of North Carolina beg leave to Offer to your Majesty our most sincere and hearty Congratulations upon the glorious success of your Arms by sea and Land to render our dutifull Acknowledgments and unfeigned thanks to your Majesty for the Paternal care and vigilant Protection which has been Extended to your Infant Colonies in America

No consideration most Gracious Sovereign less than the Prospect of Total Ruin to your faithful Subjects from undue exertions of Power and Internal Commotions in this distressed Province could induce us, at so Important a Conjuncture to trouble your Royal Ear with Complaints; But when by Injudicious and partial appointments of Justices not qualified for such trust, and the abrupt removal of Others whose Characters have been lyable to no objection Magistracy has fallen into Contempt and Courts have lost their Influence and Dignity; When Mobbs and Insurrections are Permitted to assemble in different parts of the Province Erecting Sham Jurisdictions—Imprisoning your Majesty's Subjects—Breaking open Goals and releasing Malefactors with Impunity; when several of the Malecontents in those Riotous and Treasonable Assemblies are Honoured with Commissions from his Excellency as Justices and Militia Officers; When persons have suffered Corporal Punishment by the Arbitrary and Private orders of Justices still retained in their Offices; When Moneys have been Exacted on the Subject for the use of the Governor and Secretary, expressly against Law; When the form of Writs of Election have been arbitrarily Altered and diversified to get particular men Chosen and defeat the choice of others, some of them directing the freeholders, others the Inhabitants Generally to chuse by which last form Servants and even Convicts might be admitted to Elect; Whereas by the Royal Charter of King Charles the Second Laws are directed to be made by the Assent

of the freemen or of their Delegates ; When a Writ has been Issued to one County for fewer Members than they have used and ought to Send, and to another none at all till several Bills had passed in the Present Session ; by which open Practices it remained no longer a secret that the Governor Intended to modell the Assembly for his own particular Purposes ; in like manner as he had before reformed the Council by suspensions and new appointments ; When being Insulted by Blood thirsty savages on our Exterior Settlements and in no less danger of falling a Prey to our Internal Enemies ; Whither can we resort for succor but to your sacred Majesty, as the fountain from whence Justice and Protection is derived to your most Distant Subjects ? The facts here Enumerated we beg your Majesty's Permission to say are far from being a compleat Catalogue of the sufferings of your faithful and dutiful Subjects in this Province who nevertheless have with the greatest chearfulness and alacrity embraced every opportunity of Testifying their Zeal and Loyalty to your Majesty as well as exerted their utmost efforts in the maintenance of your indubitable rights never having neglected a simple [single] supply required for your Majesty's Service, tho' it gives us the greatest Concern That in the application of the several aids, which have been under the Governors directions less regard has been had to the useful Purposes Intended by the Assembly than to the enriching of his Particular friends and Favourites Military Commissions having been Granted to Several Persons of little or no weight in the Province which delayed the Raising recruits and retarded the Common Services Your Majesty will Graciously permit us to add that it has been a misfortune peculiar to this unhappy Province that by the Governors decisive influence on the Council we have hitherto been prevented appointing an Agent to represent our dutiful affections to your Majesty and solicit our Provincial Affairs at the Public Boards in England, In the Session in May last provision was made for such an Appointment in a Bill for Granting an Aid to your Majesty in Consequence of Mr. Secretary Pitts Letter at the time laid before the House this Bill was Peremptorily rejected by the Council without even assigning any reason for so extraordinary a Procedure. The Governor thereupon Prorogued the House with a Speech in which he very freely censured their Conduct for presuming to insert a Clause relative to such an Appointment in a Bill of Aid Altho' Bills of the same kind with Clauses as little analagous to the Aid had without the least exception been before passed in his Administration ; But it was notorious that the true reason of the Councils rejection of that

Bill and of the Governors displeasure with the Assembly was because one Mr. Smith his own private Attorney in London had not been proposed by the Assembly for that Appointment thus was the Aid then Intended by your dutiful Subjects defeated by an abrupt dismissal of the Assembly—And your Majesty's Service particularly recommended by your Secretary of State postponed, to gratify Partial Views and Private Interest—Whilst the real motive was covered with feigned objections and subtil refinements never before Offered to an Assembly of this province

Most Gracious Sovereign we defer mentioning many Abuses of Power and Acts of Oppression other than these which constrained by the necessity of the times and the desponding situation of the Province, we have already related, nothing less than the prospect of impending ruin and disolation would induce us at this time to remonstrate against the Conduct of a Governor to the ease and Happiness of whose administration we vainly Endeavour to contribute; for sometimas we have remained passive under the yoke of oppression unwilling to interrupt the important avocations which necessarily engage your Majestys Attention but preceiving ourselves on the brink of Anarchy and ruin—We therefore with all humility and duty most Humbly supplicate your Majesty's justice and speedy relief

S. SWANN Speaker

By Order

W^m HERRITAGE Clk.

23rd May 1760.

Resolved the following Message be sent to His Excellency the Governor—Viz^t

TO HIS EXCELLENCY ARTHUR DOBBS ESQ^r GOV^r OF NORTH CAROLINA

Sir We have under our Consideration your Answer to our Message relative to the Court Bill, In which give us leave to say that in our apprehension what you have Offered carried rather the Air of a Declaration against certain Gentlemen who for their well Intended Services to the Public deserve the thanks of the Province than reasons for not passing the Bill with respect to the Compliment you have been pleased to bestow on this House by Insinuating that they have been Mised in regard to that useful Bill, we can only say we are sorry you have suffered your ear to have been abused by some ill designing person and that your assenting to such a Bill would give universal satisfaction to the People, Prevent the like Mischiefs

which have happened from the Incompetency of Justices under the Supreme Court Laws of your Excellencys Appointment, The delays which have been owing to *advisaris* in Causes plain and easy to be understood by Lawyers And the Erroneous Judgments given by those lay Judges abundantly show the necessity of the regulation contended for by the Assembly Not to mention other Instancees—The Corporal Punishment, Inflicted by Order of Mr. Spaight a Judge of New Bern Supreme Court on an Innocent Person without Tryal by Jury in Manifest violation of Law, and contrary to the Great Charter of English Liberties is an argument unanswerable in favour of such an Establishment, And the Pertinacious Adherence to the Letter of an Instruction in a matter that could not have been had in Contemplation at the time it was framed when other Instructions in things of less moment to the Public have been easily got over to Answer Particular Purposes, If we may be allowed to speak the sentiments of our Constituents, Shews an unreasonable Desire to retain the Power of Appointing Judges for private Views and Partial Ends—It gives us the Greatest concern that we should differ in Sentiments with your Excellency. We have made it our study to render your Administration Easy and happy ; but when all our Endeavours for his Majestys Service and the Interest of his Subjects are represented in the most Disagreeable Lights, we can only say we have the Comfort of a good Conscience, our Cause is that of Establishing freedom to a most Loyal People who considering their circumstances have discovered an unexampled Liberality in Contributing to the defence of his Majestys Rights and Possessions tho' they have been unhappy in never having hitherto been able to procure the Appointment of a Public Agent to represent their Dutiful Behaviour to his Majesty and the Boards in England and if we are refused your Excellencys Assent to an Establishment of Legal Judicature Analagous to that of our Mother Country and other of the Colonies our only consolation will be that we may have exerted our honest Endeavours to accomplish so valuable a Purpose in behalf of a People who have with the Greatest Cheerfulness and Alacrity embraced every opportunity of Demonstrating their Duty and Loyalty to the best of Kings, on whose Beneficence Justice and goodness under God they place their sole Reliance As to what your Excellency has been pleased to say relative to Commissions of Oyer and Terminer for the Tryal of those Licentious Rioters who by their dangerous and Treasonable Practices with Impunity have disturbed the Public Peace and Tranquillity—We humbly apprehend that from the Gen-

eral Defection in the Parts of the Province in which they commit their outrages such Commissions would have no other Effect than to bring the Rage of Unruly Mobbs on such as should act under them— And we are extremely concerned to find that those mobbs Increase in their numbers and Influence by several of their Ringleaders being Honored with your Excellencys Commissions as Justices and Militia Officers—We cannot conclude without expressing our Sorrow that the Chief Justice and Attorney General should have Incurred your Excellencys displeasure by giving their Candid Sentiments in Consequence of your Command on Certain ensnaring Queries proposed to them on some Extracts of your Excellencys Instructions; as your censures on these Genⁿ Constitute a Considerable part of your Excellencys Message and we have been Witnesses of their Honourable Conduct we think it our duty to testify our thanks for the Honest Opinions they have given, the motives of which however they may have been represented to your Excellency we are well Satisfied have been neither more nor less than an inviolable Attachment to the true Interest and honor of the Crown and the Safety and preservation of the Subject which in the Present distress confusion and Public Calamity renders the passing the Court Bill as it is now framed of Indispensible Necessity.

SAM^l SWANN Speaker

By Order

W^m HERRITAGE Clk

23^d May 1760.

Sent the above message by Mr. Ashe and Mr. McCulloch.

Resolved, That John Starkey Esq^r Examine state and settle the accounts relative to the several Aids Granted by this Province during the Present War in the recess of the Assembly, and make report of his proceedings therein to the next Session of Assembly and that the Clerk deliver to him the necessary papers for that purpose.

Mr. Harnett Chairman of the Committee of Public Accounts Reported that the Committee had stated and settled several Accounts which he laid before the House and were Read.

Resolved the House agree thereto and that the same be sent to the Council for Concurrence.

Sent the same to the Council for Concurrence by Mr. Cary and

Resolved, That it appear to the Assembly that Col Hugh Waddell who has been appointed Commander of some of the forces raised in this Province for his Majestys Service and who has been Intrusted by the Governor with applying part of the Money Granted by the

General Assembly for raising and paying the said Forces has fully and fairly accounted for all the said Monies as has come to his Hands.

His Excellency the Governor sent a Message to the House requiring the immediate attendance thereof in the Council Chamber with such Bills which are passed and Engrossed.

Mr. Speaker with the House attended on the Governor in the Council Chamber and Mr. Speaker presented to his Excellency the following Engrossed Bills for his assent (to-wit)

1. The Act for making Provision for an Orthodox Clergy
2. The Act for the better care of Orphans, and Security and management of their Estates
3. The Act for Establishing Superior Courts of Pleas and Grand Sessions &c
4. The Act to Establish Inferior Courts of Pleas and Quarter Sessions &c
5. The Act directing the method of Appointing Jurymen in all Causes Criminal and Civil &c
6. The Act to Improve the Navigation from Howards Bay in New River in Onslow County to Bear Inlett
7. The Act for enlarging the time for the inspection of Tobacco at the Public Ware house in the Town of Halifax for Increasing the Salaries of the Inspectors of the said Ware House and for other purposes therein mentioned
8. The Act for confirming an agreement made by the Present Church Wardens and Vestry of Edgecomb Parish in Halifax County with the Rev^d Mr. Thomas Burgess &c.
9. The Act for Establishing Vestries
10. The Act for Repealing the several Acts therein mentioned

To all which Acts His Excellency was pleased to Assent—Except the Act for Establishing Superior Courts of Pleas and Grand Sessions—And the Act for repealing the Several Acts therein mentioned.

The House returned and Mr. Speaker Reported that His Excellency the Governor had assented to the foregoing Bills Except the Superior Court Bill and the Bill for repealing the Several Acts therein Mentioned which his Excellency refused to Assent unto.

Agreeable to the resolve of this Day Mr. Speaker in the name of the House returned Thomas Child Esq^r Attorney General the Thanks of the House for his candid advice to His Excellency the

Governor regarding his passing the Superior and Inferior Court Bills

Received from the Council the Report of the Committee of Claims and Accounts Endorsed 23^d May 1760 Concurr'd with

JAMES HASELL P. C.

Then the House adjourned till 9 °Clock to morrow morning

Test W^m HERRITAGE Clk.

Memorandum The Assembly was this Evening Prorogued by his Excellency by Proclamation under the Great Seal of the Province untill the Twenty sixth day this Instant.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 30.]

NORTH CAROLINA—SS.

At an Assembly begun and held at New-Bern the twenty fourth day of April in the year of our Lord one thousand seven hundred and sixty and in the thirty third year of the reign of our Sovereign Lord George the second by the Grace of God of Great Britain France and Ireland King &c and continued from thence by prorogation and adjournment to the 26th May in the year aforesaid being the second Session of this present Assembly.

In the Upper House
Present.

| | | | | | |
|------------------------|---|-----------------|------------------|---|-------------------|
| The Hon ^{ble} | { | Jas. Hassell. | Lewis de Rossett | } | Esq ^{rs} |
| | | John Swann. | John Rieussett | | |
| | | John Dawson. | Richard Spaight | | |
| | | & Charles Berry | | | |

His Excellency the Governor came to this House & having commanded the attendance of the Assembly made to both Houses the following Speech

GENTⁿ OF HIS MAJ. COUNCIL, MR. SPEAKER AND GENTⁿ OF THE ASSEMBLY

I have now called you together after a short prorogation that you may have an opportunity to reconsider the Superior Court Bill that you may either expunge the clauses that are contrary to His Maj. instructions or to make it temporary for two years until His Maj.

pleasure is known whether to continue it or not as I propose to prorogue you tomorrow by proclamation You will also consider whether you can pass a proper Aid Bill hitherto delayed so as to answer the purposes of Secretary Pitt's letter though I am afraid it too late for the service as required by his letter which was laid before you last Session

MR. SPEAKER AND GENTⁿ OF THE ASSEMBLY

As the time is now so short and the greatest dispatch necessary to finish whatever shall be done this Session I shall avoid giving any delay by making at present any remarks on your last message to me.

Received from the Assembly by Mr. Cary & Mr. Harris a Bill for establishing Superior Courts of Pleas and Grand Sessions.

On motion Ordered the said Bill to be read Read the same first time & pass'd.

Received from the Assembly by Mr. Vail and Mr. Ashe a Bill for granting an aid to His Majesty &c.

On motion order'd said Bill to be read, Read the same the first time and pass'd

Received from the Assembly from [by] Mr. Houston & Mr. Mackey a Bill for appointing an Agent to solicit and represent the affairs of this Province at the several Boards in England.

On motion order'd the said Bill be read, Read the same the first time and passed

Received from the Assembly by Mr. Saunderson and Mr. Hewes a Bill for establishing Superior Courts of Pleas &c.

On motion order'd the said Bill be read, Read the same the second time and pass'd.

Received from the Assembly by Mr. Gibson & Mr. Waddell a Bill for granting an aid to His Majesty &c and a Bill for appointing an Agent &c.

Then the House adjourned till 3 o'clock in the afternoon.

The House met according to adjournment

Present as before.

Received from the Assembly by Mr. Barrow and Mr. Blount a Bill for establishing Superior Courts of Pleas &c. And a Bill for repealing an Act therein mentioned.

On motion order'd the Bill for establishing Superior Courts of

Pleas &c. be read, Read the same the third time & order'd to be Engrossed

On motion order'd the Bill for granting an aid to His Majesty &c. be read. Read the same the second time amended and pass'd

Received from the Assembly by Mr. Gibson and Mr. Waddell a Bill for appointing an Agent &c.

On Motion order'd the said Bill be read. Read the same the second time amended and pass'd.

On Motion order'd the Bill for repealing an Act therein mentioned be read. Read the same the first time and pass'd.

Received from the Assembly the follow^g Resolve

GENTLEMEN OF HIS MAJ. HONORABLE COUNCIL

This House have resolved that Robt. Campbell who was a soldier under the command of Capt. Hugh Waddell and was shot scalped & wounded in the service of this Province and so disabled as to be under a perpetual disability of gaining hereafter his livelihood be allowed for his present subsistence the sum of Twenty Pounds and that Capt. Hugh Waddell pay the said sum and be allowed the same on his passing his accounts with the public. And also that Thos. Kersey one of the Volunteers concerned in the taking the scalps produced to this Assembly and was then shot through the Body and at present unfit for labour be allowed Ten Pounds to be paid also by Capt. Hugh Waddell and allow'd him on passing his accounts with the public to which desire Your Honors concurrence

SAM. SWANN, Speaker

26th May 1760.

On Motion order'd the above Resolves be taken into consideration, the same were taken into consideration and concurred with

Then the House adjourned [till] tomorrow Morn^g 9 o'clk.

Tuesday 27th May 1760. The House met according to Adjournment

Present as before

Received from the Assembly by Mr. Barrow and Mr. Gibson a Bill for appointing an Agent &c and a Bill for repealing an Act therein ment^d

On Motion order'd the last mentioned Bill be read. Read the same the second time & pass'd.

Received from the Assembly by Mr. Barker and Mr. Starkey a Bill for granting an aid to His Majesty &c.

On motion order'd the said Bill be read. Read the same the third time and pass'd. Order'd to be engross'd.

Received from the Assembly by Mr. M^cTyre and Mr. Ethridge a Bill for repealing an Act therein mention'd.

On motion order'd the said Bill be read. Read the same the third time & pass'd. Order'd to be engross'd

On motion order'd the following Message be sent to the Assembly.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time in this House the Bill for appointing a public Agent to solicit and represent the affairs of this Province at the several Boards in England we find you have appointed Mr. Anthony Bacon for Agent As we cannot agree in such appointment we hope you will nominate some other person We also are of opinion that five Members of this House ought to be of the Committee of Correspondence and have chosen the Hon^{ble} John Swann, Lewis De Rossett, John Rieussett, Charles Berry & Maurice Moore Esq^{res} in behalf of this House We would also propose all letters to the Agent or other business to be transacted with him be approv'd of by at least three Members of each House If you agree to these amendments be pleased to send some of your Members to see the necessary alterations made in the Bill.

Received from the Assembly the following Message

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

On reading your Message relative to the Bill for appointing an Agent we perceive that you object to the appointment of Mr. Bacon though no reason is offered to convince this House of the impropriety of such an appointm^t. This Province has long labour'd under great inconveniences for want of an Agent to represent their duty and loyalty to His Majesty and solicit their public affairs to the Boards in England in several Bills Mr. Abercrombie has been proposed by the Assembly and it being well known that his being nominated was the sole reason these Bills were not pass'd into Laws the House therefore to avoid all objections have nominated Mr. Bacon whose ability and integrity they are so well satisfied that they could not have apprehended there would have been any objection to him especially when it is considered that the Council have never hereto-

fore altered the Assembly's nomination of an Agent in a Bill and that the appointment made by this House in a Bill particularly for that purpose was in consequence of what the Governor had expressly recommended. However as no reason has been given by your Honours against Mr. Bacon's qualifications this House is of opinion that they ought not to deviate from their nomination and therefore cannot agree to the alteration Your Honors have proposed in that instance As to the alteration you have been pleased to propose by inserting five Members of your House to be added to the Committee of Correspondence and to render it necessary that three of the Members of the Committee of each House should approve of all letters to the Agent and other business to be transacted We are of opinion that these alterations if agreed to might frequently prevent the meeting of a quorum of the Committee to transact such business as might be necessary and would probably render the correspondence ineffectual.

This House are sorry therefore to find themselves under a necessity of disagreeing to the whole of the amendments proposed and hope on reconsideration your Hon^{rs} will pass the Bill as sent from the Assembly.

SAM^l SWANN Speaker

27th May 1760.

Received from the Assembly their Estimates of allowances &c. which on motion were read and concurred with

On Motion ordered the Bill for appointing an Agent &c. be put. The same was put & rejected.

Received from the Assembly the follow^g Message

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

The Chairman of the Committee of Public accounts having informed this House that Mr. Barker the Treasurer of the Northern District has paid into the said Committee in public notes of credit £16 redeemable the 29th Sept. 1758, £70 redeemable the 10th Dec. 1758, and £1,089.10.0. redeemable the 12th Dec. 1759 which together with £85.9.3½ interest which had accrued on the said notes at the times they were redeemable amount [to] Twenty hundred and sixty Pounds nine shillings and three pence half penny this House have therefore appointed a Committee of the whole House to see the said notes burnt at the house of Richard Cogdell in New Bern at 7 o'clk

this Evening and desire you'll appoint a Committee of your House to see the same done.

SAM. SWANN Speaker

27th May 1760.

Received from the Assembly the follow^g Resolve

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House have resolved that the expenses of the person who is come express from the Lieut. Governor of Virginia to His Excellency whilst in Town and also twenty shillings to Richard Cogdell for necessaries found by him for the Tuscarora Indians be paid by the Treasurer of the Southern District and shall be allowed him on passing his accounts with the public and desire your Honor's concurrence thereto.

SAM^r SWANN Speaker

27 May 1760.

On motion order'd the above Resolve be taken into consideration, the same was taken into consideration and concurred with

On Motion order'd the following Message be sent to the Assembly

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message of this day relative to burning the several sums paid into the Committee of Accounts by Mr. Barker Treasurer of the Northern District this House have resolved that a Committee of the whole House join your Committee to see the same done agreeable to your Message.

His Excellency the Governor came to this House and commanded the attendance of the Assembly whereupon the Speaker attended by the Assembly waited upon His Excellency in the Council Chamber and presented him the following Acts for assent

1. An Act for granting an aid to His Majesty
 2. An Act for establishing Superior Courts of Pleas and Grand Sessions.
 3. An Act to repeal an Act therein mentioned
- To which Acts His Excellency was pleased to assent except the Bill for granting an Aid to His Majesty &c. and then made to both Houses the following Speech

GENTLEMEN OF HIS MAJ. COUNCIL MR. SPEAKER AND GENTLEMEN OF
THE ASSEMBLY

I could not pass the Aid Bill as it has hitherto been delayed so long and is besides restrained and clogged in such a manner as to be of no service to His Majesty and this Province even in the War against the Cherokees. In the first place no more than twenty shillings bounty to raise the men when they could not be completed in two months upon a former expedition when a Bounty was given of ten pounds.

Secondly Warrants are ordered to be given by the Governor to such persons of the Militia or others who are to raise the men and after forty days upon their returns to me I am to grant Commissions to those who shall have raised most men and the major who is to command the first Company of one hundred men must either be an inexperienced Officer or the present Senior Officer must be removed from a disciplin'd established Company which may be reduced soon after and all other officers are to have rank according to the number each raises whether qualified or not for their post and the Officers who are now in pay and the disciplined soldiers are not to be employed or act in the three Companies which are to serve against the Cherokees or elsewhere on this Continent & consequently an inexperienced Officer must have the command abroad with undisciplined men and experienced Officers must be kept in garrisons.

Thirdly these Companies cannot be officer'd during forty days and consequently can be of no service to you or the Virginia Forces if any should be sent nor are there arms in the Province serviceable to enable them to act, whereas had they been raised earlier and had all been allowed to join His Maj. Forces they might then have got arms from His Majesty and the only arm'd & disciplined Company His Majesty is to be deprived of in case the men should be required abroad which is confined to the Continent.

Upon the whole it is impossible they should be raised in time to do any service in Foreign operations or against the Cherokees for the attack now formed against the Cherokees by So. Carolina will probably be over before any of these men propos'd can act and a peace concluded with them. The consequence of which is that these men propos'd must again be reduced when the service they are wanted for is over the whole scheme being calculated to have £12,000 Currency issued without a sinking fund and made a tender in all payments which you would have me pass contrary to my Instructions from His Majesty and as soon as a small part thereof is expended to

no purpose then the remainder is to be applied to the contingent charges of the Province but lock'd up and not to be apply'd but by future General Assemblys with a view of lodging it with the Treasurers and paying them for issuing it and so depreciating the present currency so that if there was never so great an emergency by insurrections invasions or other misfortunes the Governor and Council cannot employ it upon any necessary contingency.

Sent to the Assembly the estimate of allowances &c. of this House for their concurrence And received it from the Assembly concurr'd with.

Then his Excellency the Governor prorogued this Assembly till the ninth day of September next

True Copy

JOHN SMITH

Clk of the Upper House of Assembly.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 29.]

NORTH CAROLINA—SS.

At an Assembly begun and held at New Bern the Twenty second day of April in the thirty third year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King and so forth and in the year of our Lord one thousand seven hundred and sixty and from thence continued by several prorogations and adjournments to the twenty sixth day of May in the said thirty third year of the reign of our said Lord the King &c to be then held at New Bern being the second Session of this present Assembly

Monday the 26th of May 1760

Members present

Samuel Swann Esq. Speaker.

| | | |
|---------------------------|----------------------------|-------------------------------|
| Mr. Jno. Starkey. | Mr. Fras. Corbin. | Mr. Jno. Barrow. |
| Mr. Ed ^w Vail. | Mr. Duncan Lemon. | Mr. Sam. Swann j ^r |
| Mr. Cor. Harnett. | Mr. Jno. Simpson. | Mr. Steph. Dewey. |
| Mr. Thos. Gibson. | Mr. W ^m Mackey. | Mr. Robt. Harris. |
| Mr. Sam. Benton. | Mr. Alex. McCulloh. | Mr. Needham Bryan. |
| Mr. Caleb Ethridge. | Mr. Thos. Graves. | Mr. Jos. Bell. |
| Mr. Jacob Blount. | Mr. W ^m Bray. | Mr. Jacob Farrow. |
| Mr. And. Thomson. | Mr. Steph. Hooker. | Mr. Tyre Harris. |
| Mr. John Hill. | Mr. Steph. Williams. | Mr. Thos. Taylor. |

| | | |
|-----------------------|--------------------|-------------------|
| Mr. Edm. Smithwick | Mr. Moses Houston. | Mr. Hugh Waddell. |
| Mr. Mich. Coutanche | Mr. Jno. Ashe. | Mr. Jas. Cary. |
| Mr. Rich. Saunderson. | Mr. Jas. Blount. | Mr. Wm. Williams. |
| Mr. Wm. Fareby. | Mr. Jos. Leech. | Mr. Robt. Jones. |
| Mr. Thos. Barker. | Mr. Thos. Child. | Mr. Jos. Hewes. |
| Mr. Wm. Magee. | Mr. Jas. Davis. | Mr. John Frohock. |
| Mr. Thos. Bonner. | | |

His Excellency sent a Message to the House requiring the immediate attendance thereof in the Council Chamber

Mr. Speaker with the Members waited on His Excellency in the Council Chamber when His Excellency was pleased to make a Speech to His Majesty's Council and this House

Mr. Speaker with the House returned and Mr. Speaker reported that he with the House had waited on His Excellency the Governor in the Council Chamber where His Excellency made a Speech to His Maj. Council and this House a copy of which to prevent mistakes he had obtained and laid the same before the House. Ordered the same be read the same is read and is as follows Viz^t

GENTLEMEN OF HIS MAJ. HON^{ble} COUNCIL MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

I now have called you together after a short prorogation that you may have an opportunity to reconsider the Superior Court Bill, That you may either expunge the clauses that are contrary to His Maj. instruct^s or make it temporary for two years until His Maj. pleasure is known whether to continue it or not as I purpose to prorogue you tomorrow by Proclamation You will also consider whether you will pass a proper Aid Bill hitherto delayed so as to answer the purposes of Secretary Pitt's letter though I am afraid it is too late for the service as required by his letter which was laid before you last Session.

Mr. Speaker & Gentlemen of the Assembly As the time is now so short and the greatest dispatch necessary to finish whatever shall be done this Session I shall avoid giving any delay by making at present any remarks on your last message to me.

ARTHUR DOBBS.

The House having taken His Excellency's Speech into consideration are of opinion that the time proposed by His Excellency for the continuance of this Session is too short to admit of the usual cere-

mony of addressing him in answer to his Speech and therefore it is Resolved that the Assembly immediately proceed upon the matters recommended to their consideration by the Governor.

Mr. Jones moved for leave to bring in a Bill for establishing Superior Courts of Pleas and Grand Sessions and other purposes.

Ordered that he have leave and that he prepare and bring in the same

Mr. Jones brought in the above said Bill which he read in his place and delivered in at the table where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Cary and Mr. Tyre Harris.

Mr. Jones moved for leave to bring in a Bill for granting an Aid to His Majesty & other purposes

Ordered that he have leave and that he prepare and bring in the same

Mr. Jones brought in the above said Bill which he read in his place and delivered in at the table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Vail and Mr. Ashe.

On Motion the House Resolved as follows (Viz:) Resolved that it is of indispensable necessity to the welfare of this Province that some person of ability and address be appointed as a public Agent to represent to His Majesty and solicit at the Boards in England such matters as may be necessary relative to the Provincial Affairs.

Resolved that Mr. Anthony Bacon of London Merchant be appointed Agent of this Province for the purposes aforesaid for the space of two years and for his Salary shall be paid Two Hundred pounds per ann: sterling money

Resolved that Samuel Swann John Starkey George Moore and John Ashe Esq^{res}. or any three of them be a Committee of Correspondence and be empowered to correspond with the said Anthony Bacon on the business of the public and communicate to him such documents matters and things as may be necessary for the information and instruction therein.

Mr. Barker moved for leave to bring in a Bill to appoint a public Agent to solicit and represent the affairs of this Province at the several Boards in England.

Ordered that he have leave and that he prepare and bring in the same

Mr. Barker brought in the above mentioned Bill which he read

in his place and delivered in at the table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Houston and Mr. Mackey.

Received from the Council the Bill for establishing Superior Courts of Pleas and Grand Sessions and for other purposes. Endorsed 26th May 1760 in the Upper House read the first time and passed.

On Motion Order'd the Bill for establishing Superior Courts of Pleas and Grand Sessions and for other purposes be read the second time Read the same the second time passed Order'd to be sent to the Council.

Sent the same to the Council by Mr. Saunderson and Mr. Hewes

Received from the Council the Bill for granting an Aid to His Majesty & other purposes. Endorsed 26th May 1760 In the Upper House read the first time and passed.

On Motion Ordered the Bill for granting an Aid to His Majesty and for other purposes be read a second time Read the same a second time passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Gibson & Mr. Waddell

Received from the Council the Bill for establishing Superior Courts of Pleas and Grand Sessions and for other purposes Endorsed in the Upper House Read the second time and passed 26 May 1760.

And the Bill for appointing a public Agent to solicit and represent the affairs of this Province at the several Boards in England. Endorsed 26 May 1760 in the Upper House read the first time and passed

On motion Ordered the Bill for appointing a public Agent to solicit and represent the affairs of this Province at the several Boards in England be read a second time Read the same a second time amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Gibson and Mr. Waddell.

On motion Ordered the Bill for establishing Superior Courts of Pleas and Grand Sessions and for other purposes be read a third time Read the same the third time passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Barrow and Mr. Blount.

Mr. Barker moved for leave to bring in a Bill for repealing an Act therein mentioned.

Ordered that he have leave and that he prepare and bring in the same.

Mr. Barker according to order brought in the above mentioned Bill which he read in his place and delivered in at the table where

the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Barrow & Mr. Blount.

Then the House adjourned till 3 o'clock afternoon

P. M. The House met according to adjournment.

On motion Ordered the consideration of the several Petitions from the inhabitants of Beaufort County for and against the division of the said County be referred to the next Session of Assembly.

Received from the Council the Bill for establishing Superior Courts of Pleas and Grand Sessions &c. Endorsed 26 May 1760 in the Upper House read the third time and passed Ordered to be Engrossed.

It appearing to the House that Robt. Campbell who was a soldier under the command of Capt. Hugh Waddell had been shot scalped & wounded in the service of this Province and so disabled as to be under a perpetual disability of hereafter gaining his livelihood.

Therefore Resolved that for his present subsistence he be allowed the sum of Twenty Pounds and that Capt. Hugh Waddell pay the said sum and be allowed the same on his passing his accounts with the public.

It appearing to the House that Thomas Kersey one of the Volunteers concerned in the taking the scalps produced to this Assembly had been shot through the Body and is at present unfit for labour

Therefore Resolved he be allowed the sum of Ten Pounds Proclamation and be paid the same by Capt. Hugh Waddell and allowed him on passing his accounts with the public.

Resolved the following Message be sent to the Council, Viz:

GENTLEMEN OF HIS MAJ. HON^{ble} COUNCIL

This House have resolved that Robert Campbell who was a soldier under the command of Capt. Hugh Waddell and was shot scalped and wounded in the service of this Province and so disabled as to be under a perpetual disability of hereafter gaining his livelihood be allowed for his present subsistence the sum of Twenty Pounds and that Capt. Hugh Waddell pay the said sum and be allowed the same on his passing his accounts with the public And also that Thomas Kersey one of the Volunteers concerned in the taking the scalps produced to this Assembly and was then shot through the Body and at present unfit for labour be allowed Ten Pounds to be

paid also by Capt. Hugh Waddell and allowed him on passing his accounts with the Public to which desire Your Honours concurrence.

SAM. SWANN, Speaker

By Order W^m. HERRITAGE Clk
26 May 1760.

Sent the above Message by Mr. Waddell and Mr. Harnett.

Received the above Message from the Council Endorsed 26 May
Concurred with

JAS. HASELL, P. C.

Received from the Council the Bill for granting an aid to His Majesty and other purposes. Endorsed 26 May 1760 in the Upper House Read the second time amended and passed

The House came to the following Resolution thereon (Viz:)

Resolved that the Council by having altered the said Bill have invaded the indubitable privileges of this House of framing aid Bills for His Maj. service in such manner as they think most conducive to the purposes intended by such Bills

Resolved that the Council by the alteration they have made in the said Bill have manifested an intention to interrupt the harmony which ought to subsist between that Board and this House and to defeat the dutiful endeavours of the Assembly in granting the said Aid.

Resolved that the Assembly being desirous of every opportunity of demonstrating their loyalty to His Majesty by exerting their ardent endeavors for his service will not at this important crisis reject the said Bill But notwithstanding the said unparliamentary proceedings of the Council will proceed on the same.

Then the House adjourned till tomorrow morning 7 °Clock

Tuesday the 27th of May 1760. The House met according to adjournment

On Motion Resolved that the proceeding in the Aid Bill after the alteration made by the Council shall not hereafter be drawn into precedent to give them any right to make any alterations in Money Bills

Received from the Council the Bill for repealing an Act therein mentioned. Endorsed 26th May 1760 in the Upper House Read the first time and passed.

And the Bill for appointing a Public Agent to solicit and repre-

sent the affairs of this Province at the several Boards in England Endorsed 26th May 1760 in the Upper House Read the second time amended & pass'd.

On Motion Ordered the Bill for repealing an Act therein mentioned be read a second time Read the same a second time passed & Order'd to be sent to the Council.

Sent the same to the Council by Mr. Barrow and Mr. Gibson.

On Motion Ordered that the Bill appointing a Public Agent to solicit and represent the affairs of this Province at the several Boards in England be read the third time Read the same the third time amended passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Barrow and Mr. Gibson.

On Motion Ordered that the Bill for granting an Aid to His Majesty and for other purposes be read the third time. Read the same a third time amended and passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Barker and Mr. Starkey.

Received from the Council the Bill for repealing the Act therein mentioned Endorsed 27 May 1760 In the Upper House read the second time and passed

On Motion Ordered the Bill for repealing an Act therein mentioned be read a third time Read the same a third time passed & Ordered to be sent to the Council

Sent the same to the Council by Mr. Tyree Harris and Mr. Caleb Ethridge.

Received from the Council the Bill for granting an Aid to His Majesty &c. Endorsed 27 May 1760 In the Upper House Read the same a third time passed & Ordered to be engrossed.

Received from the Council the Bill for repealing an Act therein mentioned Endorsed 27 May 1760 In the Upper House read the third time & passed Ordered to be Engrossed.

Received from His Maj. Hon^{ble} Council the following Message (viz.)

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading in this House the third time the Bill for appointing a public Agent to solicit and represent the affairs of this Province at the several Boards in England We find you have appointed Mr. Anthony Bacon for Agent As we cannot agree with you in such appointment We hope you will nominate some other person We also are of opinion that five Members of this House ought to be of the Committee of Correspondence and have chosen the Hon^{ble} John

Swann, Lewis De Rossett, John Rieusset, Charles Berry and Maurice Moore Esq^{res} on behalf of this House We would also propose that all letters to the Agent or other business to be transacted with him be approved of by at least three Members of each House. If you agree to these amendments be pleased to send some of your Members to see the necessary alterations made.

Resolved the following Message be sent to the Council (viz:)

GENTLEMEN OF HIS MAJ. HON^{ble} COUNCIL.

On reading your message relative to the Bill for appointing an Agent we perceive that you object to the appointment of Mr. Bacon though no reason is offered to convince this House of the impropriety of such appointment This Province has long laboured under great inconveniency for want of an Agent to represent their duty and loyalty to his Majesty and solicit their public affairs at the Boards in England. In several Bills Mr. Abercrombie has been proposed by the Assembly and it being well known that his being nominated was the sole reason those Bills were not passed into law the House therefore to avoid all objection have nominated Mr. Bacon of whose ability & integrity they are so well satisfied that they could not have apprehended there would have been any objection to him especially when it is considered that the Council have never heretofore altered the Assembly's nomination of an Agent in any Bill And that the appointment made by this House in a Bill particularly framed for that purpose was in consequence of what the Gov^r had expressly recommended. However as no reason has been given by Your Honors against Mr. Bacon's qualifications This House is of opinion that they ought not to deviate from their nomination and therefore cannot agree to the alteration you propose in that instance. As to the alterations you have been pleased to propose as an amendment by inserting five Members of your Board to be joined to the Committee of Correspondence and to render it necessary that three of the Members of the Committee of each House should approve of all letters to the Agent and other business to be transacted, We are of opinion that these alterations if agreed to might frequently prevent the Meeting of a quorum of the Committee to transact such business as might be necessary and would probably render the Correspondence ineffectual This House therefore are very sorry to find themselves under a necessity of disagreeing to the whole of the amendments proposed and

hope on reconsideration your Honors will pass the Bill as sent from the Assembly.

SAM. SWANN, Speaker.

By Order W^m HERRITAGE Clk.
27th May 1760

Sent the above Message by Mr. Hutchins and Mr. Vail.

Resolved the following Message be sent to His Maj. Hon^{ble} Council (Viz^t)

GENTLEMEN OF HIS MAJ. HON^{ble} COUNCIL

The Chairman of the Committee of public accounts having informed the House that Mr. Barker Treasurer of the Northern District paid into the said Committee in public notes of credit £16 redeemable 29th Sept. 1758, £70. redeemable 10th Dec. 1758 and £1,089.10 redeemable 12th Dec. 1759 which together with £85.9.3½ interest which had accrued on the said notes at the times they were redeemable amount to twelve hundred and sixty pounds nineteen shillings & three pence half penny This House have therefore appointed a Committee of the whole House to see the said notes burnt at the House of Richard Cogdell in New Bern at 7 o'clock this evening and desire you'll appoint a Committee of your House to see the same done.

SAM. SWANN Speaker.

Then the House adjourned till 3 o'clock afternoon

The House met according to adjournment

Resolved that the expenses of the person who came express from Virginia to His Excellency whilst in Town and also that the sum of Twenty two shillings Proclamation money be paid to Richard Cogdell for necessaries found by him for the Tuscarora Indians whilst in Town this Session by the Treasurer of the Southern District & shall be allowed him on passing his accounts with the public.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJ. HON^{ble} COUNCIL

This House have Resolved that the expenses of the person who is come express from the Lieut. Gov. of Virginia to His Excellency whilst in Town and also twenty two shillings to Richard Cogdell for necessaries found by him for the Tuscarora Indians be paid by the

Treasurer of the Southern District and shall be allowed him on passing his accounts with the public and desire your Honor's concurrence thereto.

SAM. SWANN Speaker.

By order W^m HERRITAGE Clk.
27th May 1760.

Sent the above Message by Mr. Hutchins and Mr. Gibson.

On Motion Resolved that it appears to the House that Mr. James Davis hath complied with his Agreement in the Resolve of the Assembly of the 23 Dec. 1758 and that he is entitled to receive the consideration mentioned therein.

The Council having rejected the Bill for appointing Mr. Anthony Bacon of London Merchant Agent of this Province

On Motion Resolved that the said Mr. Bacon be appointed Agent for the Assembly of this Province for and during the space of two years from and after the first day of October next and empowered to solicit and transact all affairs relative to the proceedings of the said Assembly which shall or may be necessary to be represented and made known to His Majesty or any of the public Boards in England according as he shall from time to time be instructed or find necessary And for his services trouble and expences therein shall be allowed £200 sterling per annum during his said agency

Resolved that Samuell Swann John Starkey George Moore and John Ashe Esq^{res} or any three of them be and are appointed a Committee of Correspondence in behalf of the Assembly to correspond with the said Anthony Bacon and to communicate to him such documents matters and things as may be necessary for his information & instruction

Received from the Council the Resolves of this House sent this day regarding the payment of the expences of the person who came express from the Lient Gov. of Virginia &c. Endorsed 27 May 1760 in the Upper House the above Resolve was read and concurred with

JAS. HASELL P. C.

And a Message from the Council as follows. Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message of this day relative to burning the several sums paid into the Committee of Accounts by Mr. Barker Treasurer of the Northern District this House have Resolved that a

Committee of the whole House join your Committee to see the same done agreeable to your said Message

JAS. HASELL. P. C.

His Excellency the Governor sent a Message to the House requiring the immediate attendance thereof in the Council Chamber with the engrossed Bills.

Mr. Speaker with the House waited upon His Excellency in the Council Chamber and Mr. Speaker presented the following Bills for His Excellency's assent to wit—

The Bill for granting an Aid to His Majesty and other purposes, which His Excell^{ty} refused his assent to

The Bill for establishing Superior Courts of Pleas and Grand Sessions &c. and

The Bill to repeal an Act therein mentioned

To which two last mentioned Bills his Excel^{ty} was pleased to assent and made the following Speech to-wit:

GENTLEMEN OF HIS MAJ.'S COUNCIL MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

I could not pass the Aid Bill as it has hitherto been delayed so long and is besides restrained and clogged in such a manner as to be of no service to His Majesty and this Province even in the war against the Cherokees.

In the first place no more than twenty shillings is given as a Bounty to raise the men when they could not be completed in two months upon a former expedition when a Bounty was given of Ten Pounds Secondly Warrants are ordered to be given by the Governor to such persons of the Militia or others who are to raise the men and after forty days upon their returns to me I am to grant Commissions to those who shall have raised most men and the Major who is to command the first Company of one hundred men must either be an unexperienced officer or the present Senior Officer must be removed from a disciplined established Company to an undisciplined incomplete Company which may be reduced soon after and all other Officers are to have rank according to the numbers each raises whether qualified or not for their post And the officers who are now in pay and the disciplined soldiers are not to be employed or act in the three Companies which are to serve against the Cherokees or elsewhere on this Continent and consequently an unexperienced Officer must be made Major and other unexperienced

Officers must have the command abroad with undisciplined men and experienced men must be kept in garrisons.

Thirdly these Companies cannot be officered during forty days and consequently can be of no service to join the Virginia Forces if any should be sent nor are there arms in the Province serviceable to enable them to act Whereas had they been raised earlier and had all been allowed to joyn his Maj. forces they might then have got arms from his Majesty And the only armed and disciplined Company his Majesty is to be deprived of in case the men should be required abroad which is confined to the Continent Upon the whole it is impossible they should be raised in time to do any service in Foreign operations or against the Cherokees for the attack now formed against the Cherokees by South Carolina will probably be over before any of these men proposed can act and a Peace concluded with them The consequence of which is that these men proposed must again be reduced when the service they are wanted for is over The whole scheme being calculated to have £12,000 currency issued without a sinking fund and made a tender in all payments which you would have me pass contrary to my instructions from his Majesty And as soon as a small part thereof is expended to no purpose then the remainder is [not] to be applied for the contingent charges of the Province but locked up and not to be applied but by future General Assemblies with a view of lodging it with the Treasurers and paying them for issuing it and so depreciating the present currency so that if there was never so great an emergency by insurrections invasions, or other misfortunes the Governor and Council cant employ it upon any necessary contingency.

And then prorogued this Assembly to Tuesday the ninth day of September next.

Mr. Speaker with the House returned and Mr. Speaker pronounced the prorogation accordingly.

True Copy

W^m HERRITAGE

Clk of the Assembly.

30 June 1760.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 30.]

NORTH CAROLINA—SS.

At an Assembly begun and held at New Bern the twenty fourth day of April In the year of our Lord One Thousand seven hundred

and sixty and in the thirty third year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King, Defender of the faith &c. And continued from thence by Several prorogations and Adjournments to the thirtieth day of June in the year aforesaid being the third Session of this Assembly.

[In the Upper House]

Present

| | | | | |
|------------------------|---|------------------|---------------|----------------------|
| The Hon ^{ble} | { | James Hasell | Rich. Spaight | } Esq ^{res} |
| | | John Swann | and | |
| | | Lewis De Rossett | Maurice Moore | |

John Burgwin produced His Excell. the Governor's Commission appointing him the said John Burgwin Clerk of this House who took the State Oaths subscribed the Test and took an Oath for the due execution of this office as Clerk of the same.

His Excellency the Governor came to this House and having ordered the attendance of the Speaker and Lower House of Assembly delivered the following Speech to both Houses.

GENTLEMEN OF HIS MAJ. COUNCIL MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

Upon the receipt of a letter from Lieut. Gov. Bull which I shall lay before you acquainting me that the Upper Creeks had murdered many of their Indian Traders by the instigation of the French and that they expected an immediate general Indian War from the Creeks and probably the Choctaws would also join them which would put these Southern Provinces between two fires so that our neighbouring Provinces would be in imminent danger I thought it my duty by the advice of His Maj. Council to call you together and if necessary to put this Province in a state of defence and to support our Southern Neighbours since which by the blessing of God Col. Montgomery has given the Cherokees a considerable stroke which I hope by following the blow will bring that nation to peace and may prevent the general Indian War I therefore want your assistance if necessary to put this Province into a respectable state by renewing the Militia Law and if troops should be found necessary during this short session for the immediate assistance of our neighbours that I may have it in my power to raise what Troops you may think necessary for His Maj. service being unwilling without immediate danger to put this Province into any unnecessary expense.

I shall therefore leave it to your own wisdom and prudence how far you will arm further than putting the Militia under due regulations for your own safety and hope whatever you do it may be done with dispatch that I may dismiss you to attend your own private affairs having nothing further to recommend to you

This House having taken into consideration His Excellency's Speech Ordered it to be read which was accordingly done

Then the Hon^{ble} Lewis De Rossett and Maurice Moore Esq^{res} were appointed a Committee to draw up an Address in answer to His Excell. Speech

Then the House adjourned till to morrow morn^g 10 o'clk

Tuesday the 1st July 1760.

Present

| | | | | |
|------------------------|---|------------------|---------------------------|----------------------|
| The Hon ^{ble} | { | James Hasell | Rich ^d Spaight | } Esq ^{res} |
| | | John Swann | & | |
| | | Lewis de Rossett | Maurice Moore | |

The Committee appointed by this House to draw up an Address in answer to His Excel. the Governor's Speech reported that they had prepared the same which was ordered to be read The same was read and approved of and resolved that the same stand the Address of this House and be entered on the Journals thereof as follows, Viz:

SIR,

We His Maj. most dutiful and loyal subjects the Council of North Carolina return Your Excellency our thanks for your Speech at the opening of this Session.

The formidable alliance of those powerful Tribes of Indians to the Westward whose united force seem to threaten the most cruel Massacres if not the total destruction of the exterior settlements of these Southern Colonies is a prospect gloomy and highly affecting not only on account of the many useful Members of the Provinces in general which must fall a sacrifice to Barbarian cruelty but as in all probability it will affect an entire evacuation of the most flourishing part of this, We however trust that Divine Providence will extend its protecting arm and avert these evils to which at this juncture we are so apparently exposed by rendering those measures effectual which doubtless will be immediately taken by the Assem-

bly for our preservation and with which we shall most cheerfully concur

Then the House adjourned till tomorrow morning 9 o'clock.

Wednesday, July 2^d 1760. The House met according to adjournment

Present

| | | | | |
|------------------------|---|------------------|---------------|----------------------|
| The Hon ^{ble} | { | James Hasell | Rich. Spaight | } Esq ^{res} |
| | | John Swann | & | |
| | | Lewis de Rossett | Maur. Moore | |

This House waited on His Excellency and by the Hon^{ble} James Hasell presented him with their Address to which His Excellency was pleased to make the following answer to-wit

GENTLEMEN OF HIS MAJ. COUNCIL

I return you thanks for so readily promising to concur in such measures as the Assembly shall think proper to agree to in making provision in case the Indian War should continue and become general so as to put this Province into a respectable state.

Then the House adjourned till tomorrow morning 9 O'clk

Thursday Morn^g. July 3^d 1760. The House met according to adjournment

Present as above

Then the House adjourn'd till tomorrow morn^g. 9 o'clk.

Fryday Morn^g. July 4th 1760. The House met according to adjournment

Present as before

Then the House adjourned till tomorrow morn^g. 9 o'clk.

Saturday Morn^g. July 5th 1760. The House met according to adjournment

Present as before

Then the House adjourn'd till Monday Morn^g. 10. o'clk

Monday Morn^g. July 7th 1760. The House met according to adjournment

Present as before

Then the House adjourn'd till Tomorrow morn^g. 10. o'clk

Tuesday Morn^g July 8th 1760. The House met according to Adjournment

Present

| | | | | |
|------------------------|---|------------------|---------------|----------------------|
| The Hon ^{ble} | { | James Hasell | Rich Spaight | } Esq ^{res} |
| | | John Swann | & | |
| | | Lewis De Rossett | Maurice Moore | |

Received from the Assembly by Mr. Howe & Mr. Dry a Bill for granting an aid to His Majesty and other purposes, On motion ordered the said Bill be read. Read the same the first time amended and passed.

Received from the Assembly by Mr. Howe & Mr. Dry a Bill for appointing a public Agent to solicit & represent the affairs of this Province at the several Boards in England

Then the House adjourned till tomorrow morn^g 10 o'Clock

Wednesday Morn^g July 9th 1760. The House met according to adjournment

Present as before

Then the House adjourned till 3 o'clk in the afternoon

The House met according to adjournment

Present as before

And adjourned till 10 o'clock tomorrow morn^g.

Thursday Morn^g July 10th 1760. The House met according to adjournment

Present

| | | | | |
|------------------------|---|------------------|---------------|----------------------|
| The Hon ^{ble} | { | James Hasell | Rich. Spaight | } Esq ^{res} |
| | | John Swann | & | |
| | | Lewis De Rossett | Maurice Moore | |

Received from the Assembly by Mr. Harnett & Mr. Howe a Bill for granting an aid to His Majesty & other purposes.

On motion ordered the said Bill be read Read the same the second time amended & passed

Received from the Assembly by Mr. Hutchins and Mr. Frohock a Bill for appointing a Militia

On Motion ordered that the Bill for appointing a Public Agent to solicit and represent the affairs of this Province at the several Boards in England be read Read the same the first time & passed

Received from the Assembly by Mr. Harnett and Mr. Howe a Bill

for confirming the charter of the Borough of Wilmington and other purposes

On Motion ordered that the said Bill be read Read the same the first time and passed.

On Motion ordered that the Bill for appointing a Militia be read Read the same the first time amended and passed

Then the House adjourned till 10 o'clk tomorrow M^s

Fryday Morn^s July 11th 1760. The House met according to adjournment

Present

| | | | | | |
|------------------------|---|------------------|---------------------------|---|--------------------|
| The Hon ^{ble} | { | James Hasell | Rich ^d Spaight | } | Esq ^{res} |
| | | John Swann | & | | |
| | | Lewis De Rossett | Maurice Moore | | |

Received from the Assembly by Mr. Waddell and Mr. Baker a Bill for granting an aid to His Majesty &c.

On Motion ordered that the said Bill be read. Read the same the third time and passed

Ordered to be engrossed

Then the House adjourned till tomorrow M^s 10 o'clk

Saturday, July 12th 1760. The House met according to adjournment

Present

| | | | | | |
|------------------------|---|------------------|--------------|---|--------------------|
| The Hon ^{ble} | { | James Hasell | Rich Spaight | } | Esq ^{res} |
| | | John Swann | & | | |
| | | Lewis De Rossett | Maur. Moore | | |

Received from the Assembly by Mr. Harnett and Mr. Caswell the Bill for appointing a public Agent to solicit and represent the affairs of this Province at the several Boards in England.

Also a Bill for confirming the Charter of the Borough of Wilmington & other purposes.

On motion order'd that the Bill for confirming the Charter of the Borough of Wilmington and other purposes be read Read the same the second time and passed.

On motion ordered that the Bill for appointing a Public Agent to solicit and represent the affairs of this Province at the several Boards in England be read. Read the same the second time amended and passed

Received from the Assembly by Mr. Ashe and Mr. Bartram the Bill for appointing a Militia

On motion order'd that the same be read Read the same the second time amended & passed

Then the House adjourned till 3 o'clk in the afternoon

Saturday 3 o'clock afternoon The House met according to adjournment

Present

The Hon^{ble} { James Hasell. Rich. Spaight }
 { John Swann & } Esq^{rs}
 { Lewis de Rossett Maur. Moore }

Received from the Assembly by Mr. Howe and Mr. Davis a Bill for appointing a public Agent to solicit and represent the affairs of this Province at the several Boards in England

Received from the Assembly by Mr. Dry and Mr. Gibson the Bill for appointing a Militia

Then the House adjourned till Monday Morn^s 10 o'clk

Monday Morn^s July 14th 1760 The House met according to adjournment

Present

The Hon^{ble} { James Hasell. Rich. Spaight }
 { John Swann. & } Esq^{rs}
 { Lewis de Rossett Maur. Moore }

On motion order'd that the Bill for appointing a Militia be read Read the same the third time and passed Ordered to be engrossed

On motion ordered that the Bill for appointing a Public Agent to solicit and represent the affairs of this Province at the several Boards in England be read Read the same the third time and Ordered to lye over

Then the House adjourn'd till 3 o'clk in the afternⁿ

Monday afternoon July 14th 1760. The House met according to adjournment

Present

The Hon^{ble} { James Hasell. Rich. Spaight }
 { John Swann. & } Esq^{rs}
 { Lewis de Rossett. Maur. Moore }

Received from the Assembly the follow^s Resolves

GENTLEMEN OF HIS MAJ. HON^{ble} COUNCIL

As the Act for appointing James Davis, Printer for this Province

expires with this Session This House have resolved that the said James Davis be continued Printer to this Province from this time to the end of the next Session of Assembly and that he continue to print and transmit to the several Counties the Acts of Assembly and other public matters as usual to which desire your Honors concurrence

SAM. SWANN Speaker

By order. W^m HERRITAGE C^{lk}

14 July 1760

Tuesday the 27th May 1760 in the Assembly. Resolved that it appears to this House that Mr. James Davis hath complied with his Agreement in the Resolve of the Assembly of the 23rd of Dec^r 1758 and that he is entitled to receive the consideration mentioned therein

SAM. SWANN Speaker

Test. W^m HERRITAGE C^{lk} of the Assembly.

GENTLEMEN OF HIS MAJ. HON^{ble} COUNCIL

It having been made appear that James Keyon who was enlisted under Captain Waddell on an Expedition to the Ohio & after discharge appeared in this Province within the time limited by law to entitle him to Five Pounds Bounty Money but thro' sickness and other disability could not attend the Assembly to make his claim It is therefore Resolved that the Treasurer of the Southern District pay the said Five Pounds to the said Keyon and be allowed the same on passing his account with the public Desire Your Honor's concurrence thereto.

SAM. SWANN, Speaker

By order W^m HERRITAGE, C^{lk}.

14 July 1760

On Motion Ordered the foregoing Resolves be taken into consideration

The same were accordingly taken into consideration and concurred with.

Resolved that the sum of fifty shillings Proclamation Money be paid to the Clerk of this House for the time being on each private Bill one half of which to be paid before the first reading and the other half to be paid at or before the passing of the same

Received from the Assembly their Estimates of allowances &c. which on motion were read and concurred with

Sent to the Assembly the Estimate of allowances &c. of this House

for their concurrence & received it from the Assembly concurred with

His Excellency the Governor came to this House and commanded the attendance of the Assembly Whereupon the Speaker attended by the Assembly waited upon His Excellency in the Council Chamber and presented him the follow^g Acts for his Assent, Viz:

1st An Act for granting an aid to His Majesty

2^d An Act for appointing a Militia.

To which Acts his Excellency was pleased to assent and then made to both Houses the following speech, to-wit

GENTLEMEN OF HIS MAJ. COUNCIL, MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

I return you my thanks for the necessary aid you have granted to His Maj. upon this emergency in defence of this and our Neighbouring Provinces against the Indians and our inveterate enemies the French And that in granting it you had a just regard to His Maj. prerogative which you will always find the most prudent measure to secure your own rights and privileges and to procure You favour from the Crown and will enable me by obeying His Maj. instructions to concur with you in every measure which may promote the trade improvement and happiness of the Colony which shall be my sole view notwithstanding the calumnies spread against my administration by self interested and designing persons to gain their private ends which I hope will now subside when it shall be found that I shall be as tender of the Assembly's privileges as I shall be of His Maj. just prerogatives and hope for the future as we have by the Divine assistance a prospect of a safe and glorious Peace that I shall never have occasion to demand any future supplies but what shall be necessary for the interior safety and improvement of the morals trade and navigation of this Province.

Then His Excellency the Governor was pleased to prorogue this Assembly till the first day of September next

Test

JOHN BURGWIN
Clk of the Upper House.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 30.]

NORTH CAROLINA—SS.

At an Assembly begun and held at New Bern the twenty fourth day of April in the year of our Lord one thousand seven hundred

and sixty and in the thirty third year of the reign of our Sovereign Lord George the second by the grace of God of Great Britain, France and Ireland King Defender of the Faith &c. and continued from thence by several prorogations and adjournments to the fifth day of November in the year aforesaid being the fourth Session of this Assembly.

In the Upper House.

Present.

The Hon^{ble} $\left\{ \begin{array}{ll} \text{James Hasell} & \text{John Rieussett} \\ \text{John Swann} & \text{and} \\ \text{Lewis De Rossett} & \text{Mau^s Moore} \end{array} \right\} \text{Esq^{rs}}$

Then the House was prorogued till to morrow morning.

Thursday Nov 6th 1760. The House met according to Prorogation.

Present

The Hon^{ble} $\left\{ \begin{array}{ll} \text{James Hasell} & \text{John Rieussett} \\ \text{John Swann} & \text{and} \\ \text{Lewis De Rossett} & \text{Mau^s Moore} \end{array} \right\} \text{Esq^{rs}}$

Then the House adjourned till to morrow morning 10 o'Clock.

Fryday November the 7th 1760. The Assembly was again prorogued to this day and being met according to Prorogation.

In the Upper House

Present

The Hon^{ble} $\left\{ \begin{array}{ll} \text{James Hasell} & \text{John Rieussett} \\ \text{John Swann} & \text{and} \\ \text{Lewis De Rossett} & \text{Mau^s Moore} \end{array} \right\} \text{Esq^{rs}}$

Then the House adjourned till to morrow morning 10 o'Clock

Saturday morning November 8th 1760. The House met according to adjournment

Present

The Hon^{ble} $\left\{ \begin{array}{ll} \text{James Hasell} & \text{John Rieussett} \\ \text{John Swann} & \text{and} \\ \text{Lewis De Rossett} & \text{Mau^s Moore} \end{array} \right\} \text{Esq^{rs}}$

Then the House adjourned till tomorrow morning 10 o'Clock

Monday morning November 10th 1760. The House met according to adjournment

Present

The Hon^{ble} { James Hasell John Rieussett }
 { John Swann and } Esq^{rs}
 { Lewis De Rossett Mau^r Moore } Esq^{rs}

Then the House adjourned till tomorrow 10 °Clock

Tuesday November 11th 1760. The House met according to Adjournment

Present as before

Then the House adjourned to tomorrow morn^g 10 °Clock.

Wednesday November 12th 1760. The House met according to adjournment

Present

The Hon^{ble} { James Hasell John Rieussett }
 { John Swann and } Esq^{rs}
 { Lewis De Rossett Mau^r Moore } Esq^{rs}

His Excellency the Governor came to this House and commanded the Attendance of the Speaker and lower House of Assembly, who attended Accordingly, when his Excellency was pleased to deliver the following Speech to both Houses.

GENTLEMEN OF HIS MAJESTYS COUNCIL MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

It is with the greatest pleasure that I can acquaint you of the Glorious Conquest and Acquisition of all Canada by the remarkable Interposition and Assistance of Divine providence with a very inconsiderable Loss. The French having submitted to the Terms offered without the effusion of Blood, to the Immortal Honour of his Majestys Forces. Owing to the well concerted Plan laid by General Amherst, and to his Generous treatment of an Implacable Enemy.

This surprising success without Loss must conduce to a Speedy and Honourable Peace which will secure the future peace and safety of all his Majestys American Colonies, and our holy Religion Liberties and Possessions, upon which I sincerely congratulate you.

By the last advices I have received from the Lieuten^t Governors Fauquier and Bull which I shall lay before you. An offer of Peace and Pardon has been made to the Cherokees upon Honourable Terms to these Colonies, which if complied with will secure our future peace; And it at present appears that our Great Northern Success has intimidated the Indians so farr as to desire a Peace. But if

the terms proposed should not be accepted the adjoining Colonies are determined to exert their whole force to reduce them to such Terms as will prevent any dread of a future Indian warr, and therefore expect that this Province should join heartily in Exerting our force to Act in conjunction with them; As things are now brought to a Crisis, I must warmly and in the Strongest manner recommend it to you for your Honour as well as Interest not only to continue the force already raised in pay until a Peace is confirmed Effectually with the Cherokees, but also to add to the number already raised in proportion to our Neighbouring Colonies in order to obtain a Speedy Peace or reduce so treacherous an Enemy in case the present treaty should not succeed and I hope this may be the last supply his Majesty will ever require from you to secure your future Peace Religion and Liberties.

As I shall always be unwilling to load this Province with Taxes but for their own Safety in order to avoid any new Tax or Issueing of Notes to depreciate our Currency I shall enter into any reasonable measure that so much of the sum paid in to our Agent in London from the Treasury of which I have received Advice should be Employed to pay the forces already raised or which may be raised by Drawing Bills upon the Agents, until a peace shall be obtained or the Indian commotions subside.

Mr. Speaker and Gentlemen of the Assembly—I must also recommend it to you that One Thousand Pounds sterling should be paid out of the sum in the Agents hands to discharge the sum of one Thousand Pounds advanced by the Earl of Loudoun and Mr. Shirley to pay our forces in New York in order to take up Mr. Hugh Wallaces Bond which he gave upon the Credit of this Province and also to Pay him what Ballance still further Remains due to him upon your Passing his account as well as that sum advanced for the pay of our forces employed upon the Ohio upon the Credit of this Province by Brigadier Forbes, that this Colony may preserve its Honour and Credit abroad.

Gentlemen of his Majestys Council, Mr. Speaker and Gentlemen of the Assembly—I have nothing more to recommend to you but that you would think of giving a Premium to Encourage the raising and Exporting of Hemp to Great Britain to be upon an equal footing with your Neighbouring Colonies As also upon Flax Seed, And that the Inspection Laws might take place upon Tobacco and Flour upon Cape Fear River as they are likely to become articles of export And also that you would seriously consider of giving encouragement

for schools to be paid for the Education of your youth in Christian Principals and in other Branches of Learning that may make them Valuable members of Society.

As it has always been my principal View and Care to promote the Happiness peace and safety of this Province and to preserve his Majestys Just prerogative and the Just rights of the Assembly so I shall Join in every measure agreeable to my Instructions from his Majesty to procure unity and Harmony and the Peace safety and Improvement of this Province.

This House having taken into consideration his Excellency's Speech Ordered it to be read, which was accordingly done.

Then the Hon^{ble} John Swann, Lewis De Rossett and Maurice Moore Esq^{rs} were appointed a Committee to draw up an Address in Answer to his Excellency's Speech.

Then the House adjourned till tomorrow morning 10 °Clock.

Thursday Morning November 13th 1760. The House met according to adjournment.

Present

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|--------------------------|------------------|----------------|---------------------|
| The Hon ^{ble} { | James Hasell | John Rieussett | } Esq ^{rs} |
| | John Swann | and | |
| | Lewis De Rossett | Maurice Moore | |

Then the House adjourned till tomorrow morning 10 °Clock.

Fryday morning November 14th 1760. The House met according to adjournment.

Present as before.

Then the House adjourned till three °Clock in the afternoon.

Friday afternoon. The House met according to adjournment.

Present as before.

Then adjourned till tomorrow morning 10 °Clock.

Saturday morning November 15th 1760. The House met according to adjournment.

Present

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|--------------------------|------------------|----------------|---------------------|
| The Hon ^{ble} { | James Hasell | John Rieussett | } Esq ^{rs} |
| | John Swann | and | |
| | Lewis De Rossett | Maur Moore | |

The Committee appointed by this House to draw up an Address

in Answer to His Excellency the Governors Speech Reported that they had prepared the same which was Ordered to be read.

The same was Read and approved of; And Resolved that the same stand the address of this House and be Entered on the Journal thereof as follows (Viz^t

SIR—We his Majestys most dutiful and Loyal Subjects the Council of North Carolina return your Excellency our thanks for your Speech at the opening of this Session. The late great and important acquisition of all Canada under the Prudent Conduct of General Amherst and Valour of his Majestys Troops (which doubtless has been Influenced by the Wise and inevitable Decrees of Divine Providence) is an event truly Glorious to his Majestys Arms, and must Effectually secure the future peace and safety of North America.

It is on this Happy Occasion S^r that we beg leave to Assure you we have the most lively and Grateful sense of the care shewn to these Colonies by the best of Kings whose Wisdom and Paternal Affection for his American Children so repeatedly Testified in the many Vigorous and well concerted measures entered into during the Course of this War for their preservation, must fill the Hearts of all his Loyal Subjects with a most unfeigned Esteem of his sacred person and Illustrious Family.

We are greatly pleased with the Spirited resolutions taken by our neighboring colonies of Chastiseing an Enemy with whom we are persuaded no Treaties of Peace will ever avail; Unless they are made to feel the Effect of our Just resentment and superiority; And we Assure your Excellency we shall with the Utmost Chearfulness concur with the Assembly in whatever may be proposed to forward so necessary a Work, or anything else tending to Advance the Interest of this Province to which end we hope your Excellencys Valuable Design of Cultivating Peace and Harmony in a Legislature (almost rendered useless by long and tedious disputes) will not a little Contribute.

Then the House adjourned till Monday morning 10 °Clock.

Monday morning November 17th 1760. The House met according to adjournment.

Present

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|------------------------|---|------------------|----------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } | Esq ^{rs} |
| | | John Swann | and | | |
| | | Lewis De Rossett | Maurice Moore | | |

This House waited on his Excellency and by the Hon^{ble} James Hasell Esq^{re} presented him with their Address, to which His Excellency was pleased to make the following answer Viz^t

GENTLEMEN

I Return you my Sincere thanks for the warm sense you shew of the Assistance of Divine Providence in the Reduction of all Canada and of your most Hearty & gratefull sense of his Majesty's Wisdom and Paternal care of these Colonies and also of your chearfully uniting with the Assembly in granting an Aid to Act in Concert [with] the Neighboring Provinces to Check and reduce so faithless a Nation as the Cherokees have proved, to force them into a lasting Peace

Your sense of my Endeavouring to promote a Harmony in the Branches of the Legislature is very Agreeable to me

Then the House adjourned till to morrow Morning 10 °Clock

Tuesday Morning November 18th 1760. The House met according to Adjournment

Present

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|------------------------|---|-----------------|------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Rieusset | } Esq ^{rs} |
| | | John Swann | and | |
| | | Lewis De Rosset | Mau ^r Moore | |

Received from the Assembly by Mr. Frohock and Mr. Ashe a Bill for granting an Aid to His Majesty and for Appointing an Agent to solicit the Affairs of this Province at the Several Boards in England.

On Motion Ordered that the said Bill be read. Read the same the first time and passed.

Received from the Assembly by Mr. Dry and Mr. Leech a Bill to Alter and Amend an Act Intituled an Act concerning Proving Wills and Granting Letters of Administration and to prevent Frauds in the Management of Intestates Estates

On Motion Ordered that the said Bill be Read ; Read the same the first time and passed.

Reced from the Assembly by Mr. Dry and Mr. Leech the following Bills.to Wit

A Bill for raising Money by a Lottery towards finishing the Churches at Wilmington & Brunswick

On Motion ordered that the said Bill be read, read the same the first time & passed.

A Bill to regulate Elections for Members to serve in the General Assembly and to Ascertain who shall be Qualified to Vote at the said Elections or be Elected a Member of the General Assembly and to direct the Method to be Observed in taking the Poll of the several Elections in the Counties and Towns in this Province

On Motion ordered that the same Bill be read; Read the same the first time & Passed

A Bill to ascertain the Method of Paying Taxes and Levies in Commodities and for other purposes.

On Motion ordered that the said Bill be Read Read the same the first time and Passed.

A Bill for Establishing a Printing Office.

On Motion Ordered that the said Bill be read; Read the same the first time Amended and passed.

A Bill for Establishing a Town on the Lands of Joseph Howell on Tau River.

On Motion; Ordered that the said Bill be read. Read the same the first Time and Passed.

Received from the Assembly the following Message.

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have appointed Mr. Harnett Mr. McCulloch Mr. Leech Mr. Corbin Mr. Coutanch Mr. Hewes and Mr. Moore a Committee to State and Settle the Public Accounts And Mr. Starkey Mr. Ashe Mr. Bartram Mr. Mackey, Mr. Vail Mr. Benton Mr. Frohock Mr. Howe and Mr. Baker a Committee to Settle and allow Public Claims in Conjunction with such of your Honours as you shall think proper to appoint.

SAM^l SWANN Speak^r

18th November 1760.

On Motion Ordered that the following Message be sent to the Assembly

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message relative to the Committees, we have appointed the Honble Lewis DeRossett and John Rieussett Esq^r a Committee of this House to State and Settle the Public Accounts,

And the Honble John Swann and Maurice Moore Esq^{rs} a Committee of this House to settle and allow the Public Claims

18th Nov. 1760.

Then the House adjourned till to-morrow morning 10 °Clock.

Wednesday Morning Nov^r 19th 1760. The House met according to Adjournment

Present

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|------------------------|---|-----------------|------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } | Esq ^{rs} |
| | | John Swann | and | | |
| | | Lewis DeRossett | Mau ^r Moore | | |

Reced from the Assembly by Mr. Baker and Mr. Howe the following Bills, to wit,

A Bill to Dock the Intail of certain Lands therein mentioned, Vesting Fee Simple thereof In Blake Baker and for settling other Lands in Lieu thereof to the same uses

On Motion, ordered that the said Bill be read; Read the same the first time and passed.

A Bill for fixing the Bounds between New Hanover and Duplin Countys. Read the first time and Passed

A Bill for Altering the times of holding the Inferior Courts of Pleas and Quarter Sessions in the County of Chowan

On Motion Read the same the first time & Passed.

Reced from the Assembly by Mr. Contanch and Mr. Simpson A Bill for erecting the upper Part of Beaufort County into a County and Parish by the name of County and

Parish. And for Adjourning the Court from the Court House on the Land of Thomas Bonner to the Court House in Bath Town and other purposes therein mentioned

On Motion, Ordered that the said Bill be read Read the same the first time and passed

Reced from the Assembly by Mr. Harnett and Mr. Ashe a Bill for Confirming the Charter of the Borough of Wilmington and other purposes.

On Motion, Ordered that the said Bill be read, Read the same the first time and passed

Reced from the Assembly by Mr. Barrow & Mr. Harris a Bill for Destroying Crows Black Birds and Squirrels in the County of Hyde.

On Motion, Ordered that the said Bill be read; read the same the first time and Passed

Then the House Adjourned till to-morrow morning 10 °Clock.

Thursday morning November 20th 1760. The House met according to adjournment

Present

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|------------------------|---|-----------------|------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } Esq ^{rs} |
| | | John Swann | and | |
| | | Lewis DeRossett | Mau ^r Moore | |

Then the House adjourned till to morrow morning 10 °Clock

Friday Morning November 21st 1760. The House met according to Adjournment

Present

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|------------------------|---|-----------------|----------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } Esq ^{rs} |
| | | John Swann | and | |
| | | Lewis DeRossett | Maurice Moore | |

Reced from the Assembly by Mr. Baker and Mr. Frohock the following Bills, to wit,

A Bill for Erecting S^t Philips Parish into a County.*

On Motion, ordered that the said Bill be read ; Read the same the first time and Passed.

A Bill to Impower the Inhabitants of several Parishes within this Province that have no Vestrys within their respective Parishes to meet and Elect the same;

On Motion ordered that the said Bill be read; Read the same the first time and Passed.

Reced from the Assembly by Mr. Baker and Mr. Dry the following Bills to wit.

A Bill for altering the times of holding the Inferior Courts of Pleas and Quarter Sessions in the County of Chowan

On Motion Read the second time and passed.

A Bill for Destroying Crows Black Birds and Squirrels in the County of Hyde.

On Motion Read the second time and passed.

A Bill for fixing the Bounds between the Countys of New Hanover and Duplin.

On Motion Read the second Time amended and passed.

A Bill Establishing a Town on the Lands of Joseph Howell on Tarr River.

On motion read the second time and passed.

Then the House Adjourned till to morrow morning 10 °Clock

Saturday morning November 22nd 1760. The House met according to Adjournment

Present

The Hon^{ble} { James Hasell John Rieussett } Esq^{rs}
 { John Swann and }
 { Lewis Le Rossett Maurice Moore }

Reced from the Assembly by Mr. Baker and Mr. Simpson the following Bills to wit

A Bill for Obtaining an Exact List of Taxables and for the Effectual collecting as well all Arrears of Taxes as all other Taxes for the future due and Payable and other purposes therein mentioned;

On motion read the first time and passed

A Bill for amending an Act Intituled an Act for regulating the several Officers fees in this Province And Ascertaining the method of Paying the same.

On motion ordered to be read Read the same the first time and passed.

A Bill concerning taking up Stray Horses within this Province.

On motion read the first time & passed

A Bill for Erecting the upper part of Beaufort County into a County and Parish by the name of Pitt County and St Michaels Parish, and for adjourning the Court from The Court House on the Land of Thomas Bonner to the Court House in Bath Town and other purposes therein mentioned.

On motion Ordered that the said Bill be read; read the same the second time and Passed.

Then the House adjourned till Monday morning 10 oClock

Monday morning November 24th 1760 The House met According to Adjournment.

Present.

The Hon^{ble} { James Hasell John Rieussett } Esq^{rs}
 { John Swann and }
 { Lewis De Rossett Maur Moore. }

Rec'd from the Assembly by Mr. Benton and Mr. Bonner the following Bills to wit

A Bill to alter and amend an Act Intituled an Act concerning Proving Wills and Granting Letters of Administration and to Prevent Frauds in the management of Intestate Estates.

On motion Read the second time and Rejected

A Bill to Continue an Act for the Restraint of Vagrants and for making Provision for the Poor.

On motion Ordered to be read; read the first time and passed.

A Bill to Amend an Act Intituled an Act for the better regulating the Town of New Bern and for Securing the Title of Persons who hold Lotts in the said Town.

On motion Ordered to be read Read the same the first time and Passed.

Rece'd from the Assembly by Mr. Hutchins and Mr. Bonner A Bill for altering the method of Working upon the roads in the Counties of Bladen Cumberland Anson Rowan and Duplin.

On motion Ordered to be read. Read the first time and Rejected Then the House adjourned till 4 °Clock in the afternoon.

Monday afternoon. The House met according to adjournment

Present as before

Then the House adjourned till 10 °Clock to morrow morning

Tuesday morning November 25th 1760. The House met according to adjournment

Present

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|--------------------------|------------------|------------------------|---------------------|
| The Hon ^{ble} { | Jas. Hassell. | John Rieussett | } Esq ^{rs} |
| | John Swann. | and | |
| | Lewis de Rossett | Mau ^r Moore | |

Rece'd from the Assembly the following message,

GENTLEMEN OF HIS MAJESTY'S COUNCIL

On Reading the Petition of Susannah Regan Widow of Gabriel Regan and Maturely considering the same; This House have resolved That the said Susannah Regan Widow of the said Gabriel Regan who was Killed in the service of this Province on an Expedition against Fort Du Quesne, be allowed Twenty Pounds Proclamation Money to be paid out of the Public Treasury by a Warrant from His Excellency the Governor And that the Treasurer be allowed the same on passing his accounts with the Public; And desire your Honors Concurrence

SAM^l SWANN Speak^r

24 Nov 1760.

On Motion the foregoing Message was taken into Consideration and Concurred with.

Received from the Assembly by Mr. Waddell & Mr. Frohock the following Bills to-wit.

A Bill for Granting an Aid to his Majesty and for Appointing an Agent to Solicit the Affairs of this Province at the several Boards in England.

On Motion Read the second time Amended and passed.

A Bill to Amend and Continue an Act Intitled an Act for appointing a Militia

On Motion Read the first time and passed

Reced from the Assembly by Mr. Benton and Mr. Harris the following Bills towit.

A Bill for Erecting the upper part of Beaufort County into a County and Parish by the name of Pitt County and St Michaels Parish and for Adjourning the Court from the Court House on the Land of Thomas Bonner to the Court House in Bath Town and other purposes therein mentioned

On Motion Read the third time and Passed, Ordered to be Engrossed

A Bill for Amending An Act Intitled an Act for regulating the several Officers fees in this Province and Ascertaining the method of Paying the same.

On Motion Read the second time Amended and Passed.

A Bill to Amend an Act Intitled an Act for the relief of such persons as have suffered or may suffer by not having had their Deeds and mesne Conveyances Proved and Registered within the time heretofore appointed for such purposes, And prevent disputes and Law suits concerning Lands

On Motion Read the first time Amended & Passed

A Bill to Impower the Inhabitant's of several Parishes within this Province that have no Vestry within their respective Parishes to meet and Elect Vestrys

On Motion read the second time and passed

A Bill for Altering the times of holding the Inferior Courts of Pleas and Quarter Sessions in the County of Chowan

On Motion read the third time and passed, Ordered to be Engrossed

A Bill to Continue an Act for the restraint of Vagrants and for making provision for the Poor

On Motion read the second time and passed

A Bill to amend an Act Intitled an Act for the better Regulating

of the Town of New Bern and for securing the Titles of Persons who hold Lotts in the said Town.

On Motion read the second time amended and passed

A Bill for Establishing a Town on the Lands of Joseph Howell on Taw River

On Motion read the third time and passed, Ordered to be In-grossed.

Received from the Assembly by Mr. Vail and Mr. Hutchins a Bill for Destroying Crows, Black Birds and Squirrels in the County of Hide.

On Motion read the third time and passed, Ordered to be In-grossed

Then the House Adjourned till 4 °Clock in the afternoon.

Tuesday afternoon The House met according to adjournment

Present

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|------------------------|---|------------------|------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } Esq ^{rs} |
| | | John Swann | and | |
| | | Lewis De Rossett | Mau ^r Moore | |

Then the House Adjourned till tomorrow morning 10 °Clock

Wednesday morning November 26th 1760. The House met According to Adjournment

Present

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|------------------------|---|------------------|------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } Esq ^{rs} |
| | | John Swann | and | |
| | | Lewis De Rossett | Mau ^r Moore | |

Reced from the Assembly by Mr. Frohock and Mr. Bartram the following Bills to wit.

A Bill to Amend and Continue an Act Intitled an Act for appointing a Militia

On Motion read the second time and passed

A Bill to amend an Act Intitled an Act for the Relief of such persons as have suffered or may suffer by not having had their Deeds and mesne Conveyance Proved and Registered within the time heretofore appointed for such purposes and prevent disputes and Lawsuits concerning Lands.

On Motion Read the second time and Passed

A Bill to Continue an Act for the Restraint of Vagrants and for making provision for the Poor

On Motion, read the third time and passed. Ordered to be In-grossed.

Reced from the Assembly by Mr. Howe and Mr. Bartram a Bill to repeal part of an Act to Impower the Commissioners of the Districts hereafter mentioned to lay out and make new Roads And to appoint Commissioners for a certain District in Bladen County

On Motion the said Bill was read the first time & Passed

Then the House Adjourned till 3 o'Clock in the Afternoon

Wednesday Afternoon. The House met according to Adjournment

Present.

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|------------------------|---|------------------|------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } Esq ^{rs} |
| | | John Swann | Richard Spaight | |
| | | Lewis De Rossett | Mau ^r Moore | |

Reced from the Assembly by Mr. Waddell Mr. Frohock Mr. Harnett Mr. Dry Mr. Hewes and Mr. McCulloch A Bill for Granting an Aid to his Majesty and for appointing an Agent to solicit the Affairs of this Province at the several Boards in England

Reced from the Assembly by Mr. Howe and Mr. Bartram the following Bills to wit

A Bill to Repeal part of an Act to Impower the Commissioners of the Districts herein mentioned to Lay out and make new Roads and to appoint Commissioners for a certain District in Bladen County.

On Motion read the second time and Passed.

A Bill to amend an Act Intituled an Act for Regulating of the Town of New Bern and for securing the Titles of Persons who hold Lotts in the said Town.

On Motion read the third time and Passed. Ordered to be Ingrossed

Then the House adjourned till 10 o'Clock to morrow morning.

Thursday Morning November 27th 1760. The House met according to Adjournment

Present

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|------------------------|---|------------------|------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } Esq ^{rs} |
| | | John Swann | Richard Spaight | |
| | | Lewis De Rossett | Mau ^r Moore | |

On Motion Ordered that the Bill for Granting an Aid to his Majesty and for appointing an Agent to Solicit the Affairs of this Province at the several Boards in England be read The same [was read] the third time And Ordered that the following Message be sent to the Assembly to wit

MR. SPEAK^r AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill for Granting an Aid to his Majesty and for appointing an Agent to Solicit the Affairs of this Province at the Several Boards in England, We propose that all that part of the Bill relative to appointing an Agent should be Struck out, As it is foreign to the Aid, to which Amendment if your House agree please to send two of your Members to see the alteration made

Then the House adjourned till two o'Clock in the Afternoon

Thursday afternoon The House met according to Adjournment.

Present as above

Then the House adjourned till tomorrow Morning 10 °Clock

Fryday Morning November 28th 1760 The House met according to Adjournment

Present

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|------------------------|---|------------------|-------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } Esq ^{rs} |
| | | John Swann | Richard Spaight & | |
| | | Lewis De Rossett | Maurice Moore | |

Reced from the Assembly by Mr. Howe and Mr. Bartram a Bill to repeal part of an Act Intitled An Act to Impower the Commissioners of the Districts hereafter mentioned to lay out and make New Roads And to appoint Commissioners for a Certain District in Bladen County.

On Motion read the third time and passed. Ordered to be Ingrossed.

Reced from the Assembly by Mr. Dry and Mr. Frohoek the following Bills to wit:

A Bill for Raising Money by a Lottery towards Finishing the Churches at Wilmington and Brunswick.

On motion, read the second time amended and passed.

A Bill Continuing James Davis Printer to this Province.

On motion, read the second time amended and passed.

Reced from the Assembly by Mr. Howe and Mr. Bartram the following Message

GENTLEMEN OF HIS MAJ. COUNCIL

On reading your message of yesterday relative to the striking out of the Aid Bill that part which appoints an Agent for this Province, to represent to his Majesty and his Ministers the Dutiful behaviour and zeal of this House and also to lay before them proper Docu-

ments of the Charges and Expenses this Province has been at in carrying on the war against his Majestys enemys in America. This House is of Opinion that the said Clause is not foreign to the Bill tho' it may seem to your Honors to be so to the Aid as the Title expresseth both And this House further apprehend that it is consistent with that part of Mr. Secretary Pitts Letter formerly laid before this house recommending the appointment of an Agent in order that this Province should receive its proportion of the Sundry Grants recommended by his most Gracious Majesty to the Parliament of Great Britain towards reimbursing these Colonies Charges and Expenses they had been at in his Majestys service. This House for the reasons aforementioned cannot in Justice to their Constituents and the real interest of this Province ageee to strike out that part of the said Bill relative to the appointing an Agent But on the Contrary esteem it Essentially necessary to the Happiness and prosperity of this Province and no ways prejudicial to his Majestys service And therefore hope your Honours will be pleased to pass the said Bill, as sent you from this House.

SAM. SWANN, Speaker

By Order W^m. HERRITAGE Clk
28th November 1760.

Then the House Adjourned till tomorrow morning 10 °Clock.

Saturday morning November 29th 1760. The House met according to Adjournment.

Present

| | | | | |
|------------------------|---|------------------|-------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Rieussett | } Esq ^{rs} |
| | | John Swann | Richard Spaight & | |
| | | Lewis De Rossett | Maurice Moore | |

Reced from the Assembly by Mr. Dry and Mr. Hewes a Bill for Obtaining an Exact List of Taxables and for the Effectual collecting all Taxes for the future due and Payable and other purposes therein mentioned.

On motion, Read the second time amended and Passed.

Reced from the Assembly by Mr. Dry and Mr. McCulloch a Bill for Dividing New Hanover County and for Erecting that part thereof called St Philips Parish situate on the south side of Cape Fear River into a County by name of County and other purposes therein mentioned.

On motion, Read the second time and Passed.

On motion, ordered that the message Received from the [Council] In answer to a Message sent them from this House the 27th of this Instant be read: read the same accordingly; which was taken into Consideration And the Bill for Granting an Aid to his Majesty and for appointing an Agent to Solicit the affairs of this Province at the several Boards in England was [read] a third time put and passed.

Ordered to be Ingrossed.

Reced from the Assembly by Mr. Harris and Mr. Hayward the following Bills, to-wit:

A Bill to Regulate Elections for Members to Serve in the General Assembly and to Ascertain who shall be qualified to vote at the said Elections or be elected a Member of the General Assembly and to Direct the Method to be observed in taking the Poll at the several Elections in the Counties and Towns in this Province,

On Motion Read the second time and passed.

A Bill for appointing a Treasurer for the Northern District of this Province.

On Motion Ordered to be read: Read the same the first time and passed.

Then the House adjourned till Monday Morning 10 °Clock

Monday morning December 1st 1760. The House met according to Adjournment

Present

| | | | | |
|------------------------|---|----------------|-----------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Richard Spaight | } Esq ^{rs} |
| | | John Swann | and | |
| | | John Rieussett | Maurice Moore | |

Then the House adjourned till 3 °clock in the afternoon.

Monday afternoon. The House met according to adjournment.

Present as before

Reced from the Assembly by Mr. Hutchins and Mr. Bartram the following Bills.

A Bill for continueing James Davis Printer to this Province

On Motion Read the third time, And ordered to lye on the Board for Consideration.

A Bill to amend and continue an Act Intitled an Act for Appointing a Militia

On Motion read the Third time and Passed, Ordered to be Ingrossed.

A Bill to Impower the Inhabitants of several Parishes within this

Province that have no Vestry within their Respective Parishes, to meet and Elect Vestrys

On Motion Read the third time and Passed, Ordered to be In-grossed

A Bill to Regulate Elections for Members to serve in General Assembly and to Ascertain who shall be Qualified to Vote at the said Elections or be Elected a Member of the General Assembly, And to Direct the Method to be Observed in taking the Poll at the several Elections in the Counties and Towns in this Province.

On motion, Read the third time and passed. Ordered to be In-grossed.

Then the House adjourned till 10. °Clock tomorrow morning

Tuesday Morning December 2^d 1760. The House met according to adjournment

Present

| | | | | |
|------------------------|---|----------------|------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Richard Spaight | } Esq ^{rs} |
| | | John Swann | and | |
| | | John Rieussett | Mau ^r Moore | |

On Reading a third time a Bill for continueing James Davis Printer to this Province, It is Ordered on Motion That the following message be sent to the Assembly (viz)

MR. SPEAK^r AND GENTLEMEN OF THE ASSEMBLY

On Reading a third time the Bill for Continueing James Davis Printer to this Province, We are of Opinion that the part by which he is Continued for three years should be altered And that the said James Davis be continued Printer for one year only, as probably the seat of Government (where it will be necessary a Printer to this Province should Reside) will be by that time fixed to this alteration if you agree please send some of your Members to see the same made.

2^d December 1760.

Reced from the Assembly by Mr. Lemmon and Mr. M^cCulloch a Bill for Obtaining an Exact List of Taxables and for the Effectual collecting Taxes for the future and payable and other purposes therein mentioned.

On Motion Read the third time and passed, Ordered to be In-grossed

Then the House adjourned till 3 °clock in the afternoon

Tuesday afternoon. The House met according to adjournment

Present

| | | | | |
|------------------------|---|-----------------|------------------------|----------------------|
| The Hon ^{ble} | { | James Hasell | Richard Spaight | } Esq ^{res} |
| | | John Swann | and | |
| | | John Rieuissett | Mau ^s Moore | |

On Motion Ordered that the following message be sent to the Assembly.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In Answer to your Message of the first Instant relative to Burning the several sums of Money paid into the Committee of Accounts This House have appointed the Honble John Swann and Richard Spaight Esq^{rs} a Committee thereof to Joyn your Committee to see it done

2^d December 1760.

Reced from the Assembly the following Message

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your Message relative to altering that part of the Bill for Continuing James Davis Printer to this Province by which he is Continued for three years in that Office. This House agree to the Striking the words Three years out of the said Bill and substituting in its place (one year only) to Command [commence] from the passing thereof and send Mr. Harnett and Mr. Leech two of the Members of this House to see the same done.

2nd December 1760

SAM^l SWANN Speak^r

The alteration proposed in the foregoing Message was made in the said Bill in the presence of Mr. Cornelius Harnett and Mr. Joseph Leech. Then the said Bill was put and Passed And Ordered to be Ingrossed.

Reced from the Assembly by Mr. Harnett and Mr. Leech a Bill for appointing a Treasurer for the Northern District of this Province in the room of Thomas Barker who desires he may resign the said Office :

On Motion, the said Bill was read the second time amended and passed

Rece'd from the Assembly by Mr. Harnett and Mr. Leech the following Bills, to wit,

A Bill for raising Money by a Lottery towards finishing the Churches at Wilmington and Brunswick and for applying the Pro-

duce of the Slaves and other effects taken from the Spaniards at Cape Fear in the Year of our Lord One Thousand seven hundred and forty eight to the same purpose.

A Bill for amending an Act Intitled an Act for regulating the several Officers Fees in this Province and ascertaining the Method of Paying the same

A Bill to amend an Act Intitled an Act for the Relief of such persons as have suffered or may suffer by not having had their Deeds and Mesne Conveyances Proved and Registered within the time heretofore Appointed for such purposes and prevent disputes and Law suits Concerning Lands

Then the House adjourned till 10 °Clock tomorrow Morning

Wednesday morning December 3^d 1760 The House met according to adjournment

Present

| | | | | | |
|------------------------|---|----------------|------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Richard Spaight | } | Esq ^{rs} |
| | | John Swann | and | | |
| | | John Rieussett | Mau ^r Moore | | |

On Motion the Bill to Amend an Act Intitled an Act for the relief of such persons as have suffered or may suffer by not having had their Deeds and Mesne Conveyance Proved and Registered within the time heretofore appointed for such purposes and prevent disputes and Law suits concerning Lands, was ordered to be Read: read the same the third time and passed. Ordered to be Ingrossed.

On Motion, the Bill for Raising Money by a Lottery towards the finishing the Churches at Wilmington and Brunswick and for applying the Produce of the Slaves and other Effects taken from the Spaniards at Cape Fear in the year of our Lord one Thousand seven hundred and Forty eight to the same purposes; was ordered to be read Read the same the third time and passed and ordered to be Ingrossed.

On Motion, the Bill for amending an Act Intitled an Act for regulating the several Officers fees in this Province And Ascertaining the method of paying the same.

Ordered to be read. read the same the third time and passed; Ordered to be Ingrossed.

Reced from the Assembly by Mr. Bonner and Mr. Haywood a Bill for appointing a Treasurer for the Northern District of this Province in the Room of Thomas Barker who desires he may resign the said Office.

On Motion, read the third time & Passed. Ordered to be Ingrossed.
Then the House adjourned till 3 o'clock in the afternoon.

Wednesday afternoon The House met according to adjournment

Present as before

Reced from the Assembly the following Message.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

Robert Campbell a soldier late in the service of this Province under the command of Coll^o Hugh Waddell having been scalped and much wounded whilst in the service of this Province and thereby rendered incapable of supporting himself and has signified to this House his Desire of returning to Europe to his Friends and Relations This House have therefore resolved that the said Robert Campbell be allowed out of the Public Treasury Fifty Pounds to be paid by the Public Treasurer to Col^o Hugh Waddell for the use of the said Robert Campbell to enable him to Proceed on his voyage to Europe and that the said sum be allowed the said Treasurer on passing his Accounts with the Public And also that the sum shall be in full for any Claim the said Campbell may make on the Public on the aforesaid Account; And Desire your Honors Concurrence thereto

SAM^l SWANN Speak^r

By Order

WILLIAM HERRITAGE Clk

On Motion the foregoing message was taken into consideration and concurred with

Reced from the Assembly their Estimate of Charges which on Motion was read and concurred with

Sent to the Assembly the Estimate of allowance of this House for their Concurrence, And received it from the Assembly concurred with

Reced from the Assembly the Reports of the Committee of Accounts which were read approved of and Concurred with by this House

Then His Excellency the Governor came to this House and commanded the attendance of the Assembly, Whereupon the Speaker Attended by the Assembly waited on his Excellency in the Council Chamber And presented him the following Acts for his Assent Viz^t.

1st An Act for Granting an Act to His Majesty and for appointing

an Agent to solicit the affairs of this Province at the several Boards in England

2^d An Act to regulate Elections for Members to serve in the General Assembly and to Ascertain who shall be Qualified to Vote at the said Elections, or be Elected a Member of the General Assembly and to Direct the Method to be Observed in taking the Poll at the several Elections in the Counties and Towns in this Province

3^d An Act for Obtaining an Exact List of Taxables and for the Effectual Collecting all Taxes for the future due and payable And other purposes therein mentioned

4th An Act for continueing an Act Intitled an Act for appointing a Militia

5th An Act for raising Money by a Lottery towards finishing the Churches at Wilmington and Brunswick and for applying the Produce of the slaves and other effects taken from the Spaniards at Cape Fear in the year 1740 to the same purposes

6th An Act to Impower the Inhabitants of Several Parishes in this Province that have no legal Vestry within their respective Parishes to meet and Elect Vestries.

7th An Act for amending an Act Intitled an Act for regulating the several Officers fees in this Province and Ascertainig the method of Paying the same

8th An Act for appointing a Treasurer for the Northern District of this Province In the Room of Thomas Barker who desires he he may resign the said Office.

9th An Act for Erecting the upper part of Beaufort County into a County and Parish by the name of Pitt County and St Michaels Parish and for Adjourning the Court from the Court House on the Land of Thomas Bonner to the Court House in Bath Town and other purposes therein mentioned

10th An Act to Amend an Act Intitled an Act for the better regulating of the Town of New Bern and for securing the Titles of Persons who held Lotts in the said Town

11th An Act to continue an Act for the restraint of Vagrants and for making Provinces [provision] for the Poor

12th An Act for altering the times of holding the Inferior Courts of Pleas and Quarter Sessions in the County of Chowan

13th An Act for Establishing a Town on the Lands of Joseph Howell on Tarr River

14th An Act to repeal part of an Act Intitled an Act to Impower the Commissioners of the Districts hereafter mentioned to lay out

and make New Roads And to Appoint Commissioners for a Certain District in Bladen.

15th An Act for destroying Crows Black Birds and Squirrels In the County of Hide.

16th An Act to amend an Act Intituled an Act for the relief of such persons as have suffered or may suffer by not having their Deeds and Mesne Conveyances Proved and Registered within the time heretofore appointed for such purposes And prevent disputes and Law suits concerning Lands.

17th An Act for continuing James Davis Printer to this Province.

To which Acts His Excellency was pleased to Assent Except the Act for granting an Aid to His Majesty and for appointing an Agent to Solicit the affairs of this Province at the several Boards of England.

The Act for Amending an Act Intituled an Act for Regulating the several Officers fees In this Province and Ascertaining the method of Paying the same.

The Act for appointing a Treasurer for the Northern District of this Province in the room of Thomas Barker who desires he may resign the said office and

The Act to repeal part of an Act Intituled an Act to impower the Commissioners of the Districts hereafter mentioned to lay out and make new Roads and to appoint Commissioners for a Certain District in Bladen County.

Then His Excellency the Governor was pleased to Prorogue this Assembly to Fryday the fifth of this Instant.

I hereby Certifye that the writing contained in the sixteen preceeding pages with the above is a just and true Copy of the Journal of the upper House of Assembly at November Session 1760.

JN BURGWIN Clk.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

At an Assembly begun and held at New Bern the Twenty second day of April in the Thirty third year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain, France and Ireland King (and so forth) and in the year of our Lord one thousand seven hundred and sixty, and from thence continued by several prorogations and Adjournments to the seventh day of November, in the Thirty fourth year of our aforesaid Lord the King

to be then held at Wilmington, being the fourth Session of this Present Assembly

Friday the 7th November.

Samuel Swann Speaker

| | |
|-----------------------|--------------------------------|
| Mr. Cornelius Harnett | Mr. Francis Corbin |
| Mr. Moses Houston | Mr. Thomas Barrow |
| Mr. Samuel Benton | Mr. William M ^c Gee |
| Mr. Joseph Leech | Mr. Joseph Hewes |
| Mr. William Bartram | Mr. Duncan Lemon |
| Mr. Edmund Smithwick | Mr. John Starkey |
| Mr. Hugh Waddell | Mr. Blake Baker |
| Mr. William Haywood | Mr. William Dry |
| Mr. Andrew Thompson | Mr. Robert Harris |
| Mr. Thomas Graves | Mr. George Moore |
| Mr. Robert Howe | Mr. Joseph Bell |
| Mr. Thomas Bonner | Mr. William Webster |
| Mr. Jacob Blount | Mr. Michael Coutanche |
| Mr. Edward Vail | Mr. William Mackey |
| Mr. Stephen Hooker | Mr. John Simpson |

Mr. Alexander M^cCulloch.

Friday November 7th 1760

On Motion Resolved That it is the opinion of the Members present, that they cannot, Consistent with the Charter granted by his Majesty King Charles the Second to the Proprietors of Carolina dated the Twenty fourth day of March in the Fifteenth year of his said Majesty's Reign, and the usage and approved Customs of the Assemblies of this Province proceed to Business, unless a Majority of the Representatives of the Province are Present

And it is therefore further Resolved that the Absent Members be sent for in Custody of the Serjeant at Arms at their own Expence; and that Mr. Speaker issue his Warrant and do Compel the attendance of those Members, in order to make a House that they may Proceed to the Consideration and Dispatch of Public Business

Then the Members Adjourned till 10 o'Clock tomorrow morning.

Saturday November 8th 1760. The Members met according to Adjournment

Then the Members Adjourned till Monday Morning 10 o'Clock.

Monday November 10th 1760. The Members met according to Adjournment

Mr. Needham Bryan and Mr. John Ashe appeared
Then the Members Adjourned till to morrow morning 9 °Clock

Tuesday November 11th 1760 The Members met according to Adjournment

A Majority of the Members, Representatives of this Province being met

On Motion Resolved, That Mr. William Dry, Mr. Edward Vail wait on His Excellency the Governor, and acquaint him that this House is met, and desire to know when they shall wait on him, who being returned Acquainted the House that His Excellency returned for Answer That he was very much indisposed, but would receive the House tomorrow morning.

Then the House adjourned till 10 °Clock tomorrow morning

Wednesday November 12th 1760 The House met according to Adjournment.

His Excellency the Governor sent a Message to the House requiring the attendance thereof in the Council Chamber.

Mr. Speaker with the Members waited on His Excellency the Governor in the Council Chamber, when his Excellency was pleased to make a Speech to His Majesty's Council and this House.

Mr. Speaker and the Members returned, and Mr. Speaker acquainted the House that His Excellency the Governor had made a Speech to His Majesty's Council and this House; a Copy of which to prevent Mistakes he had obtained, and delivered in at the Table.

Then on motion ordered that the same be read, Read the same, and Ordered to be entered on the Journal of the House, and is as follows, to wit,

GENTLEMEN OF HIS MAJ. COUNCIL MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

It is with the greatest pleasure that I can acquaint you of the Glorious conquest and Acquisition of all Canada, by the remarkable Interposition and Assistance of Divine Providence with a very inconsiderable loss; the French having submitted to the terms offered without effusion of Blood, to the immortal Honor of his Majesty's Forces, owing to the well concerted plan laid by General Amherst, and to his Generous Treatment of an implacable Enemy.

The surprising success without loss, must conduce to a speedy and Honorable peace which will secure the future peace and Safety of

all his Majesty's American Colonies, and our holy Religion, Liberties and Possessions; upon which I most sincerely congratulate you

By the latest Advices I have received from the Lieutenant Governors Fauquier and Bull which I shall lay before you, an offer of peace and a Pardon has been made to the Cherokees, upon Honorable terms to these Colonies which if complied with, will secure our future peace.

And it at present appears, that our great Northern success has intimidated the Indians, so far as to desire a peace; but if the Terms proposed, should not be accepted, the adjoining Colonies are determined to exert their whole Force, to reduce them to such Terms as will prevent any dread of a future Indian War; and therefore expect that this Province should join heartily, in exerting our Force, to Act in Conjunction with them; As things are now brought to a Crisis, I must warmly, and in the strongest manner recommend it to you, for Your Honour, as well as Interest, not only to continue the forces already raised, in pay, until a peace is confirmed effectually with the Cherokees; but also to add to the Numbers already raised in proportion to our Neighbouring Colonies, in order to obtain a speedy peace, or reduce so Treacherous an Enemy, in case the present Treaty should not succeed; And I hope this may be the last supply his Majesty will ever require from you, to secure your future peace, Religion and Liberties.

As I shall always be unwilling to load this province with Taxes, but for their own Safety, in order to avoid any new Tax, or issuing of Notes to depreciate our Currency, I shall enter into any reasonable Measure, that so much of the sum paid into our Agents in London from the Treasury, of which I have received advice, should be employed to pay the Forces already raised, or which may be raised—by drawing Bills upon those Agents until a peace shall be obtained, or the Indian Commotions subside

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

I must also recommend it to you, that one thousand Pounds Sterling should be paid out of the sum in the Agents hands, to discharge the sum of one Thousand Pounds advanced by the Earl of Loudoun and Mr. Shirley, to pay our Forces at New York—in order to take up Mr. Hugh Wallace's Bonds to which he gave upon the Credit of this Province; and also pay him what Ballance still further remains due to him upon your passing his Accounts as well as the sum advanced for the pay of our Forces employed upon the

Ohio, upon the Credit of this Province, by Brigadier Forbes, that this Colony may Preserve its Honor and Credit abroad

GENTLEMEN OF HIS MAJ. COUNCIL, MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

I have nothing more to recommend to you, but that you would think of giving a Premium to Encourage the raising and Exporting of Hemp to Great Britain, to be upon an equal footing with your Neighbouring Colony; as also upon Flax seed; and, that the Inspection Laws might take place upon Tobacco and Flour upon Cape Fear River as they are likely to become Articles of Export; and also that you would seriously consider of giving encouragement for Schools to be fixed for the Education of your Youth in Christian Principles, and in other Branches of Learning that may make them valuable Members of Society

As it has always been my Principal view and Care to promote the happiness, peace, and Safety, of this Province, and to preserve his Majesty's just prerogative, and the just rights of the Assembly; so I shall join, in every measure, agreeable to my Instruction from his Majesty, to procure Unity Harmony, and the peace safety and Improvement of the Province

The Writ and Certificate of Electing Francis Brown a Representative for the County of Perquimons, in the room and stead of Mr. Francis Brown, to sit and vote in this present Assembly &c. was laid before the House

Then on Motion Resolved, that the House resolve into a Committee of the whole House, to Consider of the said Writ and Certificate, and choose Mr. John Starkey Chairman, who took the Chair Accordingly.

After some time spent therein the Committee came to the following Resolutions which the Chairman was directed to report to the House to wit,

That the Committee had heard the Allegations of Mr. Francis Brown regarding his being elected a Representative for the County of Perquimons and duly Considered the same, together with the said Writ, Certificate and other papers, laid before them by the said Mr. Brown, and—

Resolved—That no person, in Virtue of the said Writ, is regularly returned a Representative for Perquimons County, to sit and vote in this present Assembly, in the room and stead of Mr. Francis Brown;

Then on Motion, Resolved, That the Committee rise, and Mr.

Speaker resume the Chair. The Committee arose, and Mr. Speaker resumed the Chair.

Mr. Chairman reported the above Resolution of the Committee to the House, to which the House agreed. Then on Motion

Ordered, That His Excellency be addressed, to direct the Clerk of the Crown to issue another Writ, for Electing a Member for Perquimons County, to sit and vote in this present Assembly, as no person hath been duly returned Elected Representative for the said County in Virtue of the former.

On Motion ordered that the following Message be sent to His Excellency the Governor

TO HIS EXCELLENCY ARTHUR DOBBS ESQUIRE, GOVERNOR &c.

Sir The Writ for Electing a Member for Perquimons County in the room and stead of Mr. Francis Brown, having been duly and regularly returned, and Mr. James Blount one of the Members for Tyrrel County being Dead; and as this House apprehend not any Writs for Electing Members for the County of Hertford hath been issued: therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue another Writ for Electing a Member for Tyrrel County and also to issue a Writ for Electing a Member for Perquimons County in the room and stead of the said James Blount, and likewise a Writ for Electing Members to sit and vote in this Present Assembly for the County of Hertford.

Then the House adjourned till 4 °Clock in the Afternoon

P. M. The House met according to Adjournment

On Motion Resolved that the House Resolve into a Committee of the Whole House to Consider His Excellencys Speech, and unanimously Choose Mr. John Starkey Chairman who took the Chair Accordingly

Then on Motion—Ordered that his Excellencys Speech be read—the same is read, and on mature Consideration thereof the Committee came to a Resolution thereon

Mr. Chairman was directed to report to the House, that the Committee not having time to reduce it into form, desired leave to sit again To morrow.

Then on motion Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had maturely considered the several Papers and Paragraphs of the Governors Speech,

and had come to a Resolution thereon, but not having time to reduce it into form, desire leave to sit again Tomorrow.

Resolved that the Committee sit again Tomorrow.

Then the House adjourned till to morrow morning 10 °Clock

Thursday November 13th 1760. The House met according to Adjournment

The order of the day being read, the Committee set, and Mr. Chairman took the Chair.

Mr. Chairman informed the Committee that he had reduced yesterdays Resolution into form, which he read.

Then the Committee directed Mr. Chairman to report the same to the House and then on motion Mr. Speaker resumed the Chair

Mr. Chairman reported that the Committee had Resolved, that as many Forces be sent from this Province to join the Forces of our Neighbouring Colonies in the War against the Cherokee Indians, as the present Circumstances of the Inhabitants will admit, to which Resolve the House agreed,

Then on motion, Ordered that Mr. Starkey, Mr. Leech, and Mr. Ashe prepare an Address in Answer to his Excellency the Governors Speech and lay the same before the House for approbation.

Mr. Ashe presented the petition of John Williams of New Hanover County, Setting forth, among the other things, that his house was accidentally burnt in the night of the 29th day of December last; and therein was burnt the sum of forty nine pounds paper Currency &c. Praying relief

Then on motion Ordered, That Mr. Graves, Mr. Harris, Mr. Benton, Mr. Lemon and Mr. Vail enquire into the Facts set forth in the said Petition and report the same to the House

On motion Ordered that a Committee be appointed to bring in a Bill for Granting an Aid to his Majesty, and other purposes.

And Mr. Baker, Mr. Starkey, Mr. Ashe, Mr. Howe, and Mr. Harris are appointed accordingly.

Mr. Ashe moved for leave to bring in a Bill, to fix the Boundary Line between New Hanover and Duplin County

Ordered he have leave, and that he prepare and bring in the same

Then the House adjourned till 9 °Clock tomorrow Morning.

Friday November 14th 1760. The House met according to Adjournment

Mr. Starkey from the Committee appointed to prepare an Address

in answer to his Excellency's Speech, reported that the Committee had prepared the same; which he laid before the House, for approbation.

On motion ordered that the same be read, read the same, the House approved thereof—and on motion, Ordered, That the same stand the Address of the House, and be entered on the Journal thereof, as follows, Viz^t

TO HIS EXCELLENCY ARTHUR DOBBS ESQUIRE CAPTAIN GENERAL,
GOVERNOR AND COMMANDER IN CHIEF, IN AND OVER HIS MA-
JESTY'S PROVINCE OF NORTH CAROLINA.

SIR

We his Majestys most dutiful and Loyal Subjects the Assembly of this Province, beg leave to Congratulate your Excellency on the glorious success of His Majesty's Arms, in the Conquest of all Canada: an event so truly glorious fills our hearts with Joy and Gratitude; but how Complete must our satisfaction be, if upon the approaching peace, the possession of those Countries shall be Confirmed to the British Crown; an Acquisition that must greatly extend and increase our National Trade and Commerce, and secure the future peace and Safety of the North Colonies; when the Canadians, from Troublesome incroaching Neighbours shall become quiet and obedient Subjects under his Majesty's mild and Equitable Government

The letters your Excellency has laid before us from the Lieutenant Governors of the Neighbouring Provinces afford us some Prospect of an end to the Cherokee War, upon Honorable terms; but as the Treaty with those Savages may prove abortive we are Convinced that the most effectual Methods of Treating with Indians is, when they are under the dread of a Superior force; and alth^o this Province (one of the least in Trade and Riches) has already emulated the most opulent in the Zeal for his Majestys Service having during this War, Granted in several Aids, in support of the common cause, not less than Eighty Thousand Pounds, and thereby anticipated our funds, and contracted a large Debt; yet we will at this Crisis (as hoping it may be the last) Join the Forces of Virginia and South Carolina, with such of ours, as the Indigent and almost Exhausted Circumstances [of] our Constituents will admit of.

Your Excellency's Moderation at this time, in not being willing to burthen the people with more Taxes, is extremely agreeable to us; but we cannot conceive that your Excellency's plan in drawing Bills can be properly executed as the Money already allotted to this

Province out of the first Parliamentary Grant is, for the greatest part, by a Law not yet repealed appropriated towards erecting public buildings, and the Residue by orders and Resolves already applied to various Purposes; and we flatter ourselves, had we been so fortunate as to have had the Concurrence of the other Branches of the Legislature in passing a Law (more than once attempted) for appointing an agent in London, who might have produced proper Documents of our Expences and represented our duty and Zeal for His Majesty's Service, (Considering our Circumstances) in their true light to his Majesty's Ministers, we should have been in Expectation of Partaking of His Majesty's Royal Grace and favour out of the first £200,000 Granted by Parliament to the Colonies, and of which Virginia has received £20,546 as her Proportion exclusive of £32,268.19.0 out of the £50,000 Grant; Whereas the whole coming to this Province is not more than £7,789.1.1 Sterling; and even out of which, there is a demand of £1000, as your Excellency informs us, that was advanced by Lord Loudoun and Mr. Shirley, to pay the Forces at New York Notwithstanding a sufficient fund was raised by this province; and therefore we cannot help being of Opinion, that the small part of his Majesty's Royal Bounty coming to this Colony, is apparently owing to the want of an Agent to represent our dutiful Behaviour to His Majesty and his ministers

We are highly sensible how necessary it is for the Public Credit to be Preserved in its purest Lustre; and we shall Endeavour, all in our power, in the Instance you are pleased to mention and every other, to support it; as the Extraordinary Charges of the War has Exhausted all our funds, we must be under the indispensable Necessity to postpone the Consideration of Premiums, on several Articles of our produce, till a more favourable opportunity; and beg leave to assure your Excellency that whatever is found Defective in our Inspection Law we shall Chearfully provide for.

The Public Schools (so much wanted and earnestly desired) had, by a former Assembly, £6,000 appropriated for their Establishment but that Law lies under a suspending Clause for his Majesty's Royal approbation, and the Money has since been borrowed for the Service of the War.

We return your Excellency our Sincere thanks for your obliging assurance, in joining in every Salutory Measure, for the good of the Province, agreeable to your Instructions, and that you will Preserve the Just rights of the Assembly, as well as his Majesty's Royal Prerogative; We are fully Persuaded, that both can well and ought to

subsist, inseparably together and that whoever would divide them ought, Justly to be esteemed an Enemy to both; The Prerogative of the Crown being, as we apprehend exerted purely to the ease and Benefit of the Subjects, and give us leave to say, we are [not] conscious of ever attempting to invade any part of it; altho, last Session your Excellency, in a Speech, and sending the Resolves of the Commons of Great Britain, seemed to charge us with something like it, We are therefore sorry to say, that we have reason to believe that this promise has been unfairly and unkindly represented at Home as the Assembly never Arrogated to themselves, the powers, mentioned in those Resolves to have been claimed by the Assembly of Jamaica

Then the House Adjourned till 9 o'clock tomorrow morning.

Saturday November 15th 1760. The House met according to adjournment.

Mr. Abraham Shepard one of the Members for Dobbs County appeared and took his seat.

On Motion ordered that Mr. Harnett and Mr. Mackey wait on his Excellency the Governor and let him know, the House desire he would acquaint them when they shall wait on him with the Address thereof, who being returned, reported his Excellency returned for Answer he would receive the House with their Address on Monday next.

Then the House Adjourned till Monday morning 10 o'clock.

Monday November 17th 1760. The House met according to Adjournment.

Mr. Hutchins, one of the Members for Anson County, and Mr. John Frohock one of the members for Rowan County appeared and took their seats in the House.

His Excellency the Governor sent a message to the House desiring the immediate attendance in the Council Chamber.

Mr. Speaker with the Members, waited on his Excellency the Governor in the Council Chamber, and Mr. Speaker presented his Excellency with the Address thereof to which his Excellency was pleased to return for answer thereto as follows Viz^t

GENTLEMEN—

I return you thanks for your sincere and hearty Congratulations upon the success of his Majesty's Arms, on the Reduction of all Canada by General Amherst; and your provision of Granting a

supply to secure a speedy and honorable peace with the Cherokees, in Conjunction with the Neighboring Provinces.

Your sense of my Endeavors to ease you of great part of the Burthen in raising the supply is very agreeable to me ; but as you think you cannot make use of the net sum paid into your Agents in London of £7,721.10.10^d I must herein differ from you ; either as to our having no proper Agent in London, the Lords of the Treasury having accepted of the nomination, both of the council and the Assembly, though in Distinct persons, or as to disposing of the sum, which will still exceed £7,000; after Mr. Abercrombie's having paid himself the Ballance you ordered by my Warrant to be paid him in England; and it is within your own power to have a proper Aid Bill to repeal any former application, and to apply it for the future, for the Public use of the Province, when no part has been applied in Pursuance of your former Resolutions.

I make no doubt but you will adhere to your present Loyal provisions of uniting his Majesty's just Prerogative with the Just rights of the Assembly ; I hope therefore you will put no Tack to the Aid Bill as formerly has been attempted, that may make it necessary for me to reject it

The Clerk informed the House that his Excellency the Governor sent to him by Mr. Powell thereby requiring him to furnish his Excellency with a Copy of the Journal of this House daily ; Whereupon the Question was put, whether the Clerk, during the Session, give any Copy of the Journal, or any part thereof, until the same shall be first examined, and Compared with the Minutes by Mr. Speaker ; And carried in the Negative

Ordered That after the said Journal or any part thereof, shall be so examined and compared, the Clerk, so soon as the business of the House will permit him, shall furnish his Excellency with a Copy of the Same

Mr. Baker from the Committee appointed to bring in a Bill for granting an Aid to his Majesty, and other purposes, reported a Committee had prepared the Bill for granting an Aid to his Majesty, for appointing an Agent to Solicit the Affairs of this Province at the Several Boards in England, and for other purposes, which he read in his place and delivered in at the Table where the same was again read passed, and Ordered to be sent to the Council by Mr. Frohock and Mr. Ashe

The House Adjourned till 10 °Clock tomorrow morning

Tuesday November 18th 1760.

Mr. Baker moved for leave to bring in a bill to alter and amend an Act Intituled an Act concerning proving Wills, and Granting Letters of Administration, and to prevent fraud in the management of Intestates Estates

Ordered that he have leave, and that he prepare and bring in the same

Mr. Baker presented to the House the aforementioned Bill; which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council

Mr. Baker moved for leave to bring in a Bill, to ascertain the method of paying Taxes and Levies in Commodities, and for other purposes

Ordered that he have leave and that he prepare and bring in the same.

Mr. Baker presented the aforementioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed, and ordered to be sent to the Council

Mr. Baker moved for leave to bring in a Bill, to regulate Elections for Members to serve in the General Assembly; and to Ascertain who shall be qualified to Vote at the said Elections or be Elected a Member of the General Assembly and to directe the method to be observed in taking the poll, at the several Elections in the Counties and Towns in this Province

Ordered that he have leave, and that he prepare and bring in the same

Mr. Baker presented the aforementioned Bill which he read in his place and Delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Mr. Ashe moved for leave to bring in a Bill for raising Money towards Finishing the Churches at Wilmington and Brunswick

Ordered that he have leave and that he prepare and bring in the same

Mr. Ashe presented the aforementioned Bill which he read in his place, and delivered in at the Clerks Table, where the same was again read by the Clerk passed and Ordered to be sent to the Council

Mr. Starkey moved for leave to bring in a Bill for establishing a Printing Office

Ordered that he have leave, and that he prepare and bring in the same

Mr. Starkey presented the above mentioned Bill, which he read in his place, and delivered in at the Table; where the same was again read by the Clerk, passed and ordered to be sent to the Council

Mr. Haywood moved for leave to bring in a Bill for Establishing a Town on the Land of Joseph Howell, on Tarr River

Ordered that he have leave and that he prepare and bring in the same

Mr. Haywood presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the above six Bills to the Council by Mr. Dry and Mr. Leech

Mr. Ashe presented the Petition of John Lane of the province of South Carolina setting forth, That Barnaby M^cKinnie late of Edgcomb County in his life time was seized in his Demessne, as of fee, of and into sixteen hundred and ninety Acres of Land, in Halifax County (formerly Edgecombe) and by his last Will and Testament in Writing devised the same with other Lands to his son Richard M^cKinnie with Limitation over to Patience Lane Mother of your Petitioner, and Mourning Pope, equally to be divided between them &c—and that the said John Lane is apprehensive some doubt may arise whether the said Land may not be entailed, and to prevent Tedious and Expensive Law Suits—Praying an Act may Pass to dock the entail of the said Lands, and settle other Lands to the same use

Mr. Ashe Presented the Petition of William Hurst of Granville County Setting forth that Col^o Barnaby M^cKinnie late of Edgcomb County in his life time was seized in his demesne as of fee, of and into Two Hundred and Fifty Acres of Land in Halifax County, (formerly Edgcomb) and by his last Will and Testament in Writing devised the same together with other Lands to his daughter Christian, (Wife to the said William Hurst) in fee Tail, &c. That the said William Hurst is desirous of advancing and promoting the Interest and Fortune of Mary, only daughter and Heir of the said Christian by Settling Lands and other Estate of Greater Value than the aforesaid 250 Acres of Land on her the said Mary—Praying an Act may pass to dock the Intail of the said 250 Acres of Land, and that other Lands may be settled to the same uses.

Mr. Ashe presented the Petition of Barnaby M^cKinnie of the Province of North Carolina Setting forth that Barnaby M^cKinnie late of Edgcomb County, Grand father of the Petitioner, in his life time was seized, in his Demesne, as of fee of and in three hundred

Acres of Land lying and being in Halifax County (formerly Edgecombe) and by his last Will and Testament in Writing devised the same together with other Lands to his son Richard M^cKinnie with Limitation over, that if the said Richard should die without issue then to his son John M^cKinnie father to the Petitioner, and to the Heirs of his body lawfully begotten &c That the said Barnaby M^cKinnie is in some doubt whether the said 300 Acres may be entailed or not &c Praying the entail (if so) may be docked, and other Lands settled in Lieu thereof to the same use

Then on Motion ordered that a Committee be appointed to enquire into the allegations and facts set forth in the said Petition and report the same to the House, and Mr. Hewes, Mr. Harnett and Mr. Harris are accordingly appointed

On Motion ordered that Mr. M^cCulloch, Mr. Haywood, Mr. Leech, Mr. Vail and Mr. Thomas Barrow enquire into the Allegations and facts set forth in the several Petitions of the Inhabitants of Beaufort County, for and against the Division thereof, referred by the House at the last Session, and report thereon to the House

Mr. Harris Presented a Certificate from the Court of Granville County, Certifying that Enoch Rentfrow of Granville County is a disabled man and therein recommending him to the Assembly to be exempt from Payment of Public County and Parish Taxes

Ordered that he be exempt Accordingly

Mr. M^cCulloch Presented a Certificate from the Court of Halifax County Certifying that Richard Evans of Halifax County, is aged and infirm, and therein Recommending him to be exempt from Paying Public Taxes, and doing Public duties

Ordered that he be exempt accordingly

Mr. Webster presented a Certificate from the Court of Hyde County, Certifying that John Houson of the aforesaid County is aged and infirm, and therein recommending him to be Exempt from paying public Taxes, and doing Public duties

Ordered that he be exempt accordingly

Mr. Shepard Presented a Certificate from the Court of Dobbs County certifying that Alexander Mitchell is ancient, poor, and infirm, and therein recommending him to be exempt from paying Public Taxes, and doing Public duties

Ordered he be exempt accordingly

Mr. Starkey moved that a Committee be appointed to examine state and settle the Public Accounts of this Province; and Mr. Har-

nett, Mr. McCulloch, Mr. Leech, Mr. Corbin, Mr. Coutanche, Mr. Hewes and Mr. Moore are accordingly appointed.

On Motion ordered that Mr. Starkey, Mr. Ashe, Mr. Bartram, Mr. Mackey, Mr. Vail, Mr. Benton, Mr. Frohock, Mr. Howe and Mr. Baker settle and allow the Public Claims; and that the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House have appointed Mr. Harnett, Mr. McCulloch, Mr. Leech, Mr. Corbin, Mr. Coutanche, Mr. Hewes, and Mr. Moore a Committee to state and settle the Public Accounts; and Mr. Starkey, Mr. Ashe, Mr. Bartram, Mr. Mackey, Mr. Vail, Mr. Frohock, Mr. Benton, Mr. Howe and Mr. Baker a Committee to settle and allow Public Claims, in conjunction with such of your Honours as you may think proper to appoint.

Sent the above Message by Mr. Frohock and Mr. Shepard.

Mr. Vail from a Committee appointed to enquire into the Facts set forth in the Petition of John Williams, reported that the Committee had considered the same and

Resolved, that it appears that the said John Williams left his dwelling House on the Twenty eight day of December last and on the Thirtieth returned to his plantation and found his house reduced to Ashes; and declared on Oath that he left the sum of forty nine pounds proclamation money locked up in a Chest in the said House, which he verily believes was burnt therein; and that the said Committee are of opinion that the said John Williams be paid the sum of Forty nine Pounds Proclamation Money, out of the sinking fund to be burnt this Session; and submits the same to the consideration of the House

On Motion Resolved, that the House do not concur with the above report of the said Committee

The House adjourned till 3 o'clock afternoon

P. M. The House met according to Adjournment

Mr. Barrow presented to the House, a Certificate from the Court of Hyde County certifying that W^m And Samuel Fortescue, are deaf and dumb, recommending them to be exempt from paying Public Taxes and doing public duties

Ordered they be exempt accordingly.

Received from the Council the following Bills, to wit

The Bill for Granting an Aid to His Majesty &c.

The Bill to alter and amend an Act Intituled an Act, concerning proving Wills and granting Letters of Administrations &c

The Bill to regulate Elections for Members to serve in the General Assembly &c

The Bill to ascertain the Method of Paying Taxes, and Levies in Commodities, and for other Purposes.

The Bill for Establishing a Town on the Land of Joseph Howell on Tar River

The Bill for raising Money by a Lottery towards finishing the Churches at Wilmington and Brunswick Endorsed November 18th 1760—In the Upper House of Assembly, read the first time and passed.

The Bill for Establishing a post office; Endorsed November 18th 1760 In the Upper House of Assembly read the first time amended and passed

Received from the Council the following Message Viz

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message relative to the Committees we have appointed the Hon^{ble} Lewis De Rossett, and John Rieussett Esquires, a Committee of this House to state and settle the Public Accounts; and the Hon^{ble} John Swann, and Maurice Moore Esquires a Committee of this House, to settle and allow the Public Claims

JAMES HASELL P. C.

On Motion ordered that the Bill for granting an Aid to his Majesty &c be read Read the same Then on Motion

Resolved That the House Resolve into a Committee of the whole House, to morrow to take under Consideration the subject matter of the said Bill

On Motion Resolved that the Clerk of the Assembly do not deliver the Original Journal or Minutes of the Assembly without order of the House, to any Person, unless to Mr. Speaker

Mr. Benton moved that a Committee be appointed to prepare a Bill for amending an Act Intituled an Act for Regulating the several officers fees within this Province; and Ascertainning the Method of paying the same, and Mr. M^cGee Mr. Hutehins, Mr. Benton, Col. Leech, Mr. Ashe, Mr. Starkey, and Mr. Frohock are accordingly appointed

Then the House adjourned till tomorrow morning 10 o'Clock

Wednesday, November 19th 1760 The House met according to Adjournment

Mr. Hewes from the Committee appointed to examine into the Allegations and Matters set forth in the Petitions of Barnaby M^cKinnie, John Lane and William Hurst, Reported, That it appears to them, that the Matters in the said Petitions mentioned are true, and that the Lands proposed to be settled in Lieu thereof, are of greater value than the Lands mentioned in the said Petitions.

Signed JOSEPH HEWES,
CORNELIUS HARNETT,
ROBERT HARRIS.

Then on Motion ordered, That a Bill be brought in pursuant to the prayers of the said Petitions

Mr. Hewes presented a Bill to dock the Intail of certain Lands therein mentioned vesting the fee simple thereof in Blake Baker and for settling other Lands in Lieu thereof, to the same uses, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Mr. Ashe according to order brought in a Bill, for fixing the bounds between the Counties of New Hanover and Duplin; which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Mr. Hewes moved for leave to present a Bill for Altering the times of holding the Inferior Courts of Pleas and quarter Sessions in the County of Chowan.

Ordered that he have leave and that he prepare and present the same.

Mr. Hewes presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the above three Bills to the Council by Mr. Baker and Mr. Howe

Mr. Howe presented the petition of several of the Inhabitants of Bladen County which was read setting forth &c—Praying an Act may Pass for Erecting a Town on the Mouth of Rockfish Creek &c.

Mr. Hutchins objected thereto, and presented the Petition of the Inhabitants of the Counties of New Hanover, Bladen and Cumberland, setting forth the General advantage to Trade &c and of Cape

Fear &c to erect a Town at Cross Creek on the South West side of the North West River in the County of Cumberland praying a Town may be erected pursuant to the Petition.

Then on Motion Resolved, that the consideration of the above two Petitions be referred to the next Session of Assembly, and that in the mean time Mr. Howe, Mr. Bartram, Mr. Waddell Mr. Frohock, Mr. Hutchins, Mr. Thomas Gibson, and Mr. Hector McNeill or the Majority of them view the two Places mentioned in the said Petitions or other place proper for Erecting a Town on the North West River of Cape Fear and report thereon to the next Session of Assembly

Mr. McCulloch from the Committee appointed to Examine into the several Petitions from the Inhabitants of Beaufort County, for and against the Division thereof reported that the said Committee had strictly examined the said Petitions, and find a great Majority of the Inhabitants of the said County, are for a Division thereof and recommended it to the House, that a Bill be brought in and passed into an Act, to divide the said County agreeable to a plan laid before the Committee and Presented to the House

Signed ALEXANDER McCULLOCH,
 EDWARD VAIL,
 WILLIAM HAYWOOD,
 THOMAS BONNER.

To which the House agreed.

Then on Motion Ordered that Mr. Simpson prepare and bring in a Bill pursuant to the report of the said Committee.

Mr. Simpson Presented a Bill for erecting the upper part of Beaufort County into a County and Parish, by the name of Pitt County and St Michaels Parish; and for Adjourning the Court from the Court House on the Land of Thomas Bonner to the Court House in Bath Town, and other Purposes therein mentioned; which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent by Mr. Coutanche and Mr. Simpson

Mr. Harnett moved for leave to bring in a Bill for Confirming the Charter of the Borough of Wilmington; and other Purposes

Ordered that he have leave, and that he prepare and bring in the same

Mr. Harnett presented the afore mentioned Bill which he read in

his place, and delivered in at the Table where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Sent the same to the Council by Mr. Harnett and Mr. Ashe

Mr. Barrow moved for leave to bring in a Bill for destroying Black Birds and Squirrels in the County of Hyde.

Ordered that he have leave and that he prepare and bring in the same

Mr. Barrow presented the afore mentioned Bill, which he read in his place, and delivered in at the Table; where the same was again read by the Clerk, passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Barrow and Mr. Harris

On Motion Ordered That the Bill for Establishing a Town on the Land of Joseph Howell on Tar River be read a second time. Read the same a second time, passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Haywood and Mr. Lemon.

Then the House adjourned till 2 °Clock in the Afternoon.

P. M. The House met according to Adjournment

Received from the Council the following Bills Viz^t

The Bill to dock the Intail of Certain Lands therein mentioned; vesting the Fee simple thereof in Blake Baker &c.

The Bill for destroying Crows, black birds and squirrels &c.

The Bill for confirming the Charter of the Borough of Wilmington &c

The Bill for altering the times of holding the Inferior Courts of pleas and quarter Sessions in the County of Chowan

The Bill for erecting the upper part of Beaufort County into a County and Parish &c—and

The Bill for fixing the Bounds of the Counties of New Hanover and Duplin

Endorsed November 19th 1760. In the Upper House of Assembly read the first time and passed.

Mr. Hutchins moved for leave to present a Bill for altering the method of Working on the Roads in the Counties of Bladen, Cumberland, Anson, Rowan and Duplin

Ordered he have leave accordingly.

Mr. Hutchins presented the above mentioned Bill, which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent by Mr. Hutchins and Mr. Bonner.

The order of the day regarding the Aid Bill being read Resolved that the same be referred till tomorrow.

Then the House adjourned till Tomorrow morning 9 °Clock

Thursday November 20th 1760. The House met according to Adjournment

Mr. Starkey pursuant to a Resolve of the first Session of this Assembly held at New Bern in May last Reported that he had perused the sundry papers and Accounts theretofore passed this House, regarding the several Aids Granted to his Majesty in and since the year 1754, to the last Session of Assembly held at Wilmington in June last inclusive and laid the same before the House.

The House approved thereof.

On Motion ordered that Mr. Bell, Mr. Starkey and Mr. Dry be appointed a Committee to prepare a Bill for Continuing and amending an Act Intituled an Act for appointing a Militia, and to continue an Act, Intituled an Act for the restraint of Vagrants and for making provision for the poor and other purposes, and they are accordingly appointed.

The order of the day regarding the Aid Bill being read, Resolved that the same be referred till tomorrow.

On motion ordered the Bill for erecting the upper part of Beaufort County into a County and Parish by the name of Pitt County and St. Michaels Parish, be read the Second time. Read the same a second time, amended, passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Baker and Mr. Simpson

On Motion ordered the Bill to Dock the Intail of Certain Lands therein mentioned, vesting the Fee simple thereof in Blake Baker &c be read the second time, read the same a second time passed and ordered to be sent to the Council

The Bill for Altering the time for holding the Inferior Courts of pleas and quarter Sessions in the County of Chowan, be read the second time—read the same a second time passed and ordered to be sent to the Council

The Bill for fixing the Bounds of the Counties of New Hanover and Duplin be read the second time, read the same a second time, amended passed and ordered to be sent to the Council—and

The Bill for destroying Crows, black birds and squirrels &c be read the second time, read the same a second time, amended passed, and ordered to be sent to the Council

Sent the above four Bills by Mr. Baker and Mr. Dry.

Then the House adjourned till tomorrow morning 9 °Clock

Friday November 21st 1760. The House met according to adjournment

Mr. Dry moved for leave to present a Bill for dividing New Hanover County

Ordered that he have leave and that he prepare and bring in the same

Mr. Dry presented the said Bill, which he read in his place, and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Baker and Mr. Frohock.

Mr. Hinton one of the Members for Johnston County appeared

Mr. Baker moved for leave to bring in a Bill, to empower the Inhabitants of the several parishes within this Province that have no Vestries within their respective Parishes to meet and elect the same.

Ordered that he have leave, and that he prepare and bring in the same.

Mr. Baker presented the above mentioned Bill, which he read in his place, and delivered in at the Table, where the same was read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Baker and Mr. Frohock.

The Serjeant at Arms having returned the Warrant for this House to take into his Custody Mr. Bryan, Mr. Hinton, Mr. Shepard, and Mr. Davis.

Mr. Shepard, Mr. Bryan, and Mr. Hinton appeared, and being executed [excused] by the House—

On motion Resolved, that they be excused from paying any part of the Expence to the Serjeant at Arms who went for them; and that they take their seats in the House

Mr. John Barrow one of the Members for Beaufort County, appeared.

The order of the day being read, regarding the Aid Bill;

On motion Resolved, That the House resolve into a Committee of the whole House, to take under consideration the subject of the said Bill

The House Resolved into a Committee of the whole House for the purposes aforesaid after some time spent the Committee came to several Resolutions; which Mr. Chairman was directed to report to the House; but not having time to reduce them into form desire leave to sit again tomorrow

Then on motion Resolved, That the Committee rise and Mr. Speaker resume the Chair.

Mr. Speaker resumed the Chair.

Then the House adjourned till tomorrow Morning 10 °Clock

Saturday November 22^d 1760. The House met according to Adjournment

Mr. Benton from the Committee appointed to prepare a Bill for amending an Act, Intituled an Act for regulating the several officers fees in this Province and ascertaining the method of Paying the same, Reported, that the Committee had prepared the same, and desired leave to present it to the House.

Ordered that he present the same.

Mr. Benton presented the afore mentioned Bill, which he read in his place, and Delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Mr. Benton moved for leave to present a Bill for taking up stray Horses within this Province

Ordered that he have leave, and that he prepare and bring in the same

Mr. Benton presented the aforementioned Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Mr. Coutanch moved for leave to bring in a Bill for obtaining an exact list of Taxables, and for the effectual Collecting as well all arrears of Taxes as all other Taxes for the future due and payable, and other purposes therein mentioned.

Ordered that he have leave, and that he prepare and bring in the same.

Mr. Coutanch presented the aforementioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Received from the Council the following Bills—Viz^t

The Bill for altering the times of holding Inferior Courts of pleas and quarter Sessions in the County of Chowan, and the Bill for destroying Crows and black birds and squirrels in Hyde County. Endorsed Nov. 21st 1760. In the Upper House of Assembly read the second time and passed

And the Bill for fixing the Bounds between the Counties of New Hanover and Duplin Endorsed, November 21st 1760. In the Upper House of Assembly, read the second time amended and passed.

The Bill to Impower the Inhabitants of Several Parishes within this Province that have no Vestries &c^a to Elect Vestries. Endorsed, November 21st 1760. In the Upper House of Assembly read the first time and passed

The order of the day being read, on Motion Resolved that the Committee sit.

The House resolved into a Committee, and Mr. Chairman took the Chair.

Mr. Chairman Informed the Committee that he had reduced the amendments to the aid Bill in form, which he read, and were agreed to by the Committee

Then on Motion Resolved, That the Committee rise, and Mr. Speaker resume the Chair.

Mr. Speaker resumed the Chair.

Mr. Chairman reported, that the Committee had prepared and agreed to several amendments to the Aid Bill, which he laid before the House. The House agreed thereto, and ordered the same be inserted in the said Bill. The same are inserted accordingly.

On Motion ordered, that the Bill to alter and amend an Act Intituled an Act concerning proving Wills, and Granting Letters of Administration &c be read the second time, read the same a second time, amended passed, and ordered to be sent to the Council

Sent the same by Mr. Bartram and Mr. Bonner

Then the House adjourned till Monday Morning 10 °Clock.

Monday November 24th 1760. The House met according to adjournment.

On Motion Resolved, that the House do not receive any Bills after Tuesday next

Mr. Starkey moved for leave to bring in a Bill, to continue an Act Intituled an Act for the Restraint of Vagrants, and for making provision for the poor, and other purposes.

Ordered that he have leave and that he prepare and bring in the same.

Mr. Starkey presented the afore mentioned Bill which he read in his place and delivered in at the Table; where the same was again read by the Clerk passed, and ordered to be sent to the Council

Mr. Leech moved for leave to bring in a Bill, to amend an Act Intituled an Act for the better regulation of the Town of New Bern, and for securing the Titles of Persons who hold Lots in the said Town; passed the 30th of September, 1756.

Ordered that he have leave and that he prepare and bring in the same

Mr. Leech presented the above mentioned Bill which he read in his place, and delivered in at the Table; where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Bonner and Mr. Benton

Received from the Council the Bill for Erecting the upper part of Beaufort County into a County and Parish &c and

The Bill for Establishing a Town on the Land of Joseph Howell on Tar River

Endorsed, November 21st 1760 In the Upper House of Assembly read the second time and passed

The Bill for obtaining an Exact List of Taxables &c Endorsed Nov 22^d 1760 In the Upper House of Assembly read the first time and passed

The Bill for erecting St Philips Parish into a County, Endorsed November 21st 1760 In the Upper House of Assembly read the first time and passed

Mr. Howe presented the Petition of Sundry of the Inhabitants of the Brown Marsh, Hammonds Creek, and the Western prong or Branch of Wagama setting forth that about five miles below Bladen County House, to South Carolina [a] Road would be very convenient for Travellers; and also for the Inhabitants to carry their produce to the Northwest River; Praying a Bill may be brought in to grant the said Commissioners for their own Districts &c which was read and then on Motion—

Ordered that a Bill be brought in pursuant to the prayers of the said Petition

Mr. Starkey moved for leave to bring in a Bill to amend and Continue an Act, Intituled an Act for Appointing a Militia

Ordered that he have leave, and that he prepare and bring in the same

Mr. Starkey presented the aforementioned Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

On motion ordered that the Bill for Granting an Aid to his Majesty, for appointing an Agent &c, be read the second time Read the same a second time, amended passed and Ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Waddell and Mr. Frohock

On Motion Resolved, that the Treasurer of the Southern district pay the Serjeant who went for Mr. Bryan, Mr. Hinton Mr. Shepard and Mr. Davis out of the public Treasury, and that the said Treasurer retain Mr. Davis Proportion out of his Salary; and also that the said Treasurer pay the said Serjeant who went for Mr. Gibson and Mr. McNeill out of the said Treasury; and that they Mr. Gibson and Mr. McNeill repay the said Treasurer

Resolved that the Speaker issue his Warrant against the following Members to wit Mr. Jacob Farrow, Mr. Caleb Ethridge Mr. William Ferebe, and Mr. W^m Bray four of the Members for Currituck County; Mr. Samuel Swann Jun^r, Mr. Thomas Taylor, Mr. John Lowry Mr. Joseph Jones, and Mr. Jarvis Jones the Members for Pasquotank County; Mr. Richard Saunderson one of the Members for Perquimons County; Mr. William Williams, one of the Members for Bertie County; Mr. Cray, one of the Members for Orange County to levy the fine of 10 shillings per Diem, each, for failing to make their personal appearance this Session of Assembly

On Reading the Petition of Susanah Regan, Widow, it is

Resolved, that Susanah Regan, Widow of Gabriel Regan who was killed in the Service of this Province, on an Expedition against Fort Du Quesne, be allowed the sum of Twenty pounds Proclamation Money; to be paid by John Starkey Esquire out of the Public Treasury, by a Warrant from his Excellency the Governor, and that the said Treasurer be allowed the same on passing his Accounts with the Public and that the following Message be sent to his Majestys Council Viz

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

On Reading the Petition of Susanah Regan, Widow of Gabriel Regan and maturely considering the same, this House have Resolved, that the said Susanah Regan Widow of Gabriel Regan who was killed in the service of this Province on an Expedition against Fort Du Quesne, be allowed Twenty Pounds Proc Money to be paid out of the Public Treasury by a Warrant from His Excellency the Governor, and that the said Treasurer be allowed the same on passing his Account with the Public, and desire your Honors Concurrence

Sent by Mr. Starkey and Mr. Vail

Ordered that Mr. Simpson and Mr. Harris be added to the Committee of Public Accounts

Received from the Council the Bill to continue an Act for the

Restraint of Vagrants And the Bill to amend an Act Intituled an Act for the better Regulation of the Town of New Bern &c^a En-dorsed November 24th 1760 In the Upper House of Assembly read the first time and passed

Mr. Howe Presented a Certificate from the County Court of Bladen, Certifying that Samuel Mercer of said County, is an object of Com-pasion, and recommending him to be exempt from doing Public duties

Ordered that he be exempt accordingly

Then the House adjourned till Tomorrow morning 9 o'clock

Tuesday November 25th 1760 The House met according to Ad-journment

On Motion ordered that the Bill, to Impower the inhabitants of the several Parishes within this Province, that have no Vestry within their Respective Parishes, to meet and elect Vestries, be read the second time

Read the same a second time amended passed and ordered to be sent to the Council.

Mr. Frohock moved for leave to present a Bill to amend an Act, Intituled an Act, for the relief of such persons as have suffered, or may suffer, by not having had their deeds and Mesne Conveyances proved and Registered within the time heretofore appointed for such purposes, and prevent disputes and Law suits concerning Lands.

Ordered he have leave accordingly.

Mr. Frohock presented the aforementioned Bill, which he read in his place and delivered in at the Table where the same was again read by the Clerk, Passed and ordered to be sent to the Council

On Motion ordered that the Bill for altering the times of holding the Inferior Courts of pleas and quarter Sessions in the County of Chowan, be read the third time, read the same a third time, passed and ordered to be sent to the Council

On Motion ordered the Bill for amending an Act, Intituled an Act, for regulating the several officers fees in this Province &c be read the second time Read the same a second time, amended, passed and ordered to be sent to the Council

On Motion ordered that the Bill for Establishing a Town on the Lands of Joseph Howell on Tar River, be read a third time. Read the same a third time, amended, passed and ordered to be sent to the Council

On Motion ordered that the Bill to amend an Act, Intituled an Act

for the better Regulating the Town of New Bern &c, be read the second time Read the same a second time amended passed and ordered to be sent to the Council

On Motion ordered, That the Bill for erecting the upper part of Beaufort County into a County and Parish &c be read the third time Read the same a third time, amended passed and ordered to be sent to the Council

On Motion ordered that the Bill to Continue an Act, Intitled an Act for the restraint of Vagrants &c^a be read the second time. Read the same a second time, Amended passed and ordered to be sent to the Council

Sent the aforementioned eight Bills to the Council by Mr. Benton and Mr. Harris

Mr. Baker moved for leave to bring in a bill to impower the Justices of the Inferior Courts to bind out Mulatto Children born of any white woman

Ordered that he have leave accordingly

Mr. Baker presented the aforementioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk. Then on Motion, Ordered that the said Bill lie on the Table for the perusal of the House.

On Motion Ordered that the Bill for destroying Crows Blackbirds and Squirrels &c. be read the third time, read the same a third time and ordered to be sent to the Council

Sent the same to the Council by Mr. Vail and Mr. Hutchins.

On motion ordered the Bill for Confirming the Charter of the Borough of Wilmington &c be read the second time Read the same a second time, and on motion the question was put, that the said Bill be rejected; and the same was rejected accordingly

Received from the Council the Bill for Granting an Aid to his Majesty for supporting an Agent, &c^a Endorsed, November 25th 1760 In the Upper House of Assembly, read the second time amended & passed

Mr. Howe brought in a Bill pursuant to the order of Monday last to repeal part of an Act, Intitled an Act, to Impower the Commissioners of the District herein after mentioned, to lay out and make new Roads, and to appoint Commissioners for a certain District in Bladen County, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Howe and Mr. Bartram

Then the House adjourned till 3 °Clock in the afternoon

P. M. The House met according to Adjournment

On Motion ordered that the Bill for fixing the Bounds between the Counties New Hanover and Duplin, be read the third time Read the same a third time,

On motion, the Question was put, and the said Bill was rejected

Received from the Council the Bill for Erecting the upper part of Beaufort County into a County and Parish by the name of Pitt County, and St Michaels Parish &c^a

And the Bill for altering the times of holding Inferior Courts of Pleas and quarter Sessions in the County of Chowan; Endorsed, November 25th 1760 In the Upper House of Assembly read the third time and passed

Ordered to be engrossed.

Received from the Council the Bill to amend an Act, Intituled an Act, for the relief of such persons as have suffered, or may suffer, by not having had their deeds and mesne conveyances proved &c^a, and

The Bill to amend and continue an Act, Intituled an Act, for appointing a Militia

Endorsed November 25th 1760 In the upper House of Assembly, read the first time and passed.

Received from the Council the Bill to Impower the Inhabitants of Several Parishes within this Province that have no Vestries within their Respective Parishes to meet and elect Vestries, and

The Bill to Continue an Act, Intituled an Act, for the restraint of Vagrants &c

Endorsed November 25th 1760 In the upper House of Assembly read the second time and passed

Received from the Council the Bill to amend an Act, Intituled an Act, for the better regulating the several Officers fees, in this Province &c Endorsed November 25th 1760 In the upper House of Assembly, read the second time amended and passed.

Then the House adjourned till tomorrow morning 8 °Clock.

Wednesday November 26th 1760. The House met according to Adjournment.

On motion ordered that the Bill to amend an Act Intituled an Act for the relief of such persons as have suffered or may suffer, by not having had their deeds and mesne conveyances proved and Regis-

tered &c be read the second time Read the same a second time, passed and ordered to be sent to the Council

On motion ordered that the Bill, to amend and continue an Act, for appointing a Militia, be read the second time, read the same a second time, amended passed and ordered to be sent to the Council

Received from the Council the Message sent by this House, to that Board on Monday last, regarding an allowance of Twenty Pounds, Proc. Money to Susanah Regan &c^a Endorsed November 25th In the upper House of Assembly, read and concurred with

JAMES HASELL P. C.

On motion, ordered that the Bill, to continue an Act, for the restraint of Vagrants &c be read a third time, read the same a third time amended and passed

Sent the above three bills by Mr. Frohock and Mr. Bartram

On motion ordered that the Bill for Granting an Aid to his Majesty for appointing &c. be read the third time Read the same a third time, amended, passed and ordered to be sent to the Council

Sent the said Bill to the Council by Mr. Waddell, Mr. Frohock, Mr. Harnett, Mr. Hewes and Mr. McCulloch

Received from the Council the following Bills

The Bill to amend an Act, for the relief of such persons, who have suffered or May suffer, by not having their Deeds or Mesne conveyances registered &c^a. and The Bill to amend and continue an Act, Intitled, an Act, for appointing a Militia Endorsed, November 26th 1760 In the Upper House of Assembly, read the second time and passed

And the Bill to repeal part of an Act, Intitled an Act to Impower the Commissioners of the District herein after mentioned, to lay out and make new Roads &c^a. Endorsed November 26th 1760. In the Upper House of Assembly read the first time and passed.

On Motion ordered, that the Bill to amend an Act Intitled an Act for the better regulation of the Town of Newbern &c^a be read the second time. Read the same a second time, passed, and ordered to be sent to the Council.

On Motion ordered that the Bill to repeal part of an Act Intitled an Act to Impower the Commissioners of the Districts herein after mentioned &c^a to lay out and make new Roads &c, be read the second time Read the same a second time, amended, passed, and ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Howe and Mr. Bartram

Then the House adjourned till 3 °Clock in the Afternoon

P. M. The House met according to Adjournment

On Motion [ordered] that the Bill for raising Money by a Lottery, towards Finishing the Churches at Wilmington and Brunswick &c be read the second time. Read the same a second time amended passed, and ordered to be sent to the Council

On Motion ordered that the Bill to continue James Davis Printer to this Province be read a second time. Read the same a second time, amended, passed, and ordered to be sent to the Council

Sent the above Bills to the Council by Mr. Dry and Mr. Barrow.

Then the House adjourned till tomorrow morning 9 °Clock.

Thursday November 27th 1760 The House met according to adjournment

Mr. John Barrow moved for leave to absent [himself] from the service of the House on Account of his Indisposition.

Ordered that he have leave accordingly.

Mr. Starkey Administrator of the Estate of Mr. Jeremiah Vail, who in his lifetime was Receiver of the Powder Money in port Beaufort informed this House that there remained in the hands of the said Jeremiah Vail at the time of his Death a quantity of Gun Powder and Lead, which he had received on account of the Public, therefore moved that his Excellency the Governor be Addressed to direct the same to be sold at Public Vendue, and the Money arising by such sale, be applied according to Law.

Resolved, That his Excellency be addressed accordingly, as follows Viz^t

TO HIS EXCELLENCY ARTHUR DOBBS ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c.

SIR—This House having been informed by John Starkey Esq^r who is Administrator of the Estate of Mr. Jeremiah Vail late Powder Receiver in the port of Beaufort that there remained in the hands of the said Jeremiah Vail, at the time of his Death, a quantity of Gun Powder and Lead, which he had received in that port, for the use of the Public; Desire your Excellency will give directions that the same be sold at Public Sale, and the money arising thereby be applied according to Law

Sent by Mr. Leech and Mr. Vail.

On Motion ordered that the Bill for obtaining an Exact list of Taxables &c be read Read the same; and then

On Motion Resolved, that the House Resolve into a Committee of the Whole House, to take under consideration the subject matter of the said Bill

The House Resolved into a Committee of the [Whole] House, for the purposes aforesaid, and choose Mr. Edmund Smithwick Chairman, after some time spent, the Committee came to several Resolutions, and proposed several amendments thereto; which Mr. Chairman was directed to report to the House for Concurrence, and then

On Motion Resolved, that the Committee rise, and Mr. Speaker resume the Chair.

Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had taken the said Bill into Consideration, and agreed to several amendments; which were read, agreed to, and ordered to be inserted in the said Bill; The same were incerted accordingly.

Received from the Council the following Bills

The Bill to repeal part of an Act, Intitled an Act to Impower the Commissioners of the Districts herein after mentioned, to lay out and make new Roads &c^a Endorsed, November 26th, 1760. In the Upper House of Assembly read the second time and passed

The Bill to continue an Act, for the Restraint of Vagrants &c

The Bill to amend an Act, Intitled an Act, for the better Regulation of the Town of New Bern &c

Endorsed, November 25th 1760 In the Upper House of Assembly read the third time and passed

Ordered to be engrossed

And the Bill for destroying Crows, Blackbirds and Squirrels, in Hyde County, Endorsed, November 25th 1760, In the Upper House of Assembly read the third time and passed

Ordered to be engrossed

Received the following Message from the Council Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time, the Bill, for Granting an Aid to his Majesty for appointing an Agent to solicit the affairs of this Province at the several Boards in England; We propose, that all that part of the Bill relative to appointing an agent, should be struck out, as it is

foreign to the Aid; To which amendments if your House agree, please to send two of your Members to see the Alteration made

On Motion ordered that the Bill, to repeal part of an Act, Intituled an Act, to Impower the Commissioners of the District herein mentioned to lay out and make new Roads &c^a be read the third time

Read the same a third time passed and ordered to be sent to the Council,

Sent the same to the Council, by Mr. Howe and Mr. Bartram.

Then the House adjourned till 3 °Clock this afternoon

P. M. The House met according to adjournment

Then the House Adjourned till 9 °Clock to morrow morning

Friday November 28th 1760. The House met according to Adjournment.

Resolved that the following Message be sent to his Majestys Council Viz^t

GENTLEMEN OF HIS MAJESTY'S COUNCIL

On reading your Message of Yesterday, relative to the striking out of the Aid Bill that part which appoints an Agent, for this Province, to represent to his Majesty and his Ministers the dutiful Behaviour and Zeal of this House, and also to lay before them proper documents of the Charges and Expenses this Province has been at, in carrying on the War against his Majesty's Enemies in America; This House is of opinion that the said Clause is not foreign to the Bill, though it may seem to Your Honors to be so to the Aid as the Title expresseth both; and this House further apprehend, that it is consistent with that part of Mr. Secretary Pitts Letters formerly laid before this House, recommending the appointment of an agent, in order that this Province should receive its Proportion of the Sundry Grants recommended by his most Gracious Majesty to the Parliament of Great Britain towards reimbursing these Colonies the Charges and Expences they had been at, in his Majestys Service; This House, for the reasons afore mentioned cannot, in Justice to their Constituents, and the real Interest of this Province, agree to strike out that part of the said Bill relative to the appointment of an agent; but on the contrary esteem it essentially necessary to the happiness and Prosperity of this Province, and no ways Prejudicial to his Majesty's service; and therefore hope your Honors will be pleased to pass the said Bill as sent you from this House

Sent by Mr. Howe and Mr. Bartram

On motion ordered that the Bill, for obtaining an Exact list of Taxables &c be read the second time; read the same a second time, amended, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Dry and Mr. Hewes.

Received from the Council the following Bills Viz^t

The Bills for raising Money by a Lottery towards finishing the Churches at Wilmington and Brunswick; and for applying the Produce of the Slaves, and other Effects taken from the spaniards at Cape Fear in the year 1748, to the same purpose

And the Bill to continue James Davis Printer to this Province Endorsed November 28th 1760 In the Upper House of Assembly read the second time amended and passed

On motion ordered that the Bill for Dividing New Hanover County and for erecting that part thereof called St Philips Parish &c^a into a County &c be read the second time Read the same a second time, amended, passed, and ordered to be sent to the Council

Sent the above Bills to the Council by Mr. Dry and Mr. M^cCulloch
Then the House adjourned till 9 o'clock to morrow morning

Saturday November 29th 1760. The House met according to Adjournment

On motion ordered that the Bill for Regulating the Election of Members to serve in the General Assembly, and to ascertain who shall be qualified to vote at the said Elections, or be Elected a Member of the General Assembly &c^a be read, read the same; and then on motion

Resolved, that the House resolve into a Committee of the whole House, to Consider the subject matter of the said Bill

The House Resolved into a Committee of the whole House, for the Purposes aforesaid and choose Mr. Edmund Smithwick Chairman; who took the Chair accordingly;

Then on motion Ordered, that the said Bill be read. The same was read and several amendments proposed, thereto; which Mr. Chairman was directed to report to the House; and then Resolved that the Committee rise and that Mr. Speaker resume the Chair

The Committee arose, and Mr. Speaker resumed the Chair

Mr. Chairman reported that the Committee had taken the Subject Matter of the said Bill into Consideration, and proposed several amendments thereto, which he read, were agreed to by the House, and ordered to be inserted in the said Bill.

The same are inserted accordingly

Then on motion Ordered that the said Bill be read the second time Read the said Bill the second time, with the said Amendments, passed and ordered to be sent to the Council

Mr. Leech moved for leave to bring in a Bill for appointing a Public Treasurer for the Northern District, of this Province

Ordered that he have leave, and that he prepare and bring in the same

Mr. Leech Presented the aforementioned Bill, which he read in his place and delivered in at the Table; where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Harris and Mr. Haywood

On motion ordered that the Bill to ascertain the method of paying taxes and Levies in commodities, be read the second time, read the same a second time,

Then on motion, the question was put, if the said Bill be rejected or not, and carried in the affirmative And the said Bill was accordingly rejected.

Received from the Council the following Bills Viz^t

The Bill for Granting an Aid to his Majesty, for appointing an Agent &c Endorsed, November 29th 1760, In the Upper House of Assembly read the third time and passed

Ordered to be engrossed

The Bill for dividing New Hanover County &c^a Endorsed November 29th 1760 In the upper House of Assembly, read the second time and passed

And the Bill for obtaining an Exact list of Taxables &c Endorsed, November 29th 1760 In the Upper House of Assembly, read the second time amended and passed

Then the House Adjourned till Monday Morning 10 o'Clock

Monday, December 1st 1760 The House met according to adjournment

Received the following Message from his Excellency the Governor Viz^t

MR. SPEAKER—

As I propose putting an end to this Session of Assembly to morrow, I desire you may finish such Bills, as are to be offered for my Assent; but as I find there is a Bill brought in to appoint a Northern

Treasurer I must previously see Mr. Barker's Resignation ; and see that it is accepted of, and entered on the Journals of each House before I can think of passing any Bill for appointing a new Treasurer

ARTHUR DOBBS

Received from the Council the Bill for Establishing a Town on the Land of Joseph Howell on Tar River, Endorsed, November 25th 1760, In the upper House of Assembly read the third time and passed

Ordered to be engrossed and

The Bill to repeal part of an Act, Intituled, an Act, to empower the Commissioners of the Districts hereinafter mentioned, to lay out and make new Roads &c Endorsed, November 1760 In the upper House of Assembly, read the third time and passed

Ordered to be engrossed

Received from the Council the Bill to regulate Elections for Members to serve in the General Assembly; and to ascertain who shall be qualified to vote at the said Elections, or be elected a Member of the General Assembly Endorsed, November 29th 1760 In the upper House of Assembly read the second time and passed

The Bill for appointing a Treasurer for the Northern District of this Province Endorsed November 29th 1760. In the Upper House of Assembly, read the first time and passed.

The House taking into Consideration the Message from His Excellency the Governor of this day

Resolved, That His Excellency taking notice of any matters or things transacted in this House before being made acquainted therewith by the House, and directing Entries on the Journals thereof, is inconsistent with the ancient Liberties and privileges of this House.

Resolved, that the following Address be presented to his Excellency, to wit,

TO HIS EXCELLENCY ARTHUR DOBBS ESQUIRE, CAPTAIN GENERAL, GOVERNOR &c

Sir By your Message of this day, We observe your Excellency's Intention of putting an end to this Session of Assembly to morrow; as the Assembly have the Bills for granting an aid to his Majesty, for appointing an Agent &c and several other Bills, which had passed both Houses on Saturday last, ready for your Excellency's assent, yet we have others of the first Importance before this House, and

his Majesty's Council, not quite ready to be Engrossed; and the Committee of Public Accounts and Claims cannot, in so short a time, as your Excellency proposes, this Session shall last, state and settle the said Accounts and Claims, and report the same to both Houses, Wherefore this House request your Excellency to continue this Session a few days longer, that the Business of the Public, yet depending before the House, may be finished.

Sent by Mr. Waddell and Mr. McCulloch, who being returned acquainted the House that his Excellency told them "He would not put an end to this Session till the day after to morrow"

On Motion ordered that the Bill to amend and Continue an Act, Intituled an Act, for appointing a Militia, be read the third time. Read the same a third time amended, passed, and ordered to be sent to the Council.

On Motion ordered that the Bill to Continue James Davis Printer to this Province, be read a third time. Read the same a third time, and ordered to be sent to the Council

On Motion ordered that the Bill to regulate Elections of Members to serve in the General Assembly &c be read a third time Read the same a third time amended passed and ordered to be sent to the Council

On Motion ordered that the Bill to impower the Inhabitants of Several Parishes within this Province, that have no Vestries &c to Elect Vestries, be read the third time Read the same a third time, passed and ordered to be sent to the Council

Sent by Mr. Hutchins and Mr. Bartram

The Chairman of the Committee of Public Accounts, reported that John Starkey Esquire, Public Treasurer of the Southern District, hath this Session of Assembly, paid into the Committee seven hundred and seventy eight pounds, seven shillings and three pence on the sinking fund, and the sum of Two thousand one hundred and eight pounds four shillings in Treasurers notes, Interest included And that Thomas Barker Esquire Treasurer of the Northern District hath also paid into the said Committee seven hundred pounds, fifteen shillings and two pence on account of the sinking fund; and the sum of one hundred and four pounds, sixteen shillings and three pence in Treasurers notes including interest; which said several sums amount in the whole to four thousand five hundred and ninety two pounds two shillings and eight pence, are by law to be burnt. Then on Motion

Resolved, that the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

The Chairman of the Committee of Public Accounts hath reported that John Starkey Esq^r Treasurer of the Southern District, paid to the said Committee seven hundred and seventy eight pounds seven shillings and three pence, on account of the Sinking fund; and in Treasurers Notes Included Interest—Two Thousand one Hundred and eight pounds four shillings; and that Thomas Barker Esquire Public Treasurer of the Northern District, hath paid to the said Committee, on the sinking fund seven hundred pounds, fifteen shillings and two pence; and in Treasurers notes including Interest, One Thousand and four pounds, fifteen shillings and three pence. Which said several sums, amounting in the whole to four thousand five hundred and ninety three pounds two shillings and eight pence, are by Law to be burnt: This House therefore have appointed a Committee of the whole house to join a Committee of yours at the House of John Campbell in Wilmington, to morrow, at 4 °Clock in the afternoon, to see the same done.

Mr. William Mackey moved for leave to absent [himself] from the service of the House.

Ordered that he have leave accordingly

Then the House adjourned till 8 °Clock to morrow morning

Thursday, December 2nd 1760. The House met according to Adjournment

Mr. Bryan moved for leave to absent [himself] from the Service of the House.

Ordered that he have leave accordingly

On Motion ordered, that the Bill for obtaining an Exact list of Taxables &c^a be read a third time. Read the same a third time, amended, passed and ordered to be sent to the Council

Sent by Mr. Lemon and Mr. M^cCulloch

Received from the Council the Bill to Impower the Inhabitants of Several Parishes within this Province &c^a to meet and elect Vestries

The Bill to regulate Elections for Members to serve in the General Assembly &c^a and

The Bill to amend and continue an Act, Intituled an Act for appointing a Militia.

Endorsed December 1st 1760. In the Upper House of Assembly read the third time and passed Ordered to be engrossed

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill for continuing James Davis Printer to this Province, We are of opinion that the part by which he is continued for three years should be altered, and that the said James Davis be continued Printer for one year only, as probably the seat of Government (where it would be necessary a Printer to this Province should reside) will be by that time fixed; to this alteration, if you agree, please to send some of your members to see the same done.

Received from the Council the Bill for obtaining an Exact list of Taxables; and for the collecting all Taxes for the future due and Payable &c^a Endorsed November 2^d 1760. In the Upper House of Assembly read the third time and passed

Ordered to be engrossed.

Ordered that the following Message be sent to his Majesty's Council Viz^t

GENTLEMEN OF HIS MAJESTYS COUNCIL

In answer to your Message, relative to altering part of the Bill for continuing James Davis Printer to this Province, by which he is continued three years in that office, This House agree to the striking the words three years out of the said Bill and substituting in its place one year only, to Continue from the passing thereof and send Mr. Harnett and Mr. Leech, two of the Members of this House, to see the same done.

On Motion ordered, that the Bill for appointing a Treasurer for the Northern District of this Province, in the room of Thomas Barker, who desires he may resign the said office, be read the second time, read the same a second time, amended, passed, and ordered to be sent to the Council

Sent by Mr. Harnett and Mr. Leech

On Motion ordered that the Bill for amending an Act, Intituled an Act, for regulating the several officers fees in this Province, be read the third time, Read the same a third time amended, passed, and ordered to be sent to the Council.

Sent the same to the Council by Mr. Harnett and Mr. Leech

On Motion ordered that the Bill to amend an Act, Intituled an Act, for the relief of such persons as have suffered, or may suffer by not having their deeds or Mesne Conveyances proved and Registered &c^a be read a third time. Read the same a third time, passed, and ordered to be sent to the Council.

Sent the same to the Council by Mr. Harnett and Mr. Leech.

Mr. Harnett presented the petition of Sundry of the Inhabitants of the County of New Hanover; which was read, setting forth that they understood a Bill is passing the House, for the Division of the said County; and also, should the same pass into a Law, it would be greatly detrimental to the Inhabitants in General of the said County, Praying the said Bill may not pass into a Law this Session, at least the said Bill may lay for consideration untill next Session of Assembly.

Then on Motion ordered that the Bill for dividing New Hanover County &c^a be read a third time; which was objected to, and the question put, whether the said Bill be read or rejected; and was by a Majority carried for the Rejection—And the same is accordingly Rejected

On motion ordered, that the Bill, for raising money by a Lottery towards finishing the Churches at Wilmington and Brunswick &c^a be read a third time Read the same a third time, amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Harnett and Mr. Leach

Then the House Adjourned for one Hour

The House met according to Adjournment

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message of the first Instant, relative to burning the several sums of money paid into the Committee of Accounts; This House have appointed The Honorable John Swann, and Richard Spaight Esquires to be appointed to join your Committee to see the same done

The Chairman of the Committee of Accounts reported that the Committee of this House, together with the Committee appointed by his Majesty's Council, met, and had burnt the several sums mentioned in the Message of this House, of Yesterday to the Council to be burnt

Then the House Adjourned till 10 o'clock to morrow morning

Wednesday, December 3^d 1760 The House met according to Adjournment

Received from the Council the following Bills Viz^t

The Bill to continue James Davis Printer to this Province, Endorsed, December 2^d 1760 In the upper House of Assembly, read the third time and passed

Ordered to be engrossed

The Bill for raising money by Lottery, towards finishing the Churches at Wilmington and Brunswick &c^a

The Bill, for amending an Act, Intituled an Act, for regulating the several officers fees in this Province &c^a

The Bill, to amend an Act, Intituled an Act, for the relief of such Persons as have suffered, or may suffer, by not having their deeds and mesne conveyances proved and Registered &c^a Endorsed; December 2^d 1760. In the upper House of Assembly read the third time and passed

Ordered to be engrossed

And also the Bill for appointing a Treasurer for the Northern District of this Province in the room of Thomas Barker, who desires he may resign the said office Endorsed, December 3^d 1760 In the upper House of Assembly read the third time and passed

Ordered to be engrossed

On motion ordered that the Bill for appointing a Treasurer for the Northern District of this Province, in the room of Thomas Barker &c^a be read a third time Read the same a third time, amended, passed and Ordered to be sent to the Council

Resolved, that it is the inherent right of this House, to nominate Persons to be appointed to the office of Public Treasurers of this Province; and altho' this House do agree to the person now proposed by the Council to serve in the office of Public Treasurer of the Northern District, yet the same shall not be drawn into Precedent, as admitting a right in the Council to propose, or nominate any Person, or Persons to be appointed to the said office

Sent the Bill for appointing a Treasurer &c^a to the Council by Mr. Bonner & Mr. Haywood

Robert Campbell, who was a soldier in the service of this Province under the Command of Colonel Waddell, being scalpéd, and much wounded in the said Service, appeared at the Bar of the House, and acquainted the House, that he was very poor, and by the wounds he received in the aforesaid Service, rendered incapable of getting a

liveliness, and desirous of returning to Europe among his Friends and Relations

The House taking the same under Consideration, Resolved, that the sum of Fifty Pounds proclamation Money, be paid to Colonel Hugh Waddell, for the use of the said Robert Campbell, on his Embarkation for Europe, by the Public Treasurer of the Southern District, and allowed him on passing his accounts with the Public; and that the said sum when paid, shall be in full for any Claim, the said Robert Campbell may make on the Public on the aforesaid account; and that the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

Robert Campbell a soldier last in the Service of this Province, under the Command of Colonel Hugh Waddell, having been scalped, and much wounded whilst in the Service of this Province, and thereby rendered incapable of supporting himself, and has signified to this House, his desire of returning to Europe to his Friends and Relations: This House have therefore Resolved, that the said Robert Campbell be allowed, out of the Public Treasury Fifty pounds, to be paid by the Public Treasurer to Colonel Hugh Waddell for the use of the said Robert Campbell, to enable him to proceed on his voyage to Europe, and that the said sum be allowed the said Treasurer on passing his Accounts with the Public; and also that the said sum shall be in full for any Claim the said Campbell may make on the public on the aforesaid Account, and desire your Honours Concurrence thereto

Sent by Mr. Waddell and Mr. Dry

Resolved that the following Address be presented by Mr. Speaker to his Excellency the Governor, next before he presents the Aid Bill for his Excellency's Assent—Viz^t

TO HIS EXCELLENCY ARTHUR DOBBS ESQUIRE, GOV. &c

SIR—We his Majesty's most dutiful and loyal subjects the Members of Assembly of this Province beg leave to Address your Excellency for your assent to the Bill for Granting an Aid to his Majesty; and appointing an Agent to solicit the affairs of this Province at the several Boards in England

The Aid (as we apprehend) is of the utmost consequence, not only to this, but the Neighbouring Province at this Critical Juncture, in assisting against the Cherokees, whom we have reason to believe may be encouraged in their depredations by the artful insinuation

of the French, who finding themselves drove out of their Possessions in Canada, may make, as their last effort, an attempt on the most Southern Colonies, where they might be sensible, we are the less capable of opposing them; and as the time in the aid Bill for Continuing the Forces, Mentions their Continuance to be from the first day of December next, and which was intended the first day of December now past, but too late in the evening of that day to present it to your Excellency; If your Excellency should therefore apprehend any inconveniency may arise detrimental to his Majesty's Service by a misconstruction on the time intended by the said Bill, We should in that case, beg the favour of your Excellency to Continue the Assembly a day or two longer, and we will with the greatest cheerfulness, pass, a short Bill to remedy that Inconvenience, and render the aid Bill as serviceable as Possible

We therefore humbly intreat your Excellency to pass the said Bill, by which his Majesty's Service, and probably the safety, Happiness and Prosperity, not only of this, but the adjacent Government, may be preserved.

The House adjourned for an hour

The House met according to Adjournment

The Chairman of the Committee of Accounts reported, that the said Committee had settled and allowed sundry accounts, which he laid before the House and to which the House agreed, and ordered that the same be sent to the Council for Concurrence

Sent the said Report [to the Council] for Concurrence

Received from the Council the Message to that Board of this day, regarding the allowance of Fifty pounds to Robert Campbell, Endorsed December 3^d 1760 In the upper House of Assembly—Concurred with

JAMES HASELL P. C.

His Excellency the Governor sent a Message to this House requiring the immediate attendance thereof, in the Council Chamber, with the Engrossed Bills.

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber and Mr. Speaker presented the aforementioned address, and also the following Bills for his Excellency's Assent, to wit—

1. An Act for Granting an Aid to his Majesty &c^a

2. An Act to Regulate Elections
3. An Act for obtaining an Exact list of Taxables &c^a
4. An Act to amend and continue Militia Act
5. An Act to appoint a Treasurer for the Northern District
6. An Act for raising money by Lottery, towards finishing the Churches at Wilmington and Brunswick
7. An Act to impower several Parishes to Elect Vestries
8. An Act to amend an Act for the better Regulation of New Bern
9. An Act to continue an Act for the Restraint of Vagrants
10. An Act for altering the times of holding Inferior Courts of Pleas &c^a in Chowan County.
11. An Act for establishing a Town on Tar River
12. An Act to repeal part of an Act, Intituled an Act to impower the Commissioners of the District herein after mentioned, to lay out and make new Roads &c^a
13. An Act for destroying Crows and Blackbirds &c^a
14. An Act for continuing James Davis Printer to this Province
15. An Act to amend an Act for Regulating Officers fees &c^a
16. An Act for the relief of persons who have not registered their Deeds &c^a
17. An Act for dividing Beaufort County

To all which said Bills his Excellency was pleased to assent, Except

The Act for granting an Aid to his Majesty, for appointing an agent &c.

The Act for appointing a Treasurer &c

The Act to repeal part of an Act &c^a to lay out new Roads &c^a and

The Act to amend an Act for Regulating Officers fees &c^a which his Excellency was pleased to reject, and then Prorogued this Assembly to Friday next the fifth Instant, to be held at Wilmington

Mr. Speaker, with the Members, returned, and Mr. Speaker pronounced the Prorogation accordingly

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 30.]

NORTH CAROLINA—SS.

At an Assembly began and held at Newbern the Twenty fourth day of April In the year of our Lord One thousand seven Hundred and sixty and in the thirty third year of the Reign of our Sovereign Lord George the second by the Grace of God of Great Britain France and Ireland King defender of the faith &c—and Continued from

thence by several prorogations and adjournments to the fifth day of December in the year aforesaid being the fifth Session of this Assembly.

In the Upper House
Present

| | | | | | | |
|------------------------|---|--|---|---|---|-------------------|
| The Hon ^{ble} | { | James Hasell John Swann Lewis De Rossett | { | John Rieussett Rich ^d Spaight Mau ^r Moore | } | Esq ^{rs} |
|------------------------|---|--|---|---|---|-------------------|

Saturday morning 6th December 1760 The House met according to adjournment

Present

| | | | | | | |
|------------------------|---|--|---|---|---|----------|
| The Hon ^{ble} | { | James Hasell John Swann Lewis De Rossett | { | John Rieussett Richard Spaight Mau ^r Moore | } | Esquires |
|------------------------|---|--|---|---|---|----------|

Received from the Assembly by Mr. Waddell and Mr. Harris A Bill for Appointing an Agent to lay before his Majesty and his Ministers proper Documents of the Charges and Expenses this Province hath been or shall be at in his Majesty's service during the present war and for Granting to his Majesty an Aid of £164,940 proclamation money for raising clothing and paying Five Hundred and Forty Effective Men Exclusive of Officers to Join the Forces of our Neighbouring Provinces against the French and Cherokees and for Garrisoning Fort Dobbs and for other purposes.

On Motion, Ordered to be read; Read the same the first time and passed.

Received from the Assembly the following Message, to-wit.

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have resolved that in Case no Aid Bill should be passed this Session that his Excellency have power to raise a Company Consisting of one Captain one Lieutenant one Ensign one Surgeon, two Sergeants two Corporals one Drummer and Fifty Private men to Garrison the Forts in this Province; which said Officers and Soldiers shall be allowed the same Bounty Provisions and Pay as the Officers and soldiers last in the Pay of this Province And that His Excellency the Governor have power by his Warrant on the Treasurer, to draw for the Paying Inlisting and Subsisting the said Forces And also such as shall be necessary for the Cloathing of the last Aid and in Case of Deficiency of the said savings, the same shall be made up and paid by the Public which said Company shall

be Kept in Pay Twelve Months from the first day of December Instant, If the service shall so long require and no longer, And desire your Honors Concurrence therewith.

SAML^r SWANN Speaker.

By Order W^m HERRITAGE Clk
5th December 1760.

On motion the foregoing resolve was ordered to be read, read the same Accordingly, And then was taken into Consideration and Concurred with

Reced from the Assembly by Mr. Barrow and Mr. Shepard the Bill for appointing an Agent to lay before his Majesty proper Documents of the Charges and Expenses this Province hath been or shall be at in his Majesty's service during the present War and for granting to his Majesty an Aid of £16,494 Proclam^a money for raising Cloathing and paying Five hundred and Forty Effective men Exclusive of Officers to Join the forces of our Neighbouring Provinces against the French and Cherokees and for Garrisoning Fort Dobbs and for other purposes.

On motion read a second time and passed.

Reced from the Assembly by Mr. Benton and Mr. Leech the last mentioned Bill which on motion was read the third time and passed.

Ordered to be Ingrossed.

Then the House Adjourned till 3 °Clock in the afternoon.

Then His Excellency the Governor was pleased to Dissolve (by Proclamation) this Assembly and the same accordingly was Dissolved.

I hereby Certifye that the writing contained on this half sheet of Paper is a just and true Copy of the Journal of the Upper House of Assembly at December Session 1760.

JN^o BURGWIN Clk.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 30.]

NORTH CAROLINA—SS.

At an Assembly begun and held at New Bern the 22^d day of April in the 33^d year of the Reign of our Sovereign Lord George the second by the Grace of God of Great Britain France and Ireland King (and so forth) and from thence continued by several Prorogations to the fifth day of December in the thirty fourth year of the Reign of

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our aforesaid Lord the King, and in the year of our Lord One Thousand seven hundred and sixty to be then held at Wilmington being the fifth Session of this Present Assembly

Members Present

Samuel Swann Esquire Speaker

| | |
|--------------------------------------|--------------------------------|
| Mr. Michael Coutanch | Mr. Thomas Barrow |
| Mr. Hugh Waddell | Mr. William Mackey |
| Mr. Andrew Thompson | Mr. John Hinton |
| Mr. Thomas Bonner | Mr. Cornelius Harnett |
| Mr. John Ashe | Mr. Joseph Hewes |
| Mr. William Haywood | Mr. William Webster |
| Mr. Edmund Smithwick | Mr. Stephen Hooker |
| Mr. Robert Howe | Mr. Abraham Shepard |
| Mr. Robert Harris | Mr. William M ^c Gee |
| Mr. William Dry | Mr. Francis Corbin |
| Mr. John Frohock | Mr. Joseph Leech |
| Mr. Joseph Bell | Mr. Anthony Hutchins |
| Mr. Edward Vail | Mr. Samuel Benton |
| Mr. Duncan Lemon | Mr. William Bartram |
| Mr. George Moore | Mr. Jacob Blount |
| Mr. Alexander M ^c Culloch | Mr. John Starkey |
| Mr. John Simpson | and |
| Mr. Moses Houston | Mr. Blake Baker |

On motion ordered Mr. Simpson and Mr. M^cCulloch wait on his Excellency the Governor and let him know the House is met, and ready to proceed on Business, who being returned acquainted the House, that his Excellency said he would receive this House in about half an hour, and would let them know, when he was ready to receive them

His Excellency the Governor sent a Message, to this House, requiring the immediate attendance thereof, in the Council Chamber

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber, and then and there made a Speech to this House

The House being returned Mr. Speaker Reported that he with the House had waited on his Excellency the Governor in the Council Chamber where his Excellency made a Speech to this House, a copy of which to prevent mistakes he had obtained and laid the same before the House Then on motion the same be read, read the same, and on motion Ordered, the same be entered on the Journal of this House, and is as follows, Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

I have prorogued the General Assembly to this day to give you an opportunity in a new session to reconsider the rejected Aid Bill; That if you will expunge the former exceptionable foreign Clause tacked to the Aid Bill you may perfect it, and make it serviceable to his Majesty and the Public; That I may in conjunction with the Council pass the Bill, and in Case you persist in inserting that Clause I may put an end to your further attendance, and that your Constituents may see that your real Intention is not to pass an aid Bill, but to force an Agent upon the Governor and Council who had been twice before rejected by the Council, after my having Publicly declared that I would concur in making any other Person Agent in England

Mr. Vail moved that the House resolve into a Committee of the whole House to take under consideration his Excellency the Governors Speech

Resolved, the House Resolve into a Committee of the whole House to consider his Excellency's Speech

The House Resolved into a Committee of the whole House for the purpose aforesaid and choose Mr. Hutchins Chairman, who took the Chair Accordingly

After some time spent therein the Committee came to several Resolutions which Mr. Chairman was directed to report to the House and then on motion Resolved, the Committee rise, and Mr. Speaker resume the Chair

[Mr. Speaker resumed the Chair]

Mr. Chairman reported that the Committee had come to several Resolutions which he was directed to report to the House, as follows, Viz^t

Resolved, it is the opinion of this House That it is the Inherent and undoubted right of this House to nominate an agent to be appointed for this Province (in a Bill for that purpose) to solicit the affairs thereof at the several Boards in England

Resolved That the appointment of an Agent (at this time so requisite) to represent to his Majesty and his Ministers the active Zeal and strenuous Efforts of this Province in the Common Cause against the Enemy Notwithstanding the almost insupportable burthen of Taxes under which it Labours, is not inconsistent with the Majesty's Service, tho' Inserted in an Aid Bill

Resolved, that a Committee be appointed by the House to prepare an Address to his Excellency the Governor pursuant to the above

Resolves, in answer to his Excellency's Speech to the House at the opening of this Session of Assembly to which the House agreed, and ordered that Mr. Corbin, Mr. Leech and Mr. Howe, prepare an Address in Answer to his Excellency the Governors Speech, and agreeable to the above Resolves, and present the same to the House for Approbation

Then the House adjourned for an Hour

The House met according to Adjournment

Mr. Vail moved that a Committee be appointed to bring in a Bill for Appointing an Agent &c and for Granting an Aid to his Majesty of £16,494 Proc money for raising cloathing and paying 540 effective men exclusive of officers to join the Forces of our neighbouring Provinces against the French and Cherokees, and for Garrisoning Fort Dobbs and Fort Johnston.

Ordered, that Mr. Corbin, Mr. Leech, and Mr. Benton be a Committee to prepare and bring in the aforementioned Bill

Mr. Corbin from the Committee appointed to prepare an Address in Answer to his Excellency the Governors Speech, reported that the Committee had prepared the same, which he presented to the House for approbation

Then on Motion ordered the same be read, read the same, and agreed to by the House, and on Motion—

Resolved, the same stand the Address of the House, and be entered on the Journal thereof and is as follows Viz^t

NORTH CAROLINA

TO HIS EXCELLENCY ARTHUR DOBBS ESQUIRE CAPTAIN GENERAL,
GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE
AFORESAID

Sir We his Majesty's most dutiful and loyal Subjects the Members of the Assembly of this Province beg leave to Address your Excellency on your Speech at the opening of this Session.

The Rejected Aid Bill as recommended by your Excellency We will take under our Consideration, tho' at the same time, Cannot help informing your Excellency that this House, looks on it as their Inherent and undoubted right, to nominate an Agent, to be appointed to sollicit and represent the affairs thereof, at the Several Boards in England, and that the Nomination of an Agent (altho in an Aid Bill) is not inconsistent with his Majesty's Service, and it is matter of extreme Concern to this House, to find that his Majesty's

Service in the intended Expedition in Conjunction with the forces of this Province with those of Virginia and South Carolina, against the Cherokees, should be Frustrated by what must appear to us to be only some private Resentment, your Excellency has taken to Mr. Bacon or any person be [we] appointed agent for this Province provided we grant such Assistance to the Common Cause, as the Indigent Circumstances [of] our Constituents will admit off, which, that we had done by the last Bill Rejected by your Excellency after having Passed the Council and Assembly, was apparent, as in that Bill we Chearfully gave an Assistance to the Expedition against the Cherokees of 500 men Exclusive of officers and garrisoning the Forts (the largest number during your Excellencys administration together with £16,494, the greatest grant of this Province to his Majesty during the present War, and as we apprehend in the most Critical Juncture

Your Excellency will give us leave to add that our adherence to Mr. Bacon is intirely owing to the desire we have of avoiding the appearance of inconsistency in our proceedings, and having before displaced Mr. Abererombie, because he was objected to by the Council, We apprehend that should we now remove Mr. Bacon who was nominated by a most solemn Resolve of one of the fullest Houses of Assembly ever known in this Province, no Gentleman of Character will choose to accept of a power delegated to him by a People so inconsistent and Trifling in their Conduct

SAM^l SWANN Sp

(5 December 1760)

Sent by Col Waddell and Mr. Harris

Resolved, that in Case no Aid Bill should be passed this Session that his Excellency have power to raise a Company consisting of one Captain, one Lieutenant, one Ensign, one surgeon, two Serjeants, two Corporals, one Drummer and Fifty Private men, to garrison the forts in this Province, which said officers and soldiers shall be allowed the same bounty provisions and pay as the officers and soldiers last in the pay of this Province, That His Excellency the Governor have power by his Warrant on the Treasurer to draw for the Paying Inlisting and subsisting the said Forces, and also such sum as shall be necessary for the cloathing the said Forces not exceeding five pounds for the cloathing each man, out of the savings of the last Aid, and in case of deficiency of the said savings, the same shall be made up, and paid by the Public; which said Com-

pany shall be kept in pay twelve months from the first of December Instant, If the Service shall so long require and no longer

Resolved, the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have Resolved that in Case no aid Bill should be passed this Session that his Excellency have power to raise a Company consisting of one Captain, one Lieutenant, one Ensign, one surgeon, two Serjeants, two Corporals, one Drummer, and fifty private men to Garrison the forts in this Province, which said officers and soldiers shall be allowed the same bounty provisions and pay as the officers and soldiers last in the pay of this Province; and that his Excellency the Governor have power by his Warrant on the Treasurer to draw for the Paying, Inlisting and subsisting the said Forces, and also such sums as shall be necessary for the Cloathing the said Forces, not exceeding £5 for the cloathing each man, out of the savings of the last aid, and in case of deficiency [in] the said savings, the same shall be made up, and paid by the Public; which said Company shall be kept in pay twelve months from the first of December Instant, if the Service shall so long require, and no longer and desire your Honours Concurrence Therewith

Ordered Mr. M^cCulloch and Mr. Frohock wait on his Excellency the Governor and acquaint him the House have prepared an Address in Answer to his Speech and desire he would let them know when they shall wait on him to present it, who being returned acquainted the House his Excellency said he would receive them immediately

Mr. Speaker with the House waited on his Excellency the Governor and Mr. Speaker presented him with the Address of this House.

Mr. Speaker with the House returned, and reported that he had presented the Address thereof to His Excellency the Governor

Then the House Adjourned till 9 o'clock tomorrow morning.

Saturday the 6th December 1760. The House met according to
• Adjournment

Mr. Corbin from the Committee appointed to bring in a Bill for appointing an agent to lay before his Majesty and his Ministers proper Documents of the Charges and Expences this Province hath been, or shall be at, in his Majesty's Service during the present War; and for granting to his Majesty an Aid of £16,494 Proc Money for

raising cloathing and paying 540 men, exclusive of Officers to join the forces of our Neighbouring Provinces against the French and Cherokees, and for Garrisoning Fort Dobbs and Fort Johnston, and for other purposes, Reported that the Committee had prepared the same, which he was ready to lay before the House, when they will receive it

Resolved the House receive the same

Mr. Corbin presented the said Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, Passed and ordered to be sent to the Council

Sent the same to the Council by Col^o Waddell and Mr. Harris

Received from the Council the Bill for appointing an agent to lay before his Majesty and his Ministers proper Documents of the Charges and Expences this Province hath been or shall be at, in his Majesty's Service during the present War, and for Granting to his Majesty an Aid of £16,494 &c Endorsed 6th of December 1760. In the Upper House of Assembly read the first time & passed

On Motion ordered the Bill for appointing an agent &c^a and for granting his Majesty an Aid of sixteen thousand four hundred and ninety four pounds &c be read the second time, read the same a second time, amended passed, and ordered to be sent to the Council

Sent the same by Mr. Barrow and Mr. Shepard

Received from the Council the Resolve to that Board from this House of yesterday relative [to] the giving his Excellency power (in case no aid Bill shall pass this Session) to raise a company for Garrisoning the Forts &c^a Endorsed 6th December 1760. In the upper House of Assembly the above Resolve was read and Concurred with

JAMES HASELL, P. C.

Received from the Council the Bill for appointing an agent &c^a and for Granting an Aid to his Majesty of £16,494 &c Endorsed 6th December 1760. In the Upper House of Assembly read the second time and passed

On Motion ordered the Bill for appointing an Agent &c^a and for granting an Aid to his Majesty of £16,494 &c^a, be read the third time, read the same a third time, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Leech and Mr. Benton

Received from the Council the Bill for appointing an Agent &c^a and for Granting an Aid to his Majesty of £16,494 &c^a Endorsed

6th December 1760. In the Upper House of Assembly read the third time and passed

Ordered to be engrossed

Then the House adjourned till 3 o'clock in the Afternoon

Then His Excellency was pleased by Proclamation to Dissolve this Assembly.

1761.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 41.]

Letter from Governor Dobbs to the Secretary of the Board

BRUNSWICK 9th February 1761.

SIR,

I did not until Thursday last the fifth instant receive your dispatches of the 10th 29th and 30th of October from the Board of Trade together with the order in Council upon the melancholy account of the death of our late most glorious King with a Copy of the Proclamation for proclaiming His present Majesty King George the third, whom God may long preserve and make His reign equally glorious as that of his glorious Grand father, along with which I also received four printed Proclamations for continuing persons in Office until His Majesty's further pleasure is known, with His Majesty's Order for continuing the present Great Seal until a new one can be sent over, and an Instruction with a Proclamation for altering the forms of Prayer for the Royal Family, which with a letter from General Amherst of the 7th of January were sent by sea from New York to Charleston, and from thence was forwarded to me by express. Upon which I sent for such of the Council as were in this neighbourhood and next day Friday had His Majesty proclaimed here by all the Gentlemen near this place, the Militia drawn out and a triple discharge from Fort Johnston of 21 guns and from all the ships in the river; and at the same time sent an Express for the other Councillors in this neighbourhood to meet me at Wilmington next day Saturday the 7th where His Majesty was again proclaimed by the Corporation and Gentlemen of the neighbourhood

under a triple salute of 21. guns where we had an entertainment prepared, the Militia were drawn out and the evening concluded with bonfires, illuminations and a ball & supper with all unanimity and demonstration of joy; at the same time the Proclamation was read to continue persons in employment. After meeting the Council I took the oaths & administered the state oaths to the Privy Council who were present, and that day also signed writs for electing Members for a new Assembly, which with a Copy of the Proclamations were sent by express to New Bern to be published there, and the several Proclamations to be printed & forwarded by expresses with the writs to every County and Borough in the Province, and to every Parish about the alteration of the form of Prayer for the royal Family, so that their Lordships may see I lost no time after receiving the several orders. I also sent to the Printer forthwith to furnish me with 4. setts of all the printed acts since my coming over, but as I believe several of them may be now out of print and will take up some time to reprint them I have charged him to lose no time in making up the setts for me, and that no money shall be paid him upon the printing until I have them from him, but as it is probable their Lordships may want a sett immediately I have sent about and have collected a complete sett, tho' much soiled, which I herewith have sent to you under the Great Seal until I have the others to send over. I herewith also send you the Acts passed the last Session, with the Journal of the Upper House and Council, I sent you in my last the Journal of the Lower House I had collected &c. and have not yet received a duplicate from the Clerk otherwise I should have sent them also.

The Troops intended against the Cherokees don't begin their operations before the first of May. so that I think it was very providential that we did not pass the undigested Aid Bill last Session, for we should have increased our Paper Currency £16,000, and the Troops which were to continue for six months only would have been disbanded about the time they would have entered the enemies Country, and if Troops should be now required for carrying on any foreign expedition, as the Assembly will meet the 20th of March, if they are in Temper, they may be raised and ready for action time enough yet for a summer campaign either against the Cherokees or French at Mississippi.

As I have nothing material to write to their Lordships since my last I shall only send Duplicates of my former letters as I hope to send this by a Vessel bound to London, which is ready to sail from

from this Bar, that no time may be lost in my answer to these Dispatches.

We are highly elated with the glorious Victory of His Majesty of Prussia over Count Dann, as also in hearing that our expedition by sea will go on.

I am, with due esteem & truth, Sir, &c.

ARTHUR DOBBS.

[FROM MSS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

GEORGE R,

Trusty and well beloved we greet you well Whereas we have taken unto our Royal Consideration the Loyalty Integrity and Ability of our Trusty and well beloved Benjamin Turner Gent. We have thought fit hereby to Authorize and Require you forthwith to cause Letters Patent to be passed under Our Seal of Our Province of North Carolina in America for Constituting and Appointing him, the said Benjamin Turner, Clerk of the Naval or Navy Office of our said Province; To Have Hold Exercise and enjoy the same unto him the said Benjamin Turner, by himself or his Suffieient Deputy or Deputies during our pleasure; together with all and Singular the Fees, Rights, Privileges, Perquisites and Advantages to the said Office or Place belonging or Appertaining, with a Proviso that nothing in the said Letters Patent contained shall Extend or be construed to Extend to the Prejudice or Disadvantage of the Office of Our High Admiral of Great Britain, or of Our Admiralty of Our Foreign Plantations for the time being or of any of the Rights, Privileges, Jurisdictions, Powers and Authorities to the same in anywise Appertaining. And you are to Cause to be inserted in Our said Letters Patent a Clause for Revoking and determining the Last Letters Patent, whereby the said Benjamin Turner was constituted Clerk of the Naval or Navy Office in Our said Province of North Carolina. And for so doing this shall be your Warrant. Given at Our Court at S^t James's the 2^d day of March 1761. In the first year of Our Reign

By His Majesty's Command,

HOLDERNESS.

To Our Trusty and Well beloved Arthur Dobbs Esq^r. Our Captain General and Governor in Chief in and Over our Province of North Carolina in America, Or, in his Absence to the Commander in Chief of our said Province for the time being.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

To the Right Hon^{ble} the Lords Commissioners of his Majestys Treasury.

AUDITOR'S OFFICE 3^d March 1761.

MY LORDS

In pursuance of a clause in the Letters patent granting me the office of Surveyor and Auditor General of his Majestys Revenues in America whereby I am authorized to appoint a sufficient Deputy or Deputies for the due Exercise and Execution of my said Office such Deputy or Deputies being first approved by the Right Hon^{ble} the Lords Commissioners of his Majestys Treasury or the Lord High Treasurer for the time being I do humbly present to your Lordships Benjamin Heron Esq^r as a fitt person to Be my Deputy for Executing the Office of Surveyor & Auditor of his Majestys Revenue in North Carolina and I pray your Lordships approbation.

I am my Lords &c

ROB^t CHOLMONDELEY.

After our hearty Commendation we approve of your memorial aforegoing and do hereby (pursuant to the power to Us in this behalf reserved) Authorize and Impower you, to Constitute and Appoint the therein named Benjamin Heron to be your Deputy for Executing the Office of Surveyor and Auditor General of his Majestys Revenues in North Carolina as by you proposed and for so doing this shall be your Warrant.

Whitehall Treasury Chambers the 5th day of March 1762

BARRINGTON

NORTH

JAMES OSWALD

To our very Loving Friend Robert Cholmondeley Esq^r Auditor and Surveyor General of his Maj^{ty}s Plantations.

Benjamin Heron Approved Dep^t Aud. plantation No. Carolina.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23. P. 11.]

TO THE KINGS MOST EXCELLENT MAJESTY

May it please your Majesty—In obedience to your Majesty's Order in Council dated 27th of February, We have prepared the draught of a *Commission for Arthur Dobbs Esq^{re}* to be Captain General and Governor in Chief of your Majesty's Province of *North Carolina* and also a Warrant for passing the same under the Great Seal, which being in the usual Form, We humbly beg leave herewith to lay them before your Majesty and shall prepare the necessary instructions, for the said Governor with all possible dispatch

Which is most humbly submitted

DUNK HALIFAX
SOAME JENNINGS
W. G. HAMILTON
ED. ELIOT
ED. BACON

Our Will and pleasure is that you prepare a Bill for Our Royal Signature, to pass Our Great Seal of Great Britain in the Words or to the Effect following

George the Third by the Grace of God, of Great Britain, France and Ireland King, Defender of the Faith etc To Our trusty and well beloved Arthur Dobbs Esq^{re} Greeting—

Whereas Our late Royal Grand Father of blessed Memory did by his Letters Patent under the Great Seal of Great Britain bearing date at Westminster the day of in the year of His Reign constitute and appoint you the said Arthur Dobbs Captain General Governor in Chief in and over our Province of North Carolina in America during his late Majesty's Will and Pleasure as by the said recited letters Patent, relation being thereunto had may more fully and at large appear, Now know you, that We have revoked and determined, and by these Presents do revoke and determine the said recited Letters Patent and every Clause, Article and thing therein contained and further know you that We reposing special Trust and Confidence in the Prudence, Courage and Loyalty of you the said Arthur Dobbs of Our especial Grace certain knowledge and meer motion have thought fit to constitute and appoint and by these Presents do constitute and appoint you the said Arthur Dobbs, to be our

Captain General and Governor in Chief in and over Our Province of North Carolina in America

And We do hereby require and command you to do and execute all things in due manner that shall belong unto your said Commands and the Trust we have reposed in you, according to the several Powers and Authorities granted or appointed you by this present commission and the instructions herewith given you or by such further Powers, Instructions and Authorities as shall at any time hereafter be granted or appointed you, under our Signet and Sign Manual or by Our Order in Our Privy Council and according to such reasonable Laws and Statutes as now are in force or hereafter shall be made and agreed upon by you with the advice and Consent of Our Council and the Assembly of Our said Province under your Government in such manner and Form as is hereafter expressed

And Our Will and Pleasure is that you the said Arthur Dobbs after the publication of these our Letters Patent do in the first place take the Oaths appointed to be taken by an Act passed in the first year of the reign of King George the first of blessed memory Entitled *An Act for the further Security of His Majestys Person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors*; as also that you may make and subscribe the declaration mentioned in an Act of Parliament made in the 25th year of the Reign of King Charles the second entitled *An Act for preventing dangers which may happen from Popish Recusants*, and likewise that you take such Oath, as is usually taken by the Governors of our Colonies in America, for the due Execution of the Office and Trust of our Captain General and Governor of Our said Province for the due and impartial Administration of Justice and further that you take the Oath required to be taken by Governors of Plantations to do their utmost, that the several laws relating to the Plantations be deserved, which said Oaths and Declaration, Our Council in our said Province or any three of the Members thereof have hereby full Power and Authority and are required to tender and administer unto you and in your absence to Our Lieutenant Governor if there be any upon the Place, All which being duly performed you shall administer unto the Members of Our said Council as also to our Lientenant Governor if there be any upon the Place, the said Oaths mentioned in the said Act entitled an *Act for the further security of His Majestys Person and Government and the succession of the Crown in the heirs of the late Princess Sophia being Protestants and*

for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors, as also to cause them to make and subscribe the aforementioned Declaration and to administer to them the Oath for the due execution of their Places and Trusts.

And we do hereby give and grant unto you, full Power and Authority to suspend any of the Members of Our said Council from sitting voting and assisting therein if you shall find just cause for so doing

And if it shall at any time happen that by the Death Departure out of our said Province, suspension of any of our said Councillors or otherwise, there shall be a Vacaney in our said Council (any three whereof We do hereby appoint to be a Quorum) Our Will and Pleasure is that you signify the same unto Us by the first Opportunity that We may under our Signet and Sign Manual, constitute and appoint others in their stead.

But that our Affairs at that distance may not suffer for want of a due number of Councillors if ever it shall happen that there be less than seven of them residing in Our said Province, We do hereby give and grant unto you the said Arthur Dobbs, full Power and Authority to choose as many Persons out of the principal Freeholders, Inhabitants thereof as will make up the full number of Our said Council to be seven and no more, which Persons so chosen and appointed by you, shall be to all intents and purposes, Councillors in our said Province until either they shall be confirmed by us or that by the nomination of others by Us under our Sign Manual and Signet, Our said Council shall have seven or more Persons in it.

And we do hereby give and grant unto you full Power and Authority with the advice and consent of our said Council from time to time as need shall require to summon and call General Assemblies of the said Freeholders and Planters, within your Government according to the Laws and Usages of Our said Province of North Carolina.

And our Will and Pleasure is that the Persons thereupon duly elected by the Major part of the Freeholders according to such Laws and Usages as aforesaid and of the respective Counties and Places and so returned shall before their Sitting take the Oaths mentioned in the said Act, Entitled *An Act for the further Security of His Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the hopes of the Pretended Prince of Wales and his open and Secret Abettors* As also make and subscribe the forementioned Declaration (which

Oaths and Declarations you shall commissionate fit persons under Our Seal of North Carolina to tender and administer unto them, and until the same shall be so taken and subscribed, no person shall be capable of Sitting though elected) and we do hereby declare, that the Persons so elected and qualified shall be called and deemed the General Assembly of that Our said Province and Territory of North Carolina. And that you the said Arthur Dobbs with the consent of the said Council and Assembly or the Major part of them respectively shall have full Power and Authority to make constitute and ordain Laws Statutes and Ordinances for the publick Peace, Welfare and good Government of our said Province and of the people and Inhabitants thereof and such others as shall resort thereto and for the benefit of Us, Our Heirs and successors which said Laws Statutes and Ordinances are not to be repugnant but as near as may be agreeable to the Laws and Statutes of this Our Kingdom of Great Britain.

Provided that all such Laws, Statutes and Ordinances of what nature or duration soever be within three months or sooner after the making thereof transmitted unto Us under Our said Seal of North Carolina, for our Approbation or disallowance of the same, as also duplicates thereof by the next Conveyance. And in case any or all of the said Laws Statutes and Ordinances not before confirmed by Us, shall at any time be disallowed and not approved and so signified by us Our heirs or successors under our or their Signet or Sign Manuel or by Order of Our or their Privy Council unto you the said Arthur Dobbs, or to the Commander in Chief of our said Province for the time being then such and so many of the said Laws Statutes and Ordinances as shall be so disallowed and not approved shall from henceforth cease, determine and become utterly void and of none Effect, any thing to the contrary notwithstanding.

And to the end that nothing may be passed or done by our said Council or Assembly to the prejudice of Us, Our heirs and Successors, we will and ordain that you the said Arthur Dobbs shall have and enjoy a negative voice in the making and passing of all laws, statutes and Ordinances as aforesaid.

And you shall and may likewise from time to time, as you shall Judge it necessary adjourn prorogue and dissolve all general Assemblies as aforesaid.

Our further Will and Pleasure is, that you shall and may keep and use the Public Seal of our said Province of North Carolina for sealing all things whatsoever that ought to pass the Seal of our said Province under your Government.

And we do further give and grant unto you the said Arthur Dobbs full power and authority from time to time and at any time hereafter by yourself or by any other to be authorized by you in that behalf to administer and give the Oaths mentioned in the said Act, *for the further Security of His Majesty's Person and Government and the Succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors*, to all and every such person or persons as you shall think fit, who shall at any time or times pass into our said Province, or shall be resident or abiding there.

And we do by these Presents give and grant unto you the said Arthur Dobbs, full Power and Authority with the Advice and Consent of Our said Council to erect, constitute and establish such and so many Courts of Judicature and Publick Justice within our said Province and Territory as you and they shall think fit and necessary for the hearing and determining of all Causes as well Criminal as Civil according to Law and Equity, and for awarding of Execution thereupon with all reasonable and necessary Powers Authorities Fees and Privileges belonging thereto as also to appoint and commissionate fit persons in the several parts of your Government to administer the Oaths mentioned in the foresaid Act, as also to tender and administer the aforesaid Declaration unto such persons belonging to the said Courts as shall be obliged to take the same.

And We do hereby authorize and impower you to constitute and appoint Judges and in Cases requisite Commissioners of Oyer and Terminer Justices of the Peace and other necessary officers and Ministers in our said Province for the better administration of Justice and putting the Laws in execution and to administer or cause to be administered unto them such Oath or Oaths as are usually given for the due execution and performance of Offices and Places and for the clearing of Truth in Judicial Causes.

And we do hereby give and grant unto you full Power and Authority where you shall see Cause or shall judge any Offender or Offenders in Criminal matters or for any Fines or Forfeitures due unto Us, fit objects of Our Merely to pardon all such Offenders and to remit all such Offences, Fines and Forfeitures Treason and wilful Murder only excepted In which case you shall likewise have Power upon extraordinary Occasions to grant reprieves to the Offenders until and to the intent Our Royal Pleasure may be made known therein.

And we do by these Presents Authorize and impower you to col-

late any person or persons to any Churches, Chappels or other ecclesiastical Benefices, within Our said Province and Territory aforesaid to which We Our Heirs and Successors are or shall be entitled to collate as often as any of them shall happen to be void.

And we do hereby give and grant unto you the said Arthur Dobbs by yourself or by your Captains and Commanders and by you to be authorized, full power and Authority to levy, arm, muster, command and employ all persons whatsoever residing within Our said Province and Territory of North Carolina and as occasion shall serve to march from one place to another or to embark them for the resisting and withstanding of all enemies Pirates and Rebels both at Land and Sea and to transport such Forces to any of our Plantations in America if necessity shall require for the defence of the same against the Invasion or Attempts of any of Our enemies and such enemies, Pirates and Rebels (if there shall be Occasion) to pursue and prosecute in or out of the Limits of Our said Province and Plantations or any of them and (if it shall so please God) them to vanquish, apprehend and take and being taken according to Law to put to Death or keep and preserve alive at your discretion and to execute Martial Law in time of Invasion or other times when by Law it may be executed and to do and execute all and every other thing and things which to Our Captain General or Governor in Chief doth or ought of right to belong.

And We do hereby give and grant unto you full Power and Authority, by and with the advice and consent of Our said Council of North Carolina to erect, raise and build in Our said Province and Territory such and so many Forts and Platforms, Castles, Cities Boroughs, Towns and Fortifications, as you by the advice aforesaid shall judge necessary and the same or any of them to fortify and furnish with Ordnance Ammunition and all sorts of arms, fit and necessary for the security and defence of Our said Province And by the Advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient.

And for as much as divers mutinies and disorders may happen by persons shipt and Employed at sea during the time of War, and to the end, that such as shall be shipt and employed at sea during the time of War may be better governed and ordered, We do hereby give and grant unto you the said Arthur Dobbs, full power and authority to constitute and appoint Captains, Lieutenants, Masters of Ships and other Commanders and Officers, Commission to execute the Law Martial during the time of War, according to the directions

of an Act passed in the twenty second year of the Reign of our late Royal grand-father, entitled an *Act for amending, explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea*, and to use such proceedings, authorities, punishments, corrections and executions upon any Offender or Offenders who shall be mutinous, seditious, disorderly or any way unruly, either at Sea or during the time of their abode or residence in any of the Ports, Harbours or Bays of our said Province and Territory as the Cause shall be found to require according to Martial Law, and the said directions during the time of War as aforesaid, provided that nothing herein contained, shall be construed to the enabling you or any by your Authority to hold Plea, or have any Jurisdiction of any Offence, Cause, Matter or thing committed or done upon the high Seas, or within any of the Havens, Rivers or Creeks, of Our said Province and Territory under your government, by any Captain, Commander, Lieutenant, Master, Officer, Seaman, Soldier or person whatsoever, who shall be in our actual service and Pay in or on board any of Our Ships of War or other Vessels acting by immediate commission or Warrant from Our Commissioners for executing the Office of Our High Admiral, or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty, But that such Captain, Commander Lieutenant, Master, Officer, Seaman, Soldier or other person so offending shall be left to be proceeded against and tryed, as their offences shall require, either by commission under Our Great Seal of Great Britain, as the Statute of the 28th of Henry the Eighth directs or by Commission from Our said Commissioners for executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being according to the forementioned Act for *amending, explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea*, and not otherwise provided nevertheless that all disorders and misdemeanours committed on shore by any Captain Commander, Lieutenant, Master, Officer, Seaman Soldier or other person whatsoever, belonging to any of Our Ships of War, or other Vessels acting by immediate Commission or Warrant from * * * Our said Commissioners, for executing the Office of High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty, may be tried and punished according to the Laws of the Place, where any such disorders, Offences and misdemeanours shall be committed on Shore, notwithstanding such

offender be in Our actual service and borne in our Pay, on board any such of our Ships of War or other Vessels acting by immediate Commission or Warrant from Our said Commissioners for executing the Office of High Admiral or Our High Admiral of Great Britain for the time being as aforesaid or so as he shall not receive any Protection for the avoiding of Justice for such Offences committed on Shore, from any pretence of his being employed in our Service at Sea.

And our further will and Pleasure is that all publick money raised or which shall be raised by any Act hereafter to be made, within Our said Province be issued out by Warrant from you by and with the advice and consent of the Council and disposed of by you for the support of the Government and according to the Laws of Our said Province of North Carolina and not otherwise.

And we do likewise give and grant unto you full Power and Authority by and with the advice and consent of Our said Council to settle and agree with the Inhabitants of Our said Province, for such Lands, Tenements and Hereditaments as now are or hereafter shall be in Our power to dispose of, and them to grant to any person or persons, upon such Terms and under such moderate Quit Rents, Services and acknowledgements, to be thereupon reserved unto Us, as you by the advice aforesaid shall think fit, which said Grants are to pass and be sealed by Our publick Seal of Our said Province and being entered upon Record by such Officer or Officers as are or shall be appointed thereunto, shall be good and effectual in Law against us Our heirs and successors.

And we do hereby give and grant unto you the said Arthur Dobbs, full power to order and appoint Fairs, Marts, and Markets, as also such and so many Ports, Harbours, Bays, Havens, and other Places for Convenience and Security of Shipping and for the better loading and unloading of Goods and Merchandizes as by you with the advice and consent of the said Council shall be thought fit and necessary.

And we do hereby require and command all Officers and Ministers Civil and Military and all other Inhabitants of Our said Province and Territory to be obedient aiding and assisting unto you the said Arthur Dobbs, in the execution of this Our Commission and of the Powers and Authorities herein contained and in case of your Death or Absence out of our said Province to be obedient aiding & assisting unto such person as shall be appointed by Us, Our heirs and successors to be Our Lieutenant Governor or Commander in Chief of

Our said Province, to whom We do therefore by these Presents give and grant all and singular the Powers and Authorities herein granted to be by him executed and enjoyed during Our Pleasure or until your Arrival within our said Province and whom We do hereby require to take all such Oaths and make such declaration as are herein before appointed to be taken and made by you *mutatis mutandis* which said Oaths and Declaration Our said Council in our said Province or any three of the Members thereof, have hereby full Power and are hereby required to tender and administer. And if upon your Death or Absence out of Our said Province, there be no person upon the Place commissioned or appointed by Us, to be Our Lieutenant Governor or Commander in Chief of our said Province, Our Will and Pleasure is that the eldest Councillor, whose Name is first placed in Our said Instructions to you and who shall be at the time of your Death or Absence, residing within our said Province and Territory of North Carolina shall take upon him the Administration of the Government, and execute our said commission and Instructions and the several powers and authorities therein contained in the same manner and to all Intents and Purposes as other our Governor or Commander in Chief should or ought to do in case of your Absence until your return or in all cases until our further pleasure be known therein.

And We do hereby declare, ordain and appoint that you the said Arthur Dobbs shall and may hold, execute and enjoy the Office and Place of Our Captain General and Governor in Chief of Our said Province and Territory of North Carolina with all its' Rights, Members and appertanances whatsoever together with all and singular the Powers and Authorities hereby granted unto you for and during Our Will and Pleasure.

In witness whereof we have caused these our Letters to be made Patent Witnesses Our Self at Westminster the day of 1761 in the first year of Our Reign.

And for so doing this shall be your Warrant Given at our Court at St. James's the day of 1761 in the first year of Our Reign.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

M'CULLOH & THE M'CULLOH GRANTS.

To all to Whom these Presents shall come We Joseph Willeocks

of the City of Dublin in the Kingdom of Ireland merchant and Jo^r Robson of the City of Bristol in the Kingdom of Great Britain merchant both devise in Trust named in the last Will and Testament of Joshua Willcocks late of Bristol aforesaid merchant deceased and Henry M^cCulloh of the Parish of Chiswick in the County of Middlesex and Kingdom of Great Britain Esq^r send greeting. Whereas the said Henry M^cCulloh under and by virtue of an order of his late majesty in Council bearing date the 19th day of May one thous^d Seven hundred & thirty seven and of sundry Grants passed the third day of March one thousand seven hundred & forty five old still [style] under the seal of the Province of North Carolina in America in Pursuance thereof was & still is Intitled in his own right to Diverse large Tracts of Land in the s^d Province of N^o Carolina and amongst the Rest to Eight Grants passed under the Seal of the said Province and Dated the 3^d day of March one thous^d seven hundred & forty five old Still [style] as aforesaid Each Grant Containing Twelve Thousand five Hundred Acres of Land Situate on Pedee River and the Branches thereof in N^o Carolina aforesaid Amounting together to one hundred Thousand Acres of Land and Commonly called or Known by the name of the Tract N^o 7 and also to Eight other late tracts passed and Dated as is aforesaid Each grant also contain^s Twelve Thousand five Hundred Acres of land situate & lying on Cape Fear and Aramantia Rivers in the Province aforesaid making together one hundred Thousand Acres of Land more and Commonly called or known by the name of the Tract N^o 11 all which said before mentioned Grants are now on Record in the said Province of N^o Carolina

And Whereas the said Henry M^cCulloh and the said Mr. Joshua Willcocks deceased had in the life time of the said Joshua Willcocks a great friendship & large Intercourse of Business subsisting Between them the said Henry M^cCulloh and Joshua Willcocks in the course of which the said Joshua Willcocks was desirous to be concerned Equally w^h the s^d Henry M^cCulloh in the s^d two tracts known by the name of the tract N^o 7 and the tract N^o 11 And Whereas the said Henry M^cCulloh did thereupon by Certain Indenture of Release bearing date the 23 day of March one Thous^d seven hund^d & forty nine Preceeded by a lease for a year for the Consideration in the s^d Indenture of Release mentioned Grant & Release to the said Joshua Willcocks hisheirs and assigns One moiety or half part undivided of the sixteen Grants of Land above mentioned to have been Granted to the said Henry M^cCulloh by the several Grants

abovementioned amounting in the whole to Two hund^d Thousand Acres of Land as subdivided from the said Tracts or Plan N^o 7. & N^o 11

And whereas the said Henry M^cCulloh & Joshua Wilcocks in consequence of the above set forth Indenture of Release did Become Jointly & Equally Concerned in and Intitled unto the said Two Tracts of land in fee simple and Joined in Executing Powers of Attorney and other matters for the management and Disposal of the said lands and bore an Equal Proportion of the Charges attending the same. And Whereas the said Joshua Wilcocks is now lately dead having just made his Will duly authenticated and Proved Bearing date the thirteenth day of May one^t Thousand seven hund^d and fifty five Whereby Amongst other things he devised his share and Interest in the s^d Joint Estate lying in North Carolina as aforesaid to the before mentioned Joseph Robson and Joseph Willcocks In trust for his Nephew Joshua Willcocks an Infant and the Infant Children of His Brothers and Sisters Isachar Willcocks John Willcocks Joseph Willcocks Thomas Willcocks Hannah Bare Crofte Susanna Griffiths and Eliz^a Hubbard all of the Kingdom of Ireland afores^d in Equal moiety with Benefit of survivorship in case of either of them dying before their Respective attainments to the age of Twenty one years by means whereof the management of the said Joint share of the said Mr. Willcocks deceased in the Lands devised as aforesaid rests upon the said Joseph Willcocks and Joseph Robson And Whereas on Account of the Death of the said late Mr. Joshua Willcocks and on Acco^t of the Several other matters it is absolutely necessary for us the said Joseph Willcocks & Joseph Robson as Trustees as aforesaid and Henry M^cCulloh to Employ and Empower some Persons to take care of and manage and Dispose of such our said Joint Interest and Property in N^o Carolina aforesaid for the use & Benefit of the said Henry M^cCulloh & Joseph Willcocks & Joseph Robson In trust for the said Joshua Willcocks an Infant and the Infant Children of said Joshua Willcocks his Brothers & Sisters above mentioned Now Know all Men by these Presents that we the said Joseph Willcocks and Joseph Robson and Henry M^cCulloh Have and Each of us Hath made ordained Constituted Authorized Nominated & appointed and by these Presents Do and each of us Doth make ordain Constitute Authorize Nominate and appoint John Campbell Esquire merch^t in N^o Carolina aforesaid and Henry Eustace M^cCulloh son of the said Henry M^cCulloh our true and lawfull attorney & attorney's Jointly and severally for us and each of us and in our and each of our name

and names to perform all manner of Lawfull Acts and Things relative to the Premises in as full and ample manner as we or any of us might or could do being Personally present and among other things We do Empower and Authorize our said Attorney and Attorney's Jointly and severally for us & in Our Names and Right our advantage to lett sell Bargain Dispose of or attain in fee or otherwise any part or Parts of the Lands Contained in the said two tracts of One hundred Thousand Acres Each Known by the name of the Tract N° 7 and the Tract N° 11 to any Person or Persons whatsoever and in such Quantity or Quantities and manner as they shall see fitt and Judge most for our advantage And also Jointly or severally on Our Behalf to make seal & Execute and in due form of law deliver good & sufficient deeds of Conveyance or other Writings to the persons Purchasing the same And we do hereby further authorize and Empower our said attorney or attorney's Jointly or severally to bring any Bill action or suit or other proceedure for the Recovery of Quit Rents or other sums of money grown or to grow due to us or any or other of us for or on our acco^t of the before mentioned lands from any Person whatsoever and to recover & Receive and give acquittances for the same And likewise to use all such legal & Equitable meathods [to] preserve our Joint title and Right in the said Lands secure and unmolested against all persons whatsoever as to them or either of them shall seem fitting and an Attornèy or Attorney's under them or either of them for the Purposes aforesaid Jointly or severally to make & to revoke And I the said Henry McCulloh do hereby Revoke & annull all of any former Power or Powers of Attorney heretofore given by me jointly with the said Joshua Willcocks deceased or otherwise to any person whatsoever to act relative to the said two Tracts called N° 7 & N° 11. And I hereby declare that no act or Deed to be done under any such former Powers after notice of these Presents had is to be Deemed or taken as my act or Deed, And lastly We the said Joseph Willcocks, Joseph Robson & Henry McCulloh do by these Presents authorize and Impower our said Attorney or Attorney's & each of them Jointly or severally to do and perform all manner of Act or Acts Thing or Things in and about the management Safety & Disposal of the Premises herein mentioned as fully and in as ample manner as We or Any or Either of us might or could lawfully Do being personally present Hereby Ratifying Allowing & Confirming all & Whatsoever our said Attorney or Attorneys or either of them shall Jointly or severally lawfully do or cause to be done in and about the Premises by virtue of these Presents In Witness whereof

we the said Joseph Willcocks & Joseph Robson and Henry M^cCulloh and Each of us Have hereunto Sett our hands & seals this thirteenth day of march In the first Year of the Reign of Our Sovereign Lord George the Third by the Grace of God of Great Britain France & Ireland King Defender of the Faith and so forth and in the Year of our Lord One Thousand Seven hundred and sixty one.

JOSEPH WILLCOCKS (Seal)

JOSEPH ROBSON (Seal)

HENRY M^cCULLOH (Seal)

Sealed and Delivered by the above }
named Joseph Willcocks (the Parch- }
ment being first legally stamp^d) in }
the Presence of }

PAT. HAMILTON Lord
Mayor of the City of
Dublin

SAM^l KATHREUS Not Pub &c

Sealed and Delivered by the above named }
Joseph Robson (the Parchm^t being first Le- }
gally stamp^d) in the Presence of }

JOHN REEVE
W^m MURRY

Sealed & Delivered by the above named }
Henry M^cCulloh (being first duly Stamp^d) in }
the Presence of }

H ADAMS
ALEX^r ADAMS

Registered in the Office in Orange County in Book G Page (96)

Test

W. CHURTON

Publk Reg^r

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA, }
Northampton County } ss.

20th March, 1761.

TO THE WORSHIPFUL MR. SPEAKER AND GENTLEMEN OF ASSEMBLY

The Petition of Thomas Pace of the County of Northampton
Humbly Sheweth

That the Publick warehouse in the County of Northampton called
Pace's Warehouse was on the seventeenth Instant Burnt to Ashes
with a Large Quantity of Tobacco therein belonging to Sundry Per-
sons, among which was Twenty five Hogsheads of Prised Tobacco
belonging to your said Petitioner in the ware house and under the
Sheds thereof and about five Thousand Pound of Nett Tobacco in
Bulk Burnt to Ashes with the said Warehouse

Your Petitioner Therefore Humbly prays

That the Assembly will Take the same into Consideration and
give him such Relief as to them shall seem just. And your Peti-
tioner as in Duty Bound shall ever pray

THOMAS PACE.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

The Vestry to the Rev^d Mr. Macdowell

BRUNSWICK, 24th March 1761.

REV^d SIR,

The vestry have taken into consideration, the difficulties you al-
ledge in officiating at the Blue Banks during the 2 hot & 2 cold
months; and are content, that you be permitted to exchange the
Sundays in July & Aug^t allotted for that Chapel with Brunswick,
for other Sundays in a more moderate season, you giving due no-
tice of such exchange, & as to cold months, we know of none in this
Country, to prevent one of your healthy constitution, from riding
24 miles: indeed a day of bad weather may happen now & then for
which accident, all reasonable allowance will be made, as heretofore
has been made. As to the addition of Salary which you insist on,
we cannot but observe, that when you agreed to serve the cure of
this Parish on the 5th June 1758, you thankfully accepted of £100 a

year, when your family was larger than it is now, and you willingly undertook harder duty than is now proposed to you. But now S^r his excellency the Gov^r & the vestry, having by their joint recommendation of you, procured £50 sterl. a year, the generous bounty of the Society for propagating the Gospel, you disdain to accept from our Parish 120 Proclamation money a year, you discover difficulties in the exercise of your function, which never before occur'd, & you are pleased to insist on such a salary as they never have given, & such as many of this Parish, in the present distress'd state of their Trade and circumstances cannot easily give. If you are pleased to continue on the terms we have now proposed, we shall be glad to contribute all in our power, to make ev'ry part of your duty, agreeable to you,

We are Rev^d Sir your most Humble Servants,

JOHN PAINE,
J. MURRAY,
W^m DRY,
RICH^d EAGLES,
ROB^t SNOW.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23. P. 49.]

Lords of Trade to Governor Dobbs

WHITEHALL. April 4th 1761.

SIR,

It is great concern to us to find by the duplicate of a letter from you dated the 12th of December last (the original of which has not been received) that his Majesty's Service in general has been so greatly obstructed and the Province of South Carolina in particular deprived of that aid and assistance which in its present distressful situation, it had a right to expect of its neighbours from the unfortunate and ill timed disputes amongst the different branches of the Legislature in North Carolina, upon Questions of meer speculative Polity, too trivial in almost any times to deserve consideration and which have been very improperly drawn in discussion at a time when the united efforts of all his Majesty's subjects are so essentially necessary to their own security and to the promoting the general interest of the Community.

As the bills for granting an aid to His Majesty which you say you have rejected are not sent with the duplicate of your Letter, it is not

possible for us to determine how far you are justified from the Motives upon which you acted in withholding your assent to Bills of this Nature in time of such necessity but it is our duty to acquaint you with our sentiments upon such reasons as are suggested in your letter so far as we are enabled to form a Judgment upon them from the general manner in which you have thought proper to explain yourself upon this Occasion.

It is not in our opinion the part of the Crown or its' Officers either in point of Right or Propriety to interfere in the nomination of an Agent so far as regards the Choice of the person, in this respect the Representatives of the people are and ought to be free to chuse whom they think proper to act, in whatever concerns the Affairs and Interest of the Colony here and with whom they and the Council only can correspond, the Governor being very properly restrained by his Instruction from corresponding upon matters of a publick nature relative to his Government with any other persons than those servants of the Crown here, in whose department the Affairs of America are placed.

The only point therefore in which a Governor can with propriety interfere, is in the Mode of the Appointment of the Agent and though we think that the attempt of the House of Representatives to name the Agent in the Aid Bill was irregular and inconsistent with what the Crown has approved of, in other Colonies, yet when we consider the necessity there was of some supply to answer the exigency of the Service in the present calamitous State of His Majesty's Southern Provinces, we cannot but think that it was too trivial an Objection to have been admitted as a reason for rejecting that Supply and at the same time obstructing that mutual benefit which both the Crown and the Subject in North Carolina would derive from the Province having an Agent here duly authorized to answer upon all such matters as should occur relative to its Affairs

As to the Refusal of the Assembly to enter upon Business without a Majority of the whole House being present, founded upon what they conceive to have been the antient constitution of Carolina under the original Charter, it does appear to us, to be a most unreasonable and indecent Opposition to the Will of the Crown declared in His late Majesty's Instructions to you after the most impartial and candid examination by His Majesty's Attorney and Solicitor General of every fact and principal upon which this Question depended and after a full consideration by the Lords of His

Majesty's Council and by this Board of every circumstance of Benefit and Convenience to the Province.

The inconveniency of such a Constitution as the Assembly contends for, is obvious upon the slightest View of it but when it is considered how inconsistent it is with the Practice and Constitution of the Mother Country and how favourable an Opportunity it may afford to ill designing men to obstruct the Publick Service, it surely is not to be defended either in Justice or Reason upon principles laid down in Charters granted in times to which of all others one would least appeal for true constitutional principles and therefore we hope that when you shall have fairly stated the matter to the Assembly, with our sentiments upon it, they will no longer persevere in so ill founded and inconsistent a claim.

As to the Claims of the Assembly in reference to the Mode of passing the publick Accounts it does appear to us, from the manner in which you state it, to be a practice not only derogatory to the honor of the Crown but subversive of every principle of Policy which the wisdom of the Legislature here has prescribed by numberless Laws, for the security of the Subject in a matter so essential to his interest, His Majesty's Instructions by which the mode of passing Accounts is directed, is founded upon the principle and practice of the Mother Country to which the constitution of the Colonies is to assimilate as near as different circumstances will admit, and there is certainly no part of the British Constitution more closely adapted to the situation of its Colonies than those Forms which take place in granting and issuing publick Money and passing the publick Accounts.

Under the exact observance of these forms, the Subject has that Security, which he cannot have under any other, that the Taxes levied upon him by the Authority of the Legislature are equally and justly levied and that the Money is faithfully applied to the Service, for which it is granted, but if these forms and the checks attendant upon them are once set aside that security ceases and a door is opened to every species of fraud and corruption in those who are intrusted with publick Money.

It is great concern to Us, upon this occasion to observe that the Colonies have been too long indulged in methods of granting issuing and accounting for Publick Money, very different from the practice of the Mother Country, what the proper remedy may be for the many evils consequential of such a practice it is not now for us to determine, but we have thought it our duty to take this opportunity

of stating to you our sentiments in general upon this Subject and we sincerely wish that it may [have] the good effect, to convince the Assembly of the unreasonableness of their Claim and induce them to shew a proper regard to those determinations of the Royal Will, which are so apparently founded in considerations of publick benefit and convenience and the tenderest regard to the Right Interest and Welfare of the Subject

We are, Sir &c

SANDYS
ANDREW STONE
JOHN YORKE
SOAME JENYNS

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

To all to whom these presents shall come I John Earl Granville Viscount Carteret and Baron Carteret of Hawnes of the county of Bedford in the Kingdom of Great Britain Lord President of his Majestys most Honourable privy Council and Knight of the most noble Order of the Garter the Sole Lord or proprietor of a certain District Territory or parcel of Land lying in the province of North Carolina in America Send Greeting

Whereas in and by a certain Instrument in writing called a Letter of Attorney under my hand and seal of arms bearing Date the Eighteenth Day of Oct^r which was in the Year of our Lord 1749 and Duely proved before the Right Honourable the Lord Mayor of London and afterwards Inrolled in the Secretary's Office in the said province of North Carolina I did make Constitute and appoint Thomas Child Esq^r his Majesty's Attorney General of the said Province and Francis Corbin of Edenton in the same province Esq^r Jointly and either of them severally in Case of the Death or Absence of the other from my said province my attorney's Collectors and Receivers of all and Singular my Quit Rents and other Rents Escheats Fines Forfeitures Revenues dues Duties and other Issues and Profitts arising out of my said District with full power to them the said Thomas Child and Francis Corbin for me and in my name & for my use to ask Demand Sue for Recover and Receive the same Retaining to their own use the sum of ten pounds in the hundred upon or for all monies or value of monies so to be collected or Received by them or either of them by virtue thereof the rest or residue being by them or either of them to be remitted and paid to me at my usual

place of Residence in the City of Westminster once at least in every year and further making Constituting and appointing in and by the same Instrument them the said Thomas Child and Francis Corbin my Attornies and Commissioners Jointly or either of them severally in case of the Death or Absence of the other from the said province for me and in my name to Treat Contract and agree with any person or persons in the said province for the Leasing out or Granting and Disposing of in Fee in parts or parcells so much of the said District Territory and parcell of Land as aforesaid upon such Terms and conditions and under such Covenants and Provisions and at such Rent and Rents (not under or less than four Shillings Proclamation Money or three Shillings Sterling Money yearly for every hundred Acres) as they the said Attornies and Commissioners or either of them in cases as afores^d sh^d think meet observing nevertheless my private orders and Instructions therein with full power to them the said Thomas Child and Francis Corbin for me and in my name and as my Act and Deed to Sign Seal and deliver such Leases Grants Deeds or Instruments as for the Confirmation of such Contracts or agreements should be requisite according to the Laws Constitutions and customs of the said province such Lessee or Lessees Grantee or Grantees at the same time to execute counterparts thereof and Granting to them the said Thomas Child and Francis Corbin all Lawful Fees and Perquisites due for such Contracts Grants Leases and other Instruments except one fifth part thereof which they the said Thomas Child and Francis Corbin were annually to account for to me pursuant to the Third Instruction given to Edward Mosely and Robert Halton Esq^{rs} since Dece'd bearing date the fifth September 1746 and to be Remitted to be [me] Yearly without any Deductions as by the said Letter of attorney duly Inrolled as aforesaid may more fully and at large appear

And Whereas in and by one other Instrument in writing or Letter of Attorney under my hand and seal of arms bearing date the second day of March which was in the year of our Lord 1750 and Duly proved before the Right Honble the Lord Mayor of London and also afterwards Inrolled in the Secretary's Office in the said province of North Carolina reciting as is herein already recited and also further Reciting that whereas the said Thomas Child had requested leave of me the said John Earl Granville to return to England to settle his private affairs and had recommended to me James Innes Esq^r member of his Majestys Council in the said province jointly with the said Francis Corbin to Execute in the absence of the said Thomas Child

the said several powers so given to them the said Thomas Child and Francis Corbin Jointly in and by the said herein already Recited Letter of Attorney as aforesaid I the said John Earl Granville did in Compliance with the said Recommendation Constitute and appoint the said James Innes together with the said Francis Corbin my Attorney and Attornies Jointly or Severally in Case of the death or absence of the other from the said province to execute in the absence of the said Thomas Child all and every the powers particularly mentioned and specified in the herein first recited Letter of Attorney Thereby also Giving and Granting to them the said James Innes and Francis Corbin severally in Cases as aforesaid all and Singular the same powers privileges profits and perquisites under and upon the same Terms Conditions and Reservations contained in the said herein first recited Letter of Attorney and by the same given to the said Thomas Child and Francis Corbin Jointly or severally in cases aforesaid as by the last recited Letter of Attorney reference being thereunto had will more fully appear. And Whereas I have since thought fitt to appoint Benjamin Wheatly Esq^r Naval officer of the said Province of North Carolina in the place and stead of James Innes to Execute Jointly with the said Francis Corbin in the absence of the said Thomas Child the said powers originally given by me to them the said Thomas Child and Francis Corbin by the herein first recited Letter of Attorney in the manner therein mentioned and afterwards by me delegated to them the said James Innes and Francis Corbin Jointly or severally as afs^d in and During the Absence of the said Thomas Child from the said province Now know ye that I the said John Earl Granville do accordingly by these presents Revoke Recall and Countermand and to all intents and purposes make null and void and of none effect the said last Recited Instrument in writing or Letter of Attorney so made and given by me to the said James Innes and Francis Corbin Jointly or to either of them severally as aforesaid and all privileges powers and authoritys therein and thereby granted or given to them by the same anything in the said last recited Letter of Attorney to the contrary hereof in any wise notwithstanding and further know ye that I the said John Earl Granville for the above mentioned purpose do hereby also make constitute and appoint the said Benjamin Wheatly in the place and stead of James Innes as afores^d together with the said Francis Corbin my attorney or Attornies Jointly or Severally in case of the Death or absence of the other from the said province to execute in the absence of the said Thomas Child all and every the

powers particularly mentioned and specified in the said first recited Letter of Attorney so given by me to the said Thomas Child and Francis Corbin as aforesaid under such regulations Directions and Restrictions as are comprized and sett forth in a sett of General Instructions contained in five sheets of stamped paper severally signed and sealed by me bearing date the Sixteenth day of January in the year of our Lord 1752 and since Received by my agents and Lodged among the Records of my Land Office at Edenton in the said province and also under such further or other Regulations Directions and restrictions as I may hereafter from time to time Judge proper or necessary to Give them and I do hereby also make constitute and Appoint the said Francis Corbin and Benjamin Wheatly Jointly and Severally as aforesaid my true and lawful Attornies and Attorney for me and in my name and to my use to ask demand sue for Recover and receive of any person or persons whomsoever in the said province all such sum or sums of Money Debts dues and demands whatsoever which now are due and owing to me the said Earl or which may at any time hereafter become due or owing to me and on Receipt thereof to give acquittances and to do all lawful Acts and Things concerning the premises as fully in every respect as I myself might or could do if I were personally present hereby granting to them the said Francis Corbin and Benjamin Wheatly respectively in the absence of the said Thomas Child the annual Salaries Profits and perquisites particularly specified and granted to my Agents in and by the aforesaid Sett of General Instructions and also by a Second Additional Instruction marked (B) bearing Even date herewith and signed by me in Lieu of all other Cravings or demands whatsoever and hereby also Ratifying and Confirming all and whatsoever the said Francis Corbin & Benjamin Wheatly Jointly or either of them severally in cases as aforesaid shall Lawfully do in the premises by virtue hereof and of the said first recited Letter of Attorney by relation as afores^d and this present Instrument in writing or Letter of Attorney to continue and be in full force and virtue until the said Thomas Child shall return to the said province when the said first recited Letter of Attorney before given by me to the said Thomas Child and Francis Corbin as aforesaid shall revive and again be continue and remain in full force under such regulations Directions and Restrictions as are comprized and sett forth in the above recited sett of General Instructions bearing date the Sixteenth day of January 1752 And also under such further or other Regulations Directions and Restrictions as I now have thought

or may hereafter from time to time judge proper or necessary to give them In Witness whereof I the said John Earl Granville have hereunto sett my hand and seal of arms the 8th day of Aug^t in the year of our Lord 1754

GRANVILLE (L.S.)

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

To All To Whom these Presents shall come I John Earl Granville Viscount Carteret and Baron Carteret of Hawnes of the County of Bedford in the Kingdom of Great Britain Lord President of His Majesty's most Honourable Privy Council Knight of the Most Noble Order of the Garter, The Sole Lord or Proprietor of a Certain District Territory or Parcel of Land lying in the Province of North Carolina in America send Greeting, Whereas in and by a Certain Instrument called a Letter of Attorney under my Hand and seal of arms bearing date the Eighth Day of August in the Year of our Lord One Thousand Seven Hundred and fifty four duly Proved before the Right Honourable The Lord Mayor of London and Afterwards inrolled in the Secretarys office in the Province of North Carolina aforesaid I did make constitute and Appoint Francis Corbin and Benjamin Wheatley Esquires my Attorney and Attorneys jointly or Severally in Case of the Death or Absence of the Other from the said Province to Execute all and Every the Powers particularly mentioned and Specified therein under such Regulations Directions and Instructions as are comprized and set forth in a Sett of General Instructions therein Referred to and also under such further or other subsequent Regulations Directions or Restrictions as I might afterwards from time to time judge necessary to give them Thereby Granting to them Respectively the Annual Salaries Profits and Perquisites as are particularly specified and Granted by me to my Agents in and by the Aforesaid Sett of General Instructions And also by a Second additional Instruction marked B bearing even date with the said recited Letter of Attorney in lieu of all other Cravings and Demands whatsoever as by the said Letter of Attorney and Instructions Reference being thereunto had will more fully appear.

And Whereas I have since thought fit to appoint Joshua Bodley Esquire of the Parish of S^t James Westminster in the Place and stead of the said Benjamin Wheatley to Execute Jointly with the said Francis Corbin the same Powers referred to and Given by me to the said Francis Corbin and Benjamin Wheatley in and by the

said recited Letter of Attorney in manner therein Mentioned and Contained in the Sett of General Instructions beforementioned. Now Know Ye That I the said John Earl Granville do accordingly hereby Revoke and Countermand all and so much of the before recited Letter of Attorney as relates to the said Benjamin Wheatley and all Privileges Powers and Authorities therein Granted or Given to him by the same And further Know Ye That I the said John Earl Granville for the beforementioned Purpose do By these Presents make Constitute and Appoint the said Joshua Bodley in the Place and Stead of the said Benjamin Wheatley as aforesaid together with the said Francis Corbin, My Agents Commissioners and Attorneys jointly or Severally in case of the Death or Absence of the other from the said Province to execute all and every the Powers and Authorities Particularly referred to in the before recited Letter of Attorney So Given and Granted by me to the said Francis Corbin and Benjamin Wheatley as aforesaid and Comprized or set forth in the before mentioned Sett of General Instructions Dated the sixteenth of January one Thousand seven Hundred and fifty Two under such Regulations Directions or Restrictions as I have already or may hereafter from time to time judge proper to Give them Hereby Granting to them the said Francis Corbin and Joshua Bodley Respectively the Annual Salaries Profits and Perquisites as are Particularly referred to and Granted to my Agents in and by the said Recited Letter of Attorney and Instructions before mentioned in lieu of all other Demands whatsoever And Lastly I do hereby Ratify and Confirm all and Whatsoever the said Francis Corbin and Joshua Bodley jointly or Either of them Severally in Cases as aforesaid shall Lawfully do in the Premises by virtue of these Presents

In witness whereof I the said John Earl Granville have hereunto set my hand and affixed the Seal of my Arms the first day of September in the Year of our Lord One Thousand Seven Hundred and fifty Six

GRANVILLE (Seal)

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

To all to whom these presents shall come I John Earl Granville Viscount Carteret and Baron Carteret of Hawnes in the County of Bedford in the Kingdom of Great Britain Lord President of His Majesties most Honourable Privy Council and Knight of the most noble order of the Garter and sole Proprietor of a certain Dividend,

Territory or Parcel of Land situate in the Province of North Carolina Send Greeting. Whereas in and by a certain Letter or Power of Attorney under my hand and Seal of Arms bearing date the Twenty fifth day of April One thousand seven hundred and fifty nine and duly proved before the Right Honourable the Lord Mayor of the City of London I did make constitute and appoint Thomas Child Esq^r His Majestys Attorney General of the Said Province my Special Agent and Attorney to Execute divers Powers and Authorities therein Specified under certain rules regulations and Restrictions therein Expressed and referred to and such as I should from time to time thereafter think proper to give for that purpose, And among other things did thereby Constitute and appoint him the said Thomas Child either Jointly with my other Agent for the time being or separately by himself or such Sufficient Deputy as he should think proper to appoint for that purpose, my true and Lawfull Attorney to ask demand sue for and recover in my Behalf all and singular my Annual Quit rents Escheats, Fines Forfeitures Revenues dues Dutys and other Issues and Profits arising or accruing to me out of my said District as by the said Letters of Attorney may fully appear.

And whereas the said Thomas Child hath represented to me that by my appointment of a second Agent in the said Province properly qualified to Exercise the said last mentioned Powers, the duty of that Branch of my Business will be greatly facilitated Now therefore Know Ye that I the said John Earl Granville for the reasons aforesaid and for divers other Causes and Considerations to me hereunto especially moving, Do by these presents revoke Countermand annul and make void all and so much of the said Letter of Attorney and Instructions by me given relative thereto and the several Powers in them respectively contained as Authorise the said Thomas Child to ask for sue or recover my said Annual Quit rents Escheats, Fines forfeitures Revenues, Dues & Dutys and to appoint a Deputy for these purposes And as are Repugnant or Contradictory to the several Powers and Authorities relative thereto hereinafter granted by these Presents And further Know ye that I the said John Earl Granville trusting and Confiding in the Probity and Ability of Robert Jones Junior of the County of Northampton in the aforesaid Province of North Carolina Attorney at Law have constituted ordained and appointed and by these presents do make constitute and appoint the said Robert Jones during my pleasure and his residence in the said Province my second Agent and Receiver General within the said Government for me and in my name to ask demand sue for recover

and to my use to receive take possession of, hold and retain by distress or any other Lawfull ways means manner and Process of Laws whatsoever, all and Singular my Annual Quit Rents, Arrearages of Quit rents Escheats fines forfeitures Revenues Dues Duties and other Issues and Profits of what nature or kind soever within my said District or Territory arising or accruing to me by reason of my Property therein, and to agree and compound for the same and on receipt agreement or Compensation for the same Aquittances for me and on my behalf to make Seal and deliver And also to and fulfil the several Powers Authorities and directions contained in the Instructions Numbered I, II, III, IV, V, VI, VII, VIII, and IX, and specified in a sett of General Instructions by me delivered to the said Robert Jones bearing even date with these presents and Contained in a sheet of Stamped Parchment signed and sealed by me and all such other and further Instructions and directions as from time to time shall hereafter think proper to give concerning the Premises And Likewise such sufficient Substitute or Substitutes for the said purposes as you shall think proper by Deed in Writing under your hand and Seal duely executed to make and appoint who respectively shall have hold use and exercise all and singular the Powers and Authoritys aforesaid And such substitute or Substitutes at your Will and Pleasure to Supercede and remove and another or others in his or their Place or Places to make and Constitute And Whereas by my said Letter of Attorney to the said Thomas Child I did Likewise grant unto him during my pleasure and his residence in the said Province the sole Power of Contracting and agreeing for and Granting in fee for me And in my name; in Parts or Parcells so much of my said Territory of Land as he the said Thomas Child should think meet under certain Rules and directions in the said Letter of Attorney Expressed and referred to without appointing any person to Succeed him in transacting that part of my said Business in case of his death or removal out of the said Province as by the said Letter of Attorney will further appear Therefore to prevent any let or hinderance in the Business belonging to my said Land Office if the said Thomas Child should happen to die or remove as aforesaid Further Know Ye that I the said John Earl Granville have Constituted made and Appointed and by these presents do constitute ordain and appoint you the Said Robert Jones during my pleasure and your residence in the said Province of N^o Carolina from and immediately after the death of the said Thomas Child or his removal out of the same, my Agent Attorney

and Commissioner of my said Land Office in the said Government for me and in my name to Contract for and agree with any person or Persons for Granting and disposing of in Fee in parts or parcells all and every part of my said District or Territory of Land (not already Granted and disposed of) upon such terms and Conditions and according to such Rules directions and Instructions as are set forth and contained in the Articles of my General Instructions given to you and bearing even date with these presents as aforementioned numbered X, XI, XII, and XIII, and such other and further orders and directions as I may hereafter think proper to give concerning the same, with full Power and Authority as occasion may require from time to time for me and in my name and as my Act and Deed to sign seal and deliver such Deeds and Conveyances in the Law for the Confirmation of such agreements or Contracts as may be necessary, and agreeable to the said Instructions and such Lawful Customs and Usages as have been observed in my said Land Office for these purposes, and also to take into your Possession and Care all Records Books Instructions Letters and Papers, together with my Seal and Cypher and all other things of what Nature or Kind soever belonging to me or relating to my Land Office and Estate in the said Province, And to do all and every other Act or Acts Thing or things whatsoever touching the Premises aforesaid pursuant to the true intent and meaning of these presents And the said Instructions orders and directions and Consistent with my Interest as fully and in every respect as I myself might or could do if I were personally present hereby ratifying allowing and confirming all and whatsoever my said Agent and Receiver General and the Deputy and Deputys by him to be appointed as aforesaid shall do or Lawfully cause to be done in and about the premises on my behalf by Virtue of these presents. In witness whereof I have hereunto set my hand and Seal the Sixth day of April in the first year of the Reign of Our Sovereign Lord George the Third by the grace of God of Great Britain France & Ireland King Defender of the Faith and so forth and in the Year of our Lord One thousand Seven hundred and Sixty one

GRANVILLE (Seal)

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

On the Eleventh day of April in the year of our Lord One thousand Seven hundred and Sixty one Before me William Tudman

Notary and Tabellion publick Dwelling in London Duly admitted and Sworn and Witnesses Personally appeared Thomas Frankland Esquire Vice Admiral of His Majestys fleet and heretofore Commander of the Rose man of War Who Declared to have made, Ordained Constituted Authorized and appointed and by these presents doth make ordain Constitute Authorize and appoint Benjamin Heron and John Rutherford of New Hanover County in the Province of North Carolina (at present in London) Esquires his true and lawfull Attorneys Giving and hereby Granting unto his said Attorneys or either of them Jointly or Severally full power and lawfull Authority for him the said Constituent in his name and for his use to Enter into and upon and take possession of all and Singular the Lands Houses Plantation or Plantations Negroes Chattels Estate and Effects whatsoever Situate lying and being in the Province of North Carolina aforesaid Mortgaged to him the said Thomas Frankland by Eleazer Allen late of Cape Fear in North Carolina Esquire—deceased for the Sum of Fifteen hundred pounds Sterling And to foreclose the deed or Indenture of Mortgage Given and Granted as aforesaid in order to Secure the payment of the said Sum of Fifteen hundred pounds Sterling and all Such Sum and Sums of money as now or hereafter shall become due and payable for Interest thereon And further for him the said Thomas Frankland (in case of the death of Sarah Allen Widow of the said Eleazer Allen deceased) to appear in any Court or Courts whatsoever in the Province of North Carolina aforesaid thereto Obtain Get Receive and take out Letters of Administration to the Goods Chattels Rights and Credits of the said Sarah Allen or the said Eleazer Allen deceased and to ask demand levy Sue for and by all Lawfull ways and means recover and Receive of and from all and every or any person or persons whatsoever whom it shall or may Concern Inhabiting or being in the Province of North Carolina aforesaid All such Sum and Sums of money Goods Wares Merchandize Effects Estate and things whatsoever as now or hereafter shall be due Owing and payable to him the said Appearer in his own Right or by virtue of any Letters of Administration that shall or may be Granted for the estate and Effects of the said Sarah Allen or the said Eleazer Allen deceased whether by Bond Note Bill Book debt Account Consignment Contract Agreement decree Sentence Judgment Execution Extents or for by or upon any other Account way reason or means soever nothing in Law or Equity Excepted or Reserved. And Further for him the said Appearer in his Name and for his use to grant Bargain Sell and dispose of all and

Singular the Lands Houses Plantation or Plantations Negroes Chattels Estate and Effects Mortgaged and Set over to him the said Thomas Frankland by the said Eleazer Allen deceased at and for the most and best price and advantage that can be had or got for the same take and Receive the Consideration Money from the purchaser or purchasers thereof or any part thereof and thereupon to Sign Seal duly Execute and deliver any Deed or Deeds of Conveyance Assignment or other act or writing needful and necessary for assigning and Setting over the said Mortgage premises or any part thereof. And one or more Acquittances or other Sufficient Discharges to give Sign and Execute for Such Consideration or purchase money. But in Case of Refusal or delay by all and every or any person or persons concerned to make and Render Just and true Account payment delivery and Satisfaction in the premises him her them or either of them thereunto to Compell by all lawfull ways and means whatsoever Also (if need be) to appear before all or any Lords Judges and Justices in any Court or Courts thereto—Answer defend and Reply in all Matters and Causes touching or Concerning the premises to do Say pursue Implead Seize Sequester distrain Attach Arrest imprison and to Condemn and out of Prison again to deliver Also to Compound Conclude and Agree by Arbitration or otherwise as his said Attorneys or either of them Jointly or Severally shall think fit. And Generally in and Concerning the premises to do perform and Execute all and whatsoever Shall be requisite and necessary as fully amply and Effectually to all intents Constructions and purposes as he the said Constituent might or could do if personally present. With power to substitute one or more Attorneys under them or either of them with like or limited power and the Same again to Revoke. He the said Thomas Frankland hereby Ratifying confirming and holding for good and valid all and whatsoever the said Benjamin Heron and John Rutherford or either of them Jointly or Severally their or either of their Substitutes shall lawfully do or cause to be done in or about the premises by Virtue of these presents. Thus Done and passed in London afores^d in the presence of the under written Witnesses.

THO^s FRANKLAND (Seal)

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Moir to the Secretary (Ext^t)

EDGCOMBE. Ap^r 13, 1761

REV^d SIR

The misunderstanding between the Governor & leading men of this province still subsisting, we are as unhappy as ever, The general assembly is now Sitting & it is hoped something will be done for the more, effectual administration of Justice, the officers on the Civil list in Edgcombe County show so little regard to common honesty, that I shall embrace the offers made me by some of the neighbouring vestries, which have applied to me for several years past——

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Earl to the Secretary (Extract)

N^o CAROLINA, EDENTON 14 Apr^l 1761

REV^d SIR,

Please to acquaint your Rev^d & Hon^{ble} Society that I have within this Preceeding half year, Baptized in this parish 50 white infants & administered the Sacrament of the Lords Supper to 35 Communicants. I have made 3 Journeys to Berkeley Parish & baptized 60 white & 6 negro Infants. I have been several times dangerously ill, since I wrote to you last, with Pleurisses, Fevers & the Flux, which have very much raged in this Country for several months, which rendered me incapable of Performing ministerial duties in this Parish for a great part of the time & likewise of visiting neighbouring Parishes that are destitute of ministers, as often as I could wish, but thro' the favor & blessing of the giver of all good things, am now perfectly recovered from all my disorders——

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. MacDowell to the Secretary

BRUNSWICK Ap^r 16 1761

REV SIR

I wrote to the Ven^{ble} Society p^r Captⁿ Heron about this time last year, but have not as yet, had the pleasure of receiving any ans^r or

of hearing from them, only by a Letter from Capt^a Heron, dated at London the 20th July, wherein he informed me that he was told by Mr. Smith, who went home with him last Spring, That the Ven^{ble} Society had been pleased to grant me, a mission & a salary of £50 Sterling per ann. But so bad an use, made my vestry of that piece of intelligence, that they thought proper when they met at Easter this year, to impose harder duty on me, which already was more than 1 man in a thousand could go thro' & to take away £10 this currency from my Poor pittance of allowance, which at most was not better, nor so good as a journeyman Tailors wages; for one of them here have £60 a year this currency & board, washing & Lodging found him, whereas I had but 130 in all & out of that was obliged to find myself in all the above mentioned articles. I pay for board & Lodging when I attend in Town, at the rate of 20^s a week & moreover must keep horses to carry me about constantly.

It was particularly cruel of them, to use me so at this time, as in last nov^r it pleased Divine Providence to afflict me with the heavy loss of my most amiable wife, who died in childbed; the child also dying at the same time; I have just now no less than £21.9^s to pay to Doctors bills, besides all other concomitants of that disastrous & melancholy occasion. And am left a poor distress'd widower, with a child, which was but a twelve month old, at my late Dear wife's decease.

But as I would not for any consideration in the world do anything to disoblige the ven^{ble} Society & the Step I have now taken may be represented in a different light; I will lay the whole before them in the fairest & most upright manner as the truth is in Christ, and will leave it to them to judge the whole matter & by their judgment I am willing to abide.

The Gentlemen of the vestries here, meet and hold their vestries without the minister & take upon them to do everything themselves without his presence, nay if he goes in among them, I have known them to desire him to withdraw, that they may have the more liberty of arguing among themselves & Settling his Salary, and appointing him his service, whereupon when I had anything to lay before them, I did it by a message, & as I found a great deal of inconvenience, in being obliged to ride 30 or 40 miles to a Chapel, & of that, to ride 15 or 20 miles without seeing a house to flee to, in case of a thunder shower, or other bad weather; as I wrote to the venerable Society last year, & having these difficulties to go thro' every month of the year, hot & cold. I sent a message to the ves-

try, laying before them the inconveniences of my being obliged to attend the out Chapels, in the 2 hottest months in Summer & the 2 Coldest months in winter, at which time the people who have many of them far to come cannot bear the inconvenience of the weather, and at that time do not attend, and as the vestry of S^t James never required me to attend the Chapels, in the most remote parts of the Parish in these months, therefore I begged my vestry would lessen that Part of my fatigue. But instead of that, they thought proper to lessen my Salary, & increase my fatigue severely; by obliging me to attend, besides what I did last year, once in every 2 months, at a part of the Parish, ten times worse for the disagreeableness of the roads & accommodations, than the other part, I was obliged to attend before; & where they have nothing like a Chapel among them, nor are any of their houses fit to meet in Whereupon I acquainted the vestry, that I could not think of undertaking such heavy duty.

They then proposed another meeting among themselves to determine what they should do, And I seeing what I was to expect, if I should purchase or build myself a house (which I purposed doing) & fix myself, so that I could not easily remove from among them: I wrote to them that if they would get an act of assembly passed this session, the assembly now sitting, as the People at Newbern had done for Mr. Reed, allowing me £100 Sterling a year & not obliging me to ride above 8 months in the year, I would continue, and whereas at Newbern, besides £100 Sterling a year, Mr. Reed has a Parsonage house & all conveniences found him. I proposed to my People to ease them of that article I would purchase a lot in Brunswick & build myself a house, but if they did not do that I could not think of continuing any longer in this unsettled unprovided state.—whereupon they, 5 of them however, wrote me the inclosed letter & the next morning I sent them the inclosed answer,—to which they have not made any reply, nor indeed can they, for they all know there is not a word but strictest truth in it. *Et magna est veritas et prevalebit.*

On the whole I am determined to leave them, which I am obliged to, unless I submit myself to the usage here laid down, which I cannot do, nor would the ven^{ble} Society I am convinced desire that I should.

But to give the ven^{ble} Society a fuller Idea of the dispositions of the people here & of my state among them & the opinion of People of sense & merit, which is of more consequence than anything I can

say for myself; & will set this whole matter in a fair light: I beg leave to lay before them a transcript from 2 letters now in my Possession & which Mrs. Dry & many others here know to be genuine & I dare say, so does Mrs. Frankland the Admirals Lady, for they were wrote in her house in Old Bond S^t London, by her aunt Mrs. Allen, while she was at London, where she went from this to reside for sometime; at the very time I was obliged to leave S^t James' Parish, on account of just such usage as I am now meeting with here.

In the 1st she says "I hope Sir, you are blessed with a continuance of your usual health, to which your singular temperance, constant exercise (in the duties of your function) "and happy disposition, must greatly "contribute; and I wish I could add to it, the satisfaction of being "a Pastor to a set of People more worthy of you, than the majority "of the Parish: & more inclined to fix your appointment, & establishment among them independent of the vulgar herd, who last "year behaved so unbecomingly as almost to drive you from among "them. It would give me great pleasure to hear, you were made "quite easy in that regard & had laid aside all thoughts of removing "out of the Parish, whose loss of so valuable a guide, would not soon "be made up; nor would they deserve it; if thro' their want of zeal "for religion, or ill treatment of you, they oblige you to such a "conduct.

"In the 2^d when I had acquainted her, I was obliged to leave them & had thought of removing into S^c Carolina, She says "To hear of "your health and that you support a proper & worthy character, in "the duty of your function gives me the highest satisfaction, on the "other hand, am affected in a very different manner, to find you so "determined to leave the province and your extended cure, at the "same time can see no reason to blame you for such a procedure, "which their luke warmness (say no worse of it) in religious matters, "& neglect of you in so essential a point, has drawn upon them. "From this time forth, let them no more affect an uneasiness or complain for want of a minister of God's word & the comfort of the "Holy ordinances, tis too plain they think neither necessary, & if "Success attends their temporal concerns, no matter for the spiritual "—Since this is the case (even to a demonstration) I must own Sir "you judge right, very right to leave them to their own devices, "and you owe it to yourself, to seek a place & people, more worthy "of you & you of them & where I doubt not, you will meet a kind "& christian reception from every body of merit, & hope (as soon as "may be) a good benefice upon a certain foundation, & be no longer

“liable to the caprices & inconstancy of the Low minded penurious
“herd—be they the great, vulgar, or the small,—You may depend
“Sir upon letters from me, to what friends death & removals have
“left me there: they are not many, but such as you’ll be pleased to
“be known to: & who I am assured from the innate goodness and
“benificence of mind are always friends & ready to assist the deserv-
“ing: upon which foundation, I may venture to say you are entitled
“to all their good offices, & from whence promise myself very happy
“effects in your favor—The gentlemen I shall write to (and inclose
“to you) are Mr. Gabriel Manigault, Doctor Bull speaker of the
“assembly (son to the late Lieut. Gov^r Mr. Peter Taylor, & Mr. Geo.
“Austin, all men of worth & consideration.”

These were the sentiments of one who was an inhabitant of this place & understood well the circumstances of the place & the disposition of the people, & were it not that It might seem I were more influenced by Pique & hatred, than a true Christian lenity, I could give such an account of some of the Present Vestrymen here that after knowing the men and their communications no body would be surprised that I am obliged to leave them one of them declared that the money he is obliged to give to the maintaining a minister, he would rather give to a kind girl. Another is a person who committed incest, with his own uncles widow & has a child by her which he owns publicly—another believes there is neither Hell nor Devil, and there is here one gentleman of fortune in particular he is not of the vestry, but strives to influence them as much as he can, whom I heard myself declare he could not believe in Jesus Christ & he despised the holy sacrament of the Lord’s Supper. To him with 2 other gentlemen in St. James’ Parish, a Young Phisician who was reputed to be an Atheist & who died since I came here, left the Lord Bolingbrokes works What can a Minister of God’s word expect from these?

These are some of the men who are intrusted with the management of affairs in Church & State. I am sorry there should be any in a Christian country But true it is too true there are many such, not only here but in all other parts of America, and what can we expect here, where ev’ry one can do that which is good in his own eyes: when in our mother countries, too, too many of these daily appear, where the Laws Human & Divine are inculcated & observed in far greater perfection.

May the Almighty God of his infinite goodness & mercy pardon all the Failings & imperfections of all his creatures O! may he

who is of Purer eyes than to behold iniquity but with abhorrence & Detestation, bring about in his good time the means of reclaiming a stubborn & depraved world, may he who is the Father of lights, open the eyes of a careless & unthinking world, that they may see & know in this their day the things that belong unto their peace. Amen, Amen.

Now if upon the whole. The venerable society think me culpable in what I have done, I am willing to submit to any penalty or censure they will please, to inflict upon me, except the sending me back to N^o Carolina, If they approve of what I have done, I am happy, for I esteem their favor & approbation, above all things on earth, next to that of my own conscience, and even in that, would not be willing to confide too much, as self love or self interest might strive to swerve me from my duty, but in what I have done, I really think I am right, It is our Saviours own order, that if they receive us not in one place we are to go to another.

I have some thoughts of returning home, for I could live happier there on a little farm, than to be governor here, but I am not willing to leave America, without the consent of the venerable society. Wherefore I shall take a ride into So. Carolina & do what good I can there, till I have the pleasure of hearing from the Society, which I am in hopes will be by the latter end of the summer. A letter directed for me, sent to any of the clergy in Charleston I will readily get.

The roof of the New Church at Brunswick is all fallen down again, it was struck with lightning, last July, & afterwards a prodigious & immoderate quantity of rain falling on it, made it all tumble down: & there it lies just as it fell; the Chapel is a most miserable old house, only 24 feet by 16, & ev'ry shower of Rain or blast of wind, blows quite thro' it. If I had continued, I intended to have purchased it, & to have fitted it up in a decent manner & to have made it comfortable for the performance of divine service, both in Summer & Winter, till the church might be finished. But the Vestry here will give no encouragement to a minister but from year to year, & strive to keep him in the greatest state of subjection & dependence. But they will repent, their obliging me to leave them; for I have done & would have done, more for them than any they have ever had or I dare say ever will have. They think themselves wiser than any other people in the world who give their minister a certainty of continuing at least while he behaves well, and I should desire or expect no more than that. But none of these things move

me neither count I my life dear unto myself, so that I may finish my course, with joy & ministry, which I have received of the Lord Jesus to testify the Gospel of the Grace of God.

I beg my sincerest duty to the Ven^{ble} Society & hearty acknowledgments & thanks for all their kindness and goodness to me.

I am rev^d Sir your most obliged & most ob^t Humble servant

JOHN M^dDOWELL.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 45.]

At the Court at S^t James. the 30th day of April 1761.

Present.

The King's most Excellent Majesty in Council.

Whereas there was this day read at the Board a Report made by the Right Honourable the Lords of the Committee of Council for Plantation Affairs, upon considering a Representation and Report from the Lords Commissioners for Trade and Plantations, together with several other Papers relating to the Suspension of John Rutherford and James Murray Esq^{rs} from their Seats in the Council of North Carolina, by the Present Council of that Province—His Majesty taking the said Report of the Committee of Council into His Royal Consideration, was pleased with the Advice of His Privy Council, to approve thereof, and agreeable to what is therein proposed to order, as it is hereby Ordered that the said John Rutherford Esq^{re} be restored to his Place and Rank in the Council of North Carolina, and that the Lords Commissioners for Trade and Plantations do cause his Name to be inserted in the Instructions now preparing for the Governor of the said Province But that with respect to James Murray Esq^r His Majesty doth hereby Order that his Name be not inserted in the said Instructions but a Blank left therein until such time as a further Inquiry can be made into his past Conduct and Behaviours

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23. P. 57.]

Report of Lords of Trade to the King.

WHITEHALL May 6th 1761

To the King's most Excellent Majesty

MAY IT PLEASE YOUR MAJESTY

In obedience to your Majesty's Order in Council, dated the 27th of February last, we have prepared Draughts of general Instructions

and of those which relate to the Observance of the Acts of Parliament for the encouragement and regulation of Trade and Navigation for Arthur Dobbs Esq^{re}, whom your Majesty has been pleased by your Royal Appointment to continue Captain General and Governor in Chief of your Majesty's Province of North Carolina, in which Draughts we have made no Alterations from the Instructions given by His late Majesty to the said Governor except only in the following particulars.

In the first Article of the present Draught of general Instructions, We have in obedience to your Majesty's Order in Council, dated the 30th of April last, inserted the name of John Rutherford Esq^{re} in his place and rank amongst the members of your Majesty's Council and we have left a vacancy for James Murray Esq^{re} until further enquiry can be made into his past Conduct and behaviour and to the seven other persons formerly appointed by his late Majesty, we have added the name of John Sampson Esq^{re} whom your Majesty was pleased to appoint in December last and Alexander M^cCullock and Henry Eustace M^cCullock who have been recommended to Us, as persons well qualified to serve your Majesty in the Council of North Carolina.

At the end of the 33^d Article of the present Draught, we have added the same words as we inserted in the like Article of the Instructions lately prepared for the Governor of the Massachusetts Bay, requiring the Governor to discourage and restrain any Attempts, which may be made to set up any such Manufactures or Trades as are or may be prejudicial to this Kingdom.

We have omitted the 13th Article of the former General Instructions, where by the number of Representatives to be chosen by each County and Town in the Province was fixed and declared because several new Counties and Towns have since been erected and old ones divided of which Mr. Dobbs has not yet transmitted us any such Account as might enable us to know with precision, what is the present number of Representatives or of Counties and Towns, which are represented in the Assembly. In lieu therefore of this Article, we have inserted some words in the 12th Article of the present Draught directing the Governor to issue Writs to the proper Officer in the several Counties, Towns, or Districts which have been authorized by his late Majesty's Instructions or are otherwise qualified to send Representatives to the General Assembly.

We have omitted so much of the 16th Article of the former Instructions as required the Governor to confirm by Charters of In-

corporation, all the Rights and Privileges derived to certain Towns and Counties, by certain Acts, which were repeated by His late Majesty's Order in Council of the 8th of April 1754 that direction having at the humble request of the Assembly been revoked by an additional Instruction given by their Excellencies the Lords Justices in June 1755.

We have also for the reasons set forth, in Our humble Representation on the Draught of General Instructions for your Majesty's Governor of the Massachusetts Bay, omitted the 23rd Article of the former Instructions to Mr. Dobbs directing a Revisal of the Laws and all such other Articles as appeared to Us to have become useless unnecessary or improper Viz^t the 41st directing the Governor to establish Courts of Justice the 44th concerning the speedy administration of Justice the 45th, 47th, 48th, 49th, 50, 51, 52, 53, 54th containing directions relative to the Habeas Corpus the 55th for securing the Life Limb, and Property of the Subject, the 56th requiring proof to be transmitted with Criminals to this Kingdom, the 57th respecting the qualification of Jurors, the 58th for restraining inhuman severities towards servants and slaves, the 66th concerning Grants of Offices made by the late Lords Proprietors of Carolina and the 118th relating to the observance of the 5th and 6th Articles of the Treaty of neutrality.

In the 74th Article of the present Draught of general Instructions which relates to the grants made in the [year] 1746 of 1,200,000 acres of land to Murray, Crimble and James Huey and their associates, in pursuance of His late Majesty's Orders in Council of the 19th of May 1737, as the term of Ten years, limited for the settlement of those lands by the said Orders and also the further Term of three years granted by his late Majesty's Order in Council dated the 13th of October 1756 are now both expired. We have inserted words authorizing and requiring the Governor without further Delay to seize and take possession in His Majesty's name and right, of all such parts of the said Lands as shall not have been actually settled, according to the Terms of the said grants.

The Draught of Instructions which relate to the observance of the Acts of Parliament for the encouragement and regulation of Trade and Navigation is exactly conformable to the Instructions given by his late Majesty, for the like purposes, to the Governor of

this and other your Majesty's Plantations on the continent of North America

All which is most humbly submitted

SANDYS
SOAME JENNYNS
ED. BACON
EDMOND THOMAS
GEO. RICE

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

From Mr. Macdowell to the Secretary.

BRUNSWICK, May 20, 1761.

REV^d SIR

According to what I mentioned in my last to you which I sent per the Rev^d Mr. Martyn of So. Carolina, who sailed with the fleet to Engnd in May, I took the opportunity of a vessel that was going from this Port, to Charleston & made a visit there, where the Lieut Gov^r Mr. Bull made me an offer of a Parish. But I considering that I ought not by any means to run the hazzard of disoblising the Ven^{ble} Society, by removing myself without their consent & finding myself very unwell at Charleston, occasioned I presume by the trouble & concern, I was in from the usage of my vestry, I tarried there only 8 days but returned to my Parish, where I will endeavor, to go thro' all fatigues till the venerable Society will take my case into consideration & honor me with their commands how to proceed.

Ev'ry person in my Parish own & acknowledge they never had a minister, they liked better or so well & would be so sorry to part with; but the vestry have got such a notion of keeping their Minister in Subjection & dependance that they will give him no certainty of being continued but from year to year. I have offered to do more for the good of this place, than any person can expect. I have offered, if they would give me a certainty of continuing, that I would build myself a house & would leave my salary to their own discretion & moreover would give £10 sterling a year to the new church till it be finished.

I beg therefore the Ven^{ble} Society will be pleased to take into consideration my case, & either oblige my vestry to fix me on some certainty here, or else give me leave to remove myself elsewhere, &

I will be greatly obliged to them & I will with all alacrity obey whatever commands they will be pleased to honor me with——

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Stewart to the Secretary.

BATH, NO. CAROLINA, May 22, 1761.

REV^d SIR,

My last by Capt. Walker of the 1st Oct^r having as I presume got safe home, in compliance with my instructions I make bold to inform the Society, of a material alteration that has happened within my Parish & the county of Beaufort, since the writing of that letter.

The inhabitants (thinking their county & Parish too extensive being near 100 miles long & 30 wide) petitioned the assembly last Dec^r for a Division into 2 counties & 2 Parishes which being granted, the Gov^r was pleased, to call the upper county, Pitt County, & S^t Michaels Parish & the lower in which Bath town stands, retains its old name of Beaufort & S^t Thomas' Parish. This Sir I thought proper to inform the Society of, for their further instructions, having by this means lost the better half of my white Parishioners so that the whole number of whites in the Parish of S^t Thomas' is not now quite 1000 besides about 400 taxable negroes. I as yet continue (till it can be supplied with a minister) to visit occasionally Pitt county which now lies above me, & Hyde county, which is below me, on the River Pamlico or Tar River, & every other vacant Parish into which I at any time have business, I take care to call the inhabitants of that Parish together & inform them of the Society's good wishes for their souls welfare & of the great expence they are at, in maintaining an Orthodox Clergy for their benefit. Last winter I went as far Southerly as new River (about 80 miles from home) into Onslow county, the present seat of enthusiasm in this Province: where having preached twice the few remaining Episcopalians there, were very thankful to me & the gainsayers of our establishment, were (as they said) glad to hear that in many things our disputes were only about words, I therefore think myself in duty bound, to inform the society that it would be necessary, to give their missionaries that are at Newbern & Cape Fear, directions to visit alternately the Southern counties of Onslow, Cartaret & Duplin, which lie between Newbern & Wilmington, till such time as they are willing to give encouragement, to a settled minister, & I for my part will undertake (as often as the vestry of this Parish will Per-

mit me) to visit the counties of Pitt, Tyrrell & Hyde so as to take in all the vacant Parishes from Newbern to Edenton, northerly; & from Bath to Mr. Morris's mission Westerly & the sea Easterly & the Edenton Missionary may take under his charge, all those to the westward of him as far as Halifax Town, where they have a fixed minister & the counties that lie eastward from Edenton, to the Sea, his Parish joining Virginia to the northward. I hope the society will pardon this rough draft, for the better attending several vacant Parishes, in this government for I imagine, these parts of this Province, lye at too great a distance from their itinerant Missionary, as I have never heard of his visiting any of them. Indeed he has business enough in the Western counties if he will apply himself to it, the People there being mostly Scotch Presbyterians & I hear have fixed several Presbyterian Ministers, already among them. However Sir such a scheme as this would reduce our Parochial Salaries, for there is a clause in the act, for establishing the clergy, that no missionary shall be paid any further, than for what duties he does in his Parish & I myself have been threatened to be dock'd for absenting myself on a Sunday now & then to attend the inhabitants of the adjoining counties.

In March last I likewise made a voyage [to] Altamuskeet in Hyde County (a place formerly mentioned to the Society as separated by a dismal morass, from the main of this Province) where I preached twice & remained a week & baptized in that time 52 white & 7 Negro children & 4 adult negroes. I likewise with pleasure inform the Society, that the few remains of the Altamuskeet, Hatteras & Roanoke Indians (whom I likewise mentioned in a former letter) appeared mostly at the chapel & seemed fond of hearing the *Word* of the true God & of being admitted into the church of our Lord Jesus Christ. 2 men & 3 women & 2 children were baptized by me. I could have wished the adults were better instructed, but their sureties & a northern Indian among them, who had been bred up a christian, promised to take that care which the short stay I made among them, would not admit me to take of them, to have refused them altogether, might be the stopping the remainder of those tribes, who have very little notion of any religion living among a set of people, who want very near as much information as they themselves.

If the Society has any instructions for me they will come safe from Mr. Anthony Bacon's in Threadneedle Street or Mess^{rs} White & Graham in St. Martins Le Grand, near Newgate Street.

I am Rev^d Sir, the Society's ever dutiful & your ever ob^t Brother
& Servant

ALEX^r STEWART
Miss^y at St. Thos. Bath Town.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

His Excellency Arthur Dobbs Esq^r His Majesty's Capⁿ General
Governor and Commander in Chief in and Over the said Province

TO BENJAMIN HERON ESQ^r GREETING

Out of the especial trust and Confidence I have and Repose in
your Loyalty Skill and Abilities I Do by these Presents constitute
and Appoint you to be Clerk of the Pleas of the said Province, To
Have hold use and exercise during his Majesty's Pleasure the office
of Clerk of the Pleas of and in the Province of North Carolina
aforesaid and to enroll and Record the Pleas and Proceedings at Law
to be enrolled and recorded within the same Province and to take
Receive and Enjoy the Fees Privileges and Emoluments thereto
belonging and to do & Perform every Lawfull Act and thing what-
soever which to the Duty & Execution of the Office of Clerk of the
Pleas aforesaid shall and may Appertain.

Given under my Hand and the Seal of the Province aforesaid at
Brunswick the Twenty fifth Day of June In the first Year of the
Reign of our Sovereign Lord George the third by the Grace of God
King of Great Britain &c And in the year of our Lord One thou-
sand Seven hundred & Sixty one.

ARTHUR DOBBS

BRUNSWICK 1 July 1761

Benjamin Heron Esq^r within appointed Clerk of the Pleas for the
Province of North Carolina this Day took the Oaths of Allegiance
and Supremacy and Subscribed the Declaration and took the Oath
of Office before me

ARTHUR DOBBS

Recorded 2^d July 1761

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Reed to the Secretary (Ext.)

June 25, 1761.

REV^d SIR,

In these last 6 months I have visited St. Johns Parish in Carteret county thrice, once at the court house where I baptized 7 children, once at a Private House where I baptized 11 children & once at the chapel upon Newport River, where I baptized 16 children and administered the Sacrament of the Lords Supper to 27 communicants. The Methodists of late have given me a good deal of trouble, along the Borders of my parish by preaching up the inexpediency of Human Learning & the practice of moral virtue & the great expediency of Dreams Visions & immediate Revelations. I have labor'd much to stop their progress & I thank God with great success if the Society could favor me with a few Suitable small tracts, they would be of great service at present, by preventing the poor ignorant people from being deluded, & easing the heavy burden of Sir your most humble Serv^t.

JAMES REED,
Miss^y in Craven County.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23. pp. 63-169.]

Instructions for our Trusty and Well beloved Arthur Dobbs Esq^r Our Captain General and Governor in Chief in and over our Province of North Carolina in America.

Given at Our Court at St. James the 30th day of June 1761 in the first year of our Reign.

[N. B. The L^{ds} of Trade having made "no alterations from the Instructions given by his late Majesty" to Gov^r Dobbs 17th June 1754* "except only in the following particulars" which are noted in their Report to the King of 6th May 1761†, I have not thought it necessary to have the above Instructions contained in 109 pages copied.

W. N. S.]

*See Appendix to Volume V.

†See page 558. *ante*.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c.

TO ALL AND SINGULAR OUR FAITHFUL SUBJECTS GREETING

Know ye That we Reposing special Trust and Confidence in the Loyalty Integrity and Ability of Our Trusty and well beloved Benjamin Turner Gentleman, Have Constituted and appointed and by these presents Do Constitute and Appoint him the said Benjamin Turner Clerk of the Naval or Navy Office of our Province of North Carolina aforesaid, To Have, Hold, Exercise and enjoy the said Office of Clerk of the Naval or Navy Office of our Province of North Carolina aforesaid unto him the said Benjamin Turner to be Exercised by himself or his Sufficient Deputy or Deputies during Our pleasure with all and Singular the Fees Profits, Privileges and Advantages thereto belonging, And to do perform and execute by himself his Sufficient Deputy or Deputies all and every lawfull Acts and Act Things and Thing whatsoever which to the Duty of Clerk of the Naval or Navy Office of our said Province shall or may Appertain Provided always that nothing herein contained shall extend or be deemed or Construed to Extend to the Prejudice or Disadvantage of the Office of Our High Court of Admiralty of Great Britain or of our Admiralty of Our s^d Province for the time being or of any of the Rights, Privileges, Jurisdictions, Powers and Authorities to the same in anywise appertaining.

And Whereas the said Benjamin Turner was heretofore appointed Clerk of the Naval or Navy Office of the said Province by Letters Patent under the Seal of our said Province date on or about the Sixth Day of November which was in the Year of Our Lord One thousand Seven hundred and fifty Nine, We will and direct that the said Recited Letters patent and everything therein contained from henceforth be and they are hereby declared to be revoked and determined In Testimony where of we have caused these Our Letters to be made Patent.

Witness Our Trusty and well beloved Arthur Dobbs Esq^r Our Captain General Governor and Commander in Chief in and Over our said Province at Brunswick the first day of July In the Year of Our

Lord One thousand Seven hundred and Sixty one And in the first Year of Our Reign.

ARTHUR DOBBS

By His Exc^{ys} Com^d

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Macdowell to the Secretary.

BRUNSWICK July 3. 1761.

REV^d SIR,

The day before yesterday Capⁿ Heron called upon me who is just come in from England & gives me hopes, I shall soon have the pleasure of hearing from you, by one Captⁿ Corry, who was to sail in about a month after he came away,—But he cannot give me assurance, that I am appointed to a Mission by the venerable Society; but says if I am not already, that I am to be.

But I hope the venerable Society have not kept me off all this time, if they have, I am in very miserable circumstances; & I cannot help saying, that if in this life only I had hope, I should be of all men most miserable, & after what I have undergone for the sake of the propagation of the Gospel, let no one depend on a generous & disinterested mind & a faithful & diligent discharge of the ministerial duty in this country, or expect to meet with encouragement or reward.—But still I am not in the least concerned for myself for I have learned in whatsoever state I am, therewith to be content. But alas, it almost breaks my heart, to think what will become of my dear helpless innocent Babe! if it should please God to take me from him; must I leave him without friends; or means of support; defenceless; & forlorn; in this bad part of the world; and I myself in a declining state threatened with a very fatal disorder, (the Flux) a disorder here ev'ry year as fatal almost as the Plague at Grand Cairo, I am almost 44 years of age, so that an attack of that disorder at this time of life, I can hardly expect to get over. I have been obliged to sell just now, for the discharge of debts contracted by last years sickness Deaths & misfortunes in my family 3 slaves which with one, I was obliged to sell before & one which was drowned last summer has reduced me, that I have but one old negro woman, a young girl & a young child left for myself & my child, I have quit Housekeeping & have betaken myself to a lodging.—If the venerable Society will only be pleased to give me assurance, that they will take care of my dear son after my death, that they will take

him home & have him brought up in a virtuous education & in some laudable profession, so that he may prove an useful member of society I shall be quite content in my mind & shall not be uneasy about any provision being made for me, for I do not think at all that happiness consists in riches, but this request I beg, I pray I entreat for Gods sake & for my works sake, the venerable Society will not deny me, and I beg it of you, Rev^d Sir, to signify their grant of it, to me as soon as may be, I would have my son if Possible brought up a merchant,—I would fain know the pleasure of the society, concerning what I here mention before I make my will, because if they will not receive him I must dispose of him otherwise.

I pray my duty to the Society & am Rev^d Sir your obliged
& obd^t Humble Servant

JOHN MACDOWELL.

[FROM MSS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

NORTH CAROLINA

George the third by the Grace of God King of Great Britain France and Ireland Defender of the Faith and so forth.

TO ALL AND SINGULAR OUR FAITHFUL SUBJECTS GREETING.

Know Ye That We reposing especial Trust and Confidence in the Loyalty Integrity and Ability of our Trusty & Well beloved Robert Jones Junior Esquire Have Constituted and appointed and by these presents Do Constitute & appoint the said Robert Jones our Attorney General of and in our Province of North Carolina aforesaid. To Have Hold Exercise and Enjoy the said Office of our Attorney General of our said Province unto him the said Robert Jones during our Pleasure and his Residence within our said Province together with all and Singular the rights and Salaries fees profits^s privileges and Emoluments thereunto belonging as fully and amply and in as full and ample manner as any other Attorney General of Our said Province heretofore hath or of right ought to have had held exercised and enjoyed the same and to do and Execute every Lawful act and thing whatsoever which to the Duty & Office of Attorney General aforesaid shall or may appertain. In Testimony whereof We have caused these our Letters to be made patent

Witness Our Trusty & well beloved Arthur Dobbs Esquire Our Captain General Governor and Commander in Chief in and over our

said Province at Brunswick the Twenty fifth day of July in the year of Our Lord One thousand seven hundred and sixty one and in the first year of Our Reign.

ARTHUR DOBBS.

[FROM MSS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

McCULLOH AND THE McCULLOH GRANTS.

To all To whom these presents shall Come I Henry M^cCulloh Late of Soracte in the province of North Carolina in America But now of the Parish of Chiswick in the County of Middlesex and Kingdom of Great Britain Esquire send Greeting

Whereas His Late Majesty King George the Second did by his Order in Council bearing Date the nineteenth day of May One thousand Seven hundred and thirty seven Order and Direct the Surveyor General of the said Province of North Carolina or His Deputy to lay out and Survey to Murray Crymble and James Huey the petitioners in the said Order in Council mentioned and to their associates Twelve hundred thousand Acres of Land in the frontier parts of said province in such proportions as should be required by them And also that Gabriel Johnston Esq^r the then Governor of said province should pass Grants of the said Lands when so surveyed to the said Murray Crymble and James Huey and their Associates in such manner and in such proportions as should be required by them provided that no Grant contained less than Twelve thousand Acres and that such conditions were inserted therein as by the said Order in Council are Directed,

And Whereas the said Murray Crymble and James Huey only acted in the said Petition in Trust for me the said Henry M^cCulloh and for my use and the use of others associated with me as appears by two Declarations of Trust under their hands the One bearing Date the thirteenth day of December One thousand Seven hundred and thirty-six [1737] And the Other the Twenty second day of May One thousand seven hundred and Forty And Whereas I the said Henry M^cCulloh under and by Virtue of several Grants bearing Date the Third Day of March One thousand seven hundred and forty-five old stile and passed under the seal of the aforesaid province to me the said Henry M^cCulloh in pursuance of the Aforesaid Order in Council am well and Truly Intitled to a great part of the said Twelve hundred thousand Acres of Land To Hold to me my heirs and assigns in fee simple

for ever (subject to the conditions in the said Grants mentioned and to the subsequent Directions which have been given thereupon By His said Majesty's order in Council Dated thirteenth October One thousand seven hundred and fifty six) which Grants are now of Record in the Secretary's Office in North Carolina aforesaid—That is to say particularly Whereas I am Intitled to Eight Grants each of them containing Twelve thousand five hundred Acres of Land Lying on the Branches of Pedee and Wharee Rivers in North Carolina aforesaid made out in the name of Doctor William Houston in Trust and for the use of me my heirs and assigns forever making together one hundred thousand Acres of Land called or known by the name of Tract N° 8 and also to Eight other like grants lying on Pedee River aforesaid made out to me the said Henry McCulloh and the use of me my heirs and assigns forever making together One hundred thousand Acres of Land more known by the Name of the Tract N° 9. And also to Eight other Like Grants Lying on the Branches of Pedee River aforesaid making together one hundred thousand Acres of Land more known by the name of Tract N° 10 Two of which last mentioned Eight Grants are made out in the name and for the use of me the said Henry McCulloh my heirs and assigns forever and the other six in the Name of the aforesaid Doctor William Houston in Trust and for the use of me my heirs and assigns forever. And also to Six of Eight other like Grants containing twelve thousand five hundred acres each Lying upon Flatt Enoe and Tar Rivers in North Carolina aforesaid making together twenty five thousand Acres of Land more being part of a Tract of one hundred thousand acres of Land known by the name of the Tract N° 12 which said six Grants Last mentioned are made out in the name and for the use of me the said Henry McCulloh my heirs and assigns forever As by all and singular the several beforementioned Grants bearing Date the third of March one thousand seven hundred and forty five (old stile) as aforesaid and now remaining of Record in the said Province of North Carolina may and will more fully and at Large appear. And Whereas by virtue of another Grant passed under the Seal of the said province of North Carolina to me the said Henry McCulloh my heirs and assigns forever in pursuance of another order of his said Majesty in Council and Bearing Date the said third day of March one thousand seven hundred and forty five, I am also Intitled to Seventy one thousand acres of Land and upwards situate and Lying Between the North East Branch of Cape Fear River and Black River in the said Province To hold the same

to the use of my heirs and assigns forever. And Whereas I the said Henry McCulloh am fully and Lawfully Intitled (subject to certain Conditions) to the whole of the several Grants and parcels of Land herein before particularly mentioned amounting together to four hundred and forty six thousand acres of Land and upward the right and property of all which Lands is now remaining vested as aforesaid in me and not assigned Disposed of or made over to any person whomsoever. And Whereas after the Date of all the aforesaid Grants upon the Extension of the right Hon^{ble} John Earl Granville's line in North Carolina, the far greater part of the aforesaid Land that is to say of the Tract N^o 8 and the whole of the Tracts N^o 9, 10 and 12 fell within the said lines whereupon to remove all disputes which might have been occasioned thereby the said Earl by an agreement in writing executed in form between his Lordship and me the said Henry McCulloh and bearing date the thirteenth day of December One thousand seven hundred and forty five did Declare Contract and agree that I the said Henry McCulloh my heirs and assigns should enjoy under his Lordship and his heirs all the privileges and rights which we were Intitled to under the Crown and his Lordship thereby and frequently since declared that he gave positive Orders to His Agents in North Carolina That I the said Henry McCulloh should not be molested in my said property And Whereas by reason of many and sundry matters the far Greater part of the people settled on the aforementioned Lands belonging to me have not hitherto had titles made out to them from me the said Henry McCulloh for the lands they are seated on whereby they are liable to Lose their improvements and from which cause I have hitherto been Deprived of the Just benefits I expected to receive from the said Lands And Whereas there are Divers other matters necessary to be done relative to the said Lands Now Know all men by these presents that I the said Henry McCulloh have made Ordained Constituted authorized nominated and appointed And by these presents do make ordain constitute Authorize Nominate and appoint John Campbell Esquire merchant in North Carolina aforesaid and my son Henry Eustace McCulloh my true and Lawful Attorney and Attorneys for me and in my Name Jointly and severally to do and perform all and all manner of Lawful acts and things relative to the premises in as full and ample manner as I myself might or could do being personally present And (amongst other things) for me and in my name and for my Advantage Jointly and Severally to sett sell Bargain Alien in fee or otherwise dispose of forever any part or parts of

the said lands to any person or persons whomsoever and in such Quantity and manner as they or either of them shall think most for my benefit and to make out and Execute either Jointly or severally Good and Sufficient Deeds or other Writings on my behalf to the person purchasing the same, and to warrant the quiet enjoyment of the said Lands from me my heirs and assigns to such purchasers And I do hereby authorize and empower my said Attorney and Attorneys Jointly or severally to bring any Bill Action Suit or other procedure for the recovery of all or any Quit rents or other sums of Money Grown or to Grow due to me from any person whomsoever, for or on account of the said lands or any other matter or thing and to recover and receive and Give acquitances for the same and likewise for me and on my behalf Jointly and severally to use all as such Legal and Equitable methods to preserve my title and property in the said Lands and premises secure and unmolested against all persons whomsoever as to them or either of them shall seem meet. And an Attorney or Attorneys under them or either of them for the purposes aforesaid Jointly and severally to make and to revoke And I the said Henry McCulloh do hereby revoke countermand and make void to all Intents and purposes all former power or powers Letter or Letters of Attorney heretofore Given by me to any person or persons whomsoever to act for me relative to the lands and premises herein mentioned And I do hereby Declare that no Act or Deed to be done under any Such former powers after notice had of these presents is to be deemed or taken as my Act or Deed And Lastly as it is impossible for me the said Henry McCulloh to foresee or Direct the several matters which may be necessary to be done in and about the premises for my Advantage And as I have an entire Trust and Confidence in both my said Attorneys I do hereby Give and Delegate unto them and each of them the most full and Ample Powers I Lawfully may to Enable them to Act either Jointly or severally relative to the Lands and premises herein mentioned as fully in every respect as if I myself might or could do if I were personally present Hereby Ratifying allowing and confirming all and whatsoever my said Attorney or Attorneys Jointly or severally shall Lawfully do or cause to be done in and about the premises by virtue of these presents In Witness whereof I the said Henry McCulloh have hereunto set my hand and seal this twenty sixth day of March In the first year of the Reign of Our Sovereign Lord George the Third By the Grace of God of Great

Britain France and Ireland King Defender of the Faith &c And in the Year of Our Lord Christ One thousand seven hundred and sixty one.

HENRY M'CULLOH [Seal.]

Signed Sealed and Delivered

in the presence of us.

DAVID MEADE

WAKE WELSH

David Meade of Nansemond County Virginia Esquire maketh Oath and saith that the paper writing hereunto Annexed and marked with the Letter A and purporting to be a power of Attorney from Henry M'Culloh of the County of Middlesex in the Kingdom of Great Britain Esq^r to Mess^{rs} John Campbell and Henry Eustace M'Culloh, was duely Executed by the said Henry M'Culloh in the presence of him this Deponent and that he did see the said Henry M'Culloh duely sign seal and Deliver the same And this Deponent further saith that the name Henry M'Culloh set to the paper writing is the proper hand writing of the said Henry M'Culloh And that the name David Meade set as one of the subscribing Witnesses to the Execution of the said paper writing is of the proper hand writing of him this Deponent & further said not.

DAVID MEADE

Sworn before me July 1st 1761

JOSIAH RIDDICK

Registered in the Registers Office in Orange County in Book G Page 106

Test— WILL: CHURTON Pub Reg^r

Endorsed

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Articles of Agreement Indented Concluded and agreed upon this Seventeenth day of April one thousand seven hundred and sixty one By and between the Right Honourable John Earl Granville, Viscount Carteret and Baron Carteret of Hawnes in the County of Bedford in the Kingdom of Great Britain Lord President of His Majestys Most Honourable Privy Council and Knight of the most noble order of the Garter and Sole Proprietor of a certain District or Par-

cell of Land situate in the Province of North Carolina in America of the one part And Henry McCulloh Esq^r of the other part

Whereas the said Henry McCulloh and others claiming under him are Seized and Possessed of sundry Tracts or parcels of Land situate in the aforesaid District which were Granted to him by Letters Patent under the Great Seal of the said Province of North Carolina And are recorded in the Secretary's office of the same which said Lands are contained in Divers Lotts Numbered as follows (that is to say)

| | ACRES |
|--|---------|
| 8 Only three fourths thereof being in the said District--- | 75,000 |
| 9----- | 100,000 |
| 10----- | 100,000 |
| 11 In Partnership with the late Mr. Willcox----- | 100,000 |
| 12 Including 25,000 Acres sold Messrs. Chansey Townsend & Henry Howson----- | 100,000 |
| In the whole----- | 475,000 |

And Doubts having arisen concerning the Title of said Land by reason of the said Henry McCulloh his not having fulfilled the conditions specifyd in the said Letters patent. Therefore for Obviating the said doubts and to prevent disputes and controversys concerning the same Lands, It is Covenanted and agreed by and between the said Earl and the said Henry McCulloh as follows to wit Imprimis the said Earl Granville for himself his Executors and Administrators doeth by these presents Promise Covenant and agree to and with the said Henry McCulloh his heirs and assigns that he and they shall and may Peaceably and quietly hold Possess and enjoy the said four hundred and seventy five [thousand] Acres of Land and every part and Parcel thereof from the day of the date hereof and untill the full end and term of two years next after the determination of the War now subsisting between His Majestys Subjects of the said Province and a Nation of Indians called and known by the name of the Cherokees. Also that the said Henry McCulloh his heirs and assigns shall and may forever after the expiration of the said term or time in like manner hold possess and enjoy three hundred thousand acres part of the said four hundred and seventy five thousand acres of Land (including all such parts thereof as hath been sold or disposed of by him) to be surveyed and laid out as hereinafter mentioned and subject to conditions and restrictions herein set forth and

expressed and that without the Hindrance Interruption or Denial of the said Earl Granville his agents or attorneys or any other person or persons claiming by from or under him or them

Item That the said Earl Granville shall and will take and Accept the Ballance now remaining due in Arrear of the sum of Twelve hundred Pounds Proclamation money of North Carolina agreed by the said Henry McCulloh to be paid to the said Earl Granville in Lieu of Quit Rents for the said Lands from the Twenty fifth day of March One thousand seven hundred and fifty seven to the Twenty fifth day of March one thousand seven hundred and sixty by Articles of Agreement under their respective hands and seals and bearing date the Twenty seventh day of September One thousand seven hundred and fifty five and that the said Ballance when paid shall be in full Discharge of all Quit Rents and Arrearages of Quit Rents of the said Lands untill the day of the date of these Presents And also that the said Earl Granville will receive and accept the Annual sum of four hundred Pounds like Proclamation money paid on the Fifteenth day of April in each year in lieu and full Satisfaction of the whole of the Quit Rents chargeable in the said Lands from the day of the date hereof untill the full end of two years next ensuing And Likewise after this rate of Four hundred and Fifty Pounds like Proclamation money Annually from and after the Fifteenth day of April One thousand seven hundred & Sixty three for so long thereafter as until the Expiration of the term of years to be accounted from the end or determination of the said war with the said Cherokee-Indians in like satisfaction for all such Quit Rents as shall accrue on the said Lands during the said last mentioned time—

Item That the said Earl Granville shall make an Allowance & abatement to the said Henry McCulloh his Executors or Administrators out of the respective sums of money by him to be paid in lieu of the Quit Rents of the said Lands in manner aforementioned for all sums which he shall receive by himself or agents for Quit Rents for any of the said Lands from any person or persons Claiming by or from the said Henry McCulloh or his heirs. In Consideration whereof the said Henry McCulloh for himself his heirs, Executors and Administrators doeth Covenant and Grant to and with the said Earl Granville his heirs and Assigns by these presents in manner following to wit—That he the said Henry McCulloh shall and will within the space of six months after the date hereof pay or cause to be paid to the Receiver General of the Quit Rents of the said Earl Granville in the said Province of North Carolina to the

use of the said Earl Granville the Ballance of the afforesaid sum of Twelve Hundred Pounds Proclamation money now remaining due and in Arrear to the said Earl Granville by Virtue of the afforesaid Articles of Agreement.

Also Pay and satisfie in manner aforesaid the Annual sum of four hundred Pounds like Proclamation money of North Carolina on the fifteenth day of April One thousand seven hundred and sixty two and One thousand seven hundred and sixty three respectively And from and after the fifteenth day of April One thousand seven hundred and sixty three aforesaid Pay to the said Earl Granville or his Receiver General as aforesaid after the rate of four hundred and fifty Pounds like Proclamation money for so long thereafter or until the full end and term of two years next after the end and determination of the said war with the said Cherokee Indians. And Likewise upon Lady day in every year after the Expiration of the said two years to be allowed from the end of the said war with the said Cherokee Indians Pay in like manner after the Rate of four shillings like Proclamation money for Each hundred acres of the said Three hundred Thousand acres of Land which the said Henry M^cCulloh shall reserve to his own proper use And in case the Quit Rents of any part or parcel of the said Lands so reserved by the said Henry M^cCulloh to his own use shall at any time be in arrear for the space of three years that each and every particular part or Parcel of Land the Quit Rents thereof shall be so in arrear for the said space shall be forfeited to the said Earl Granville his heirs and assigns And the Estate of the said Henry M^cCulloh therein and his heirs be determined and become Null and Void And the said Earl Granville his heirs and assigns may grant and dispose of the same in the same manner as if the same had never been granted to the said Henry M^cCulloh

Item That the said Henry McCulloh his heirs & assigns shall and will survey and lay out the aforesaid quantity of Three hundred thousand Acres out of the said four hundred and seventy five thousand Acres of Land within the said two years next after the said war with the said Cherokee Indians shall cease and determine in manner following to wit Such parts thereof as the said Henry McCulloh hath already sold or shall sell within the said time to any person or persons now actually residing on the particular parcell of Land which he hath or shall purchase to be laid out as the said Henry McCulloh or such person or persons shall think proper but not in parcels of less quantity than two hundred acres. And all

such Tracts or Parcels of the said Lands as the said Henry McCulloh shall survey and lay out other than the aforementioned to contain One Thousand Acres each at least be in Breadth one third of the Length and by Lines East West North and South And the Surveyor whom the said Henry McCulloh shall Appoint to lay out the same shall be a person of Probity And before he proceeds therein be approved of by the Receiver General of the said Earl Granville and take an Oath before some Magistrate to lay out the same Justly and Impartially And that the said Henry McCulloh shall and will before the expiration of the aforesaid two years cause an accurate Plan of each survey so to be made to be delivered to the said Receiver General with the names of Each Person to whom he hath sold any part thereof and an account of the Particular quantity of acres he Possesses. And it is agreed by and between the said Parties to these presents that the said Henry McCulloh shall have his Election of the Lands so by him to be laid out.

Item That the said Henry M^cCulloh or his assigns on or before the Expiration of the said two years next after the end or determination of the said war with the said Cherokee Indians shall and will by good and sufficient Deeds and Conveyances in Law surrender transfer and convey to the said Earl Granville his heirs and assigns all the Right Title Interest Claim and demand of him the said Henry M^cCulloh in and to the remaining one hundred and seventy five thousand acres of the said four hundred and seventy five thousand Acres of Land and also of in and to all and every part of the said three hundred thousand acres of Land which the said Henry shall neglect to Survey and lay out in manner herein before mentioned within the time afforementioned—

Item And that the said Henry M^cCulloh and his heirs and all and every person or persons who shall hold or possess any part of the said Three hundred thousand acres of Land under the said Henry M^cCulloh by Mesne Conveyance or otherwise shall within the said two years after the end of the aforesaid war attorn as Tennants to the said Earl Granville his heirs or assigns either at his House in Arlington street Westminster or in the said Province of North Carolina for the payment of their respective Quit Rents after the rate of four shillings Proclamation of North Carolina for every hundred acres of the said Land in every year.

It Witness whereof the said Partys to these presents have hereunto set their hands and seals the day and year first above written.

Signed GRANVILLE [Seal]

Signed HENRY M'CULLOH [Seal]

Sealed and delivered (being first duly Stampd) in Presence of

ROBERT JONES JUN^r

JOHN CLEMENT

JONATHAN COLLINS

Halifax July 17. 1761 The above Deed from Earl Granville and Henry M'Culloh was duly proved before me by the Oath of Robert Jones Jun^r one of the witnesses thereto—

Signed STEPHEN DEWEY J: S: C

Let it be Registered

Signed STEPHEN DEWEY J: S: C

Recorded in the Secretary's Office the 25 July 1761

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Moir to the Secretary (Ext.)

EDGECOMBE Aug. 7, 1761.

REV^d SIR

Since my last of Apr^l I have baptized 108 white children & 15 black. In several places there are about 50 communicants but never under 20. This Province is in as great confusion as ever, Some of them who laboured hard to encourage a regular ministry here, tell me they now despair of Success. I have for some years past, declared they ought to wait for better times——

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

This Indenture made the 27th day of September in the First year of the Reign of Our Sovereign Lord George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith & so forth, and in the Year of our Lord 1761. Between Lieutenant General John Guise of Great George Street by Hanover Square in the County of Midd^x of the one part and Samuel Strudwick of Princess Street by Cavendish Square in the said County Esq^r of the other part Witnesseth That the said Lieutenant General John Guise for and in Consideration of the sum of Five Shillings of lawfull money of Great Britain to him in hand paid by the said

Samuel Strudwick at or before the Ensealing and delivery of these presents the receipt whereof he doth hereby acknowledge and whereof and every part thereof Doth acquit release & discharge the said Lieutenant General John Guise his Executors and Administrators by these presents Hath Bargained and Sold, and by these presents Doth Bargain and Sell unto the said Samuel Strudwick his Executors Administrators and Assigns All the plantation or Tract of Land called the Stagg park lying on the North East branch of the Cape Fear River within the Province of North Carolina containing by Estimation Ten thousand Acres (be the same more or less) and also all that other plantation or Tract of Land called the Haw Old fields lying on the North West branch of the said River called Cape Fear within the said Province of North Carolina & Containing by Estimation Thirty thousand Acres (be the same more or less) with all Houses out houses Edifices Buildings Barns Stables Yards Gardens Orchards Lands Meadows pasture woods Trees Timber Underwoods ways water water courses Rents profits Commodities Emoluments Hereditaments and appurtenances whatsoever to the said plantations or Tracts of Land or to either of them belonging or in any wise appertaining together Also with all Stock of Negroes or other Slaves now or Lately or which at any time hereafter may be resident on the said plantations with their issue & all the Cattle Utensils or other Stock, which now are or is or at any time hereafter may be in or upon the said plantations or either of them or any part of them or either of them, and Also all other the plantations Messuages Lands Tenements or Hereditaments whatsoever of him the said George Burrington in possession Reversion or Expectancy within the said province of North Carolina or else where in America, and all the Estate Right Title Interest use trust possession property claim demand & Equity of Redemption of him the said George Burrington of in or to the same every or any part thereof or of the said Lieutenant General John Guise together with all Charters Grants Surveys or other Deeds Evidences or writings any ways relating to the said premises or any part thereof now in the Custody or power of the said George Burrington or the said Lieutenant General John Guise or of any person or persons in trust for him or them. To have and to hold the said plantations or Tracts of Land Messuages Buildings Lands Tenements Hereditaments Negroes and all & singular other the premises hereby Granted bargained and Sold or intended to be unto the said Samuel Strudwick Esq^r his Executors Administrators or Assigns for one whole year Commenc-

ing from the day next before the day of the date of these presents for and during and until the full end and term of one whole year from thence next ensuing and fully to be compleated and ended. Yeilding and paying therefor at the end of the said Term the Rent of One peper Corn only (if lawfully demanded) To the Intent that by Virtue of these presents, and also by force of the Statute made for transferring of uses into possession The said Samuel Strudwick Esq^r may be thereby enabled to accept & take a Grant and Release of the Reversion and Inheritance thereof to him and his heirs for ever—In Witness whereof the said parties first above named have to these presents set their hands and seals the day and Year first above written

Sealed and delivered (being first duly Stamp^t) in the presence of
W^m Welton Bow Street Covent Garden N^o 9

GEORGE BURRINGTON

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

BERTIE Oct^r: 7th 1761.

DEAR SIR

I recd your favor with £3.7.8—one Bill very bad I return per Mr. Rainey he changed it for you, inclosed in the Note.

The account of the dullness of your Town & buissness in it I am sorry for but the unthinking People in and about it must thank themself^s whodrove away the Gov^r & Officers. These People could not bear a little flow of money, but Grew So Proud & Insolent they will feel the reverse and now may reflect on themselves when too Late

At Present I have no loaf Sugar for my own use but Expect a Quantity from the Norward daily If an oppertunity after it comes to gett in time to your Court I will Send the Quantity you desire and two Barrill's of wine of a good kind of Teneriff—pretty old

It will give me real Pleasure to put any thing in your way for an advantage to you And could wish for more frequent Oppertunity's of doing it.

* * * * *

I am your most Hum^{ble} Serv^t

JN^o CAMPBELL

To Mr. RICHARD COGDELL at Newbern

Per favor of Mr. RAINEY.

[FROM MSS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

George the third by the Grace of God King of Great Britain France and Ireland Defender of the faith and so forth &c

To all to whom these presents shall come Greet^s

Know Ye That we being well assured of the Loyalty Integrity and Abilities of our Trusty and well beloved Charles Berry Esq^r Have Constituted and appointed and Do hereby Constitute and appoint him the said Charles Berry Chief Justice of and in our said province of North Carollna To have use and Exercise during our pleasure and his Residence within our said province the Office Powers and Authority of Chief Justice of the same province and to hold the Courts of Judicature by & before our Chief Justice of our said province appointed to be held at such times and in such places as the same are ought may or shall be directed to be held within our said Province And to do and Act in the premises as fully and Ampley and in as full and Ample Manner as any Chief Justice of our said province heretofore hath or of Right ought to have done and Acted and to have take receive and Enjoy the Rights profits Privileges and Emoluments to the Office of Chief Justice of our said province belonging and in all things whatever relating to the Office and Duty of our Chief Justice aforesaid to perform and Execute the same According to the Laws and Statutes of our province aforesaid And whereas Letters patent under the Seal of our said Province were issued heretofore that is to say on or about the Sixth day of November In the Year of our Lord One thousand Seven hundred and fifty nine during the Reign of Our Royal Grandfather of Glorious Memory whereby the said Charles Berry was appointed Chief Justice of our said province We Will and direct that the said Letters patent be and they are hereby declared from henceforth to be revoked and determined. In Testimony whereof We have Caused these our Letters to be made patent.

Witness our Trusty and well beloved Arthur Dobbs Esq^r Our Capⁿ General Governor and Commander in Chief in and over our said province at Wilmington the twenty second day of October In the Year of our Lord One thousand Seven Hundred and Sixty one and in the first Year of our Reign.

ARTHUR DOBBS

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

WHITEHALL 11th Nov^{br} 1761

To the Kings most Excellent Majesty,

MAY IT PLEASE YOUR MAJESTY

We have had under our Consideration Several letters and papers which we have received from Cadwallader Colden Esq^r Lieut Governor and late Commander in Chief of your Majesties Province of New York in America, And as these letters and papers have Reference to Certain Measures of Government there, which have either been Acted upon or become the Subject matter of Discussion, and which appear to us Materially to affect your Majesty's Service, and the Interest and Welfare, not only of that Province, But of all other your Majesties Colonies and Plantations in America; We think it our Indispensible Duty, in Obedience to the Directions of our Commission humbly to lay them before your Majesty with such Observations as have Occurred to us upon them

The material points to which these papers Refer and to which we shall confine our Observations are

1st. The Measures which the Lieutenant Governor and Council have entered upon for Granting Lands and making Settlements upon the Mohawk River and in the Country adjacent to Lake George.

2^{dly}. The proposition made to the Lieut Governor by the Council to Grant Commissions to the Judges during good Behavior, the Limitation of which Commissions is by your Majesty's Instructions to all your Governors in America to be during pleasure only.

We shall not upon this Occasion take upon us to Controvert the General Principles of Policy upon which either one or other of these General Propositions is founded; but however expedient and constitutional they may appear in the Abstract View and Consideration of them, Yet we humbly Apprehend, That when they come to be Applied to the present State of your Majesties Colonies, they will appear in a very different light, and be found, the one to be dangerous to their Security, and the other destructive to the Interests of the People, and Subversive of that Policy, by which alone the Colonies can be kept in a just dependance upon the Government of the Mother Country

This may it please your Majesty, is the General light in which We see these Measures but as they are in their Nature Seperate and

Distinct, so they will, We humbly Apprehend, require a Separate and Distinct Consideration And therefore we shall humbly offer to your Majesty what has Occurred to us upon each, in the order in which We have placed them

It is as unnecessary as it would be tedious to enter into a detail of all the Causes of Complaint, which our Indian Allies had against us at the Commencement of the Troubles in America; And which not only induced them, tho' reluctantly, to take up the Hatchet against us, and dessolate the Settlements on the Frontier but Encouraged our Enemy's to pursue those Measures which have involved Us in a Dangerous and Critical War, it will be Sufficient for our present purpose to Observe that the Primary cause of that Discontent which produced these Fatal Effects was the Cruelty and Injustice with which they had been treated, with Respect to their Hunting Grounds, in open Violation of those Solemn Compacts by which they had Yielded to Us the Dominion but not the property of their Lands; It was happy for us that we were early awakened to a proper sense of the Injustice and bad policy of such a Conduct—towards the Indians, and no Sooner were those Measures pursued which Indicated a Disposition to do them all Possible Justice upon this head of Complaint, than those Hostilities, which had produced such horrid Scenes of Devastation, ceased, and the Six Nations and their Dependants became at once from the most inveterate Enemies our fast and faithfull Friends.

Their Steady and intrepid Conduct upon the Expedition under General Amherst for the Reduction of Canada is a Striking Example of the Truth of what we have represented, and they now, trusting to our good Faith, impatiently wait for that Event, which by putting an end to the War, shall not only ascertain the British Empire in America, but enable your Majesty to renew those Compacts, by which their property in their Lands shall be Ascertained, and such a System of Reform introduced with Respect to our Interests and Commerce with them, as shall, at the same Time that it redresses their Complaints and Establishes their Rights, give Equal Security and Stability to the Rights and Interests of all your Majesty's American Subjects.

Under these Circumstances and in this Situation therefore the Granting Lands hitherto unsettled and Establishing Colonies upon the Frontiers, before the Claims of the Indians are Ascertained appears to us to be a Measure of the most dangerous Tendency, and is more particularly in the present Case as these Settlements now pro-

posed to be made, especially those upon the Mohawk River are in that part of the Country. of the Possession of which the Indians are the most Jealous, having at Different Times expressed in the Strongest Terms their Resolution to Oppose all Settlements thereon, as a Manifest Violation of their Rights.

The Principles of Policy which we have laid down are, we humbly Apprehend in their Nature so Clear and uncontrovertable, that it is almost unnecessary for us to add anything further to induce your Majesty to give Immediate orders for putting a stop to all Settlements upon the Mohawk river and about Lake George, untill the Event of the Warr is Determined, and such Measures taken thereupon, with Respect to our Indian Allies as shall be thought expedient: And yet it may be proper to Observe, that independant of what regards our Connection with the Indians, the Conduct of those, who have in former Times been intrusted with the Administration of the Government in New York has, in reference to Granting of Lands, in General been very Exceptionable, and has held forth a very bad example to their Successors.

The exorbitant Grants of Lands, which Governors and others have heretofore made, greatly to the Benefit of themselves, but very much to the Prejudice of the Interest of the Crown and of the people in General, have been long the Subject of great Complaint, and we Cannot but think that the Lieut^t Governor and the Council would have Shewn a Greater Regard to your Majesties Interests and the Welfare of the Province in General, by a pursuit of such Measures as might have Operated to Correct those Abuses and Remedy the evils Arising from so improper a Conduct in their predecessors in Government, than by entering upon Measures for making fresh Grants and Settlements which, We have great Reason to Apprehend from Information which may be depended upon, are more for the Benefit of themselves and their Families than for the Subject in General and therefore We humbly Submit to your Majesty whether this may not be an Additional Reason, why Speedy and Positive [instructions] should be given for putting a stop to Measures, which appear to us in every Light, so destructive of your Majesty's Interests and the General Welfare and Security of the Colony.

Having thus humbly laid before your Majesty our Sentiments upon the first point Contained in Mr. Coldens Letter's, We shall proceed to State, as Shortly as possible what has Occurred to us upon the Proposition of Granting the Judges Commissions during good Behaviour, and it will be the less necessary to detain your Majesty

long upon this Question, as it has been already so Solemly determined in the Case of a Law, some time since passed in Jamaica, and one lately in the Proprietary Government of Pennsylvania for Establishing such a Constitution.

The Principles laid down in the Attorney and Sollicitor Generals Report upon the Jamaica Law and in that of our Predecessors in Office upon the Act passed in Pennsylvania, are so Clear and Explicit, that it is Almost unnecessary to add any thing thereto, But as the people of New York appear from the Lieutenant Governor's Letter to be so Strenuous upon this Point, alledging the precedent and Example of the Mother Country, it is our Duty to Observe, that the Cases are, in our humble Opinion in no degree Similar.

The Change which the Tenure of the Judges Commissions underwent at the Revolution in this Kingdom, was founded upon the most Conclusive and Repeated Proofs of Arbitrary and illegal Interposition under the Influence of the Crown, upon points of the greatest Importance to the Constitution and the Liberty and Rights of the Subject; It was not however by the Tenure of their Commissions alone that they were Rendered independant, but such Salaries were Settled upon them, as not only rendered them less liable to be Corrupted, but was an Encouragement for the Ablest men to engage in that profession which Qualified them for such high Trusts.

The same Circumstance does in no degree exist in the American Colonies where as there is no Certain Established allowance that may encourage men of Learning and Ability to undertake such Offices, your Majesties Governors are frequently Obligated to appoint such as Offer from amongst the Inhabitants, however unqualified to Sustain the Character, and tho' a more fit person should afterwards be found, Yet if the Commission was during good Behaviour. such unqualified person could not be Displaced.

We are Sorry to say that late years have produced but too many examples of Governors having been Obligated, for want of such an Establishment as might induce able Persons to Offer their Service, to confer the Office upon those who have Accepted it merely with a view to make it Subservient to their own private Interests, and who, added to their Ignorance of the Law, have too frequently become the Partizans of a factious Assembly, upon whom they have been dependent for their Support, and who have withheld or enlarged that Support according as the Conduct of the Judges was more or less favourable to their Interests.

It is difficult to Conceive a State of Government more dangerous

to the Rights and Liberties of the Subject, but aggravated as the Evil would be by making the Judges Commissions during good Behaviour, without rendering them at the same Time Independent of the Factious will and Caprice of an Assembly, We cannot but Consider the proposition as Subversive of all true Policy, destructive to the Interests of your Majesties Subjects, and tending to lessen that just Dependence which the Colonies ought to have upon the Government of the Mother Country.

That this was in a great degree the Opinion of the Lieutenant Governor himself will evidently appear from a Letter to Us of the 2^d of June last, in which he Acquaints us with his having rejected a Bill passed by the Assembly for that purpose, and urges as a Reason, that there was no fixed Salary to the Judges, That it was dependent from Year to Year on the pleasure of the Assembly and that while they were thus dependent upon the people for their Subsistence, such a Measure might be highly prejudicial to the Just rights of the Crown and the Acts of Trade; These may it please your Majesty, were then the Sentiments of the Lieutenant Governor and tho we are at a loss to guess at the Motives, which could have induced him to declare as he does in his letter to us of the 12th of August following, that he Apprehended, he should be under a necessity of giving way to the Proposition, yet it is Our Duty to say, That we cannot but be of Opinion, that if under these Circumstances he should have Complied with so pernicious proposition, he will justly have deserved your Majesty's Royal Displeasure.

Upon the whole, both the points, upon which we have now taken the Liberty to lay our Sentiments before your Majesty, appear to us so essential to your Majesties Rights and the Interests and Welfare of the Colonies in general, That we humbly Submit, whether it may not be adviseable that your Majesty's Pleasure upon both of them should be made known, not only in the Colony of New York, But also in all other the American Colonies All which is most humbly submitted

SANDY'S
ED^d THOMAS
SOAME JENYNS
GEO RICE
ED^d BACON
JOHN YORKE

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

WHITEHALL 3rd Dec^r 1761

To the King's most Excellent Majesty

MAY IT PLEASE YOUR MAJESTY

We have had under our consideration three Acts passed in your Majesty's Province of North Carolina in May 1760, entitled,

An Act for establishing Superior Courts of Pleas and Grand Sessions, and regulating the Proceedings therein.

An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

An Act for the better care of Orphans and Security and Management of their Estates.

By these Acts the Courts of Judicature constituted, and the Regulation made for the Administration of Justice in the Province by certain Laws enacted there in the Years 1754 & 1755, (which laws were repealed by his late Majesty) are re-established with some alterations and additions in respect to the Qualifications of the Judges of the Superior Court, the Duration of their commissions and the Jurisdiction of the Inferior or County Courts.

The first of these Laws divides the Province into five Districts, and appoints Courts to be held in each of them at stated times by the Chief Justice and three Associate Judges to whom full Jurisdiction is given in all civil actions real personal and mixed where the value of the action exceeds £10. and also in all Cases of a criminal nature respecting Treason, Felony, Breaches of the Peace and other Crimes.

The Second Act establishes Inferior Courts of Pleas or Quarter Sessions in each County composed of the Justices of the County, to whom Jurisdiction is given in all Causes at Common Law where the cause of Action is above 40 shillings and does not exceed £50. and in all cases of Petty Larceny, assaults Batteries, Trespasses and Breaches of the Peace and of filial Portions, Legacies and Distribution of Intestate's Estate for any sums whatever.

The General System of Judicature established by these Laws is not only regular and uniform in itself, but is also consonant to the principles and Constitution of the Mother Country, the Laws and Usage of other Colonies, and properly adapted to the situation and circumstances of that Province for by the Establishment of the Superior Court which is in the nature of a Circuit Court, the Inhabitants

who live in scattered, wide extended Settlements will have Justice brought to their own Doors and by the Establishment of the Inferior or County Courts will be freed from the Inconvenience of going through a tedious uncertain and expensive Process of Law upon every trivial Dispute.

As to the Rules of Proceeding in the several Courts established by these Acts the Propriety of them depends upon Questions of Law of which we are not competent Judges, but as S^r Mathew Lamb one of your Majesty's Counsel at Law appointed for the Service of this Board, to whom the Acts have been referr'd, has made no Objection thereto, We presume they are consonant and agreeable to the Rules of Proceeding in like Cases in the Courts here.

In this general View and Consideration of these Laws therefore they do not appear to Us liable to objection and when We consider of how great Importance they are to the Welfare and Interests of the Province in general, to the Liberties and Properties of its Inhabitants and other your Majesty's Subjects trading to it We cannot but lament that they should in some particular Provisions be so exceptionable, that We are compelled in Duty to your Majesty to lay them before you for your Royal Disapprobation.

The Points in which these Laws appear to Us exceptionable are,

First. In what regards the Qualification of the associate Judges of the Supreme Court and the Duration of their Commissions.

2^d The Jurisdiction and Power given to the Inferior or County Courts in particular Cases.

For it is enacted by the first of these Laws that no Person shall be appointed a Justice or Judge of the Supreme Court who shall not have been regularly called to the Degree of an outer Barrister in some one of the Inns of Court in England, and is not of five Years standing there or shall not have practiced the Law in the principal Courts of Judicature of that or some adjacent Province, and it is further enacted that they shall hold their Offices *Quam diu se bene gesserint* and by the second and third of these Laws it is declared that the Justices who compose the County Courts shall not only have Jurisdiction in all civil Actions to the extent of £50, but shall also have concurrent Jurisdiction with the Supreme Court in all cases of filial Portions Legacies Distribution of Intestates Estates Guardianship and care of Orphans and their Estates without any Limitation at all.

The Consequence and Effect of that Clause in the first Act, which ascertains the Qualification of the Judges, is so obvious and appar-

ent, that it is almost unnecessary for Us to observe upon it, further than that it will not only necessarily operate to preclude your Majesty in the appointment of any Person from hence to be an Associate Judge in that Province, but is also We humbly apprehend an unconstitutional Restraint upon the Power of appointing Judges which Your Majesty has thought fit to Delegate to Your Governor under the Great Seal and it is our Duty to observe that Mr. Dobbs does Assert in a Letter to the Members of this Board constituted under His late Majestys Commission that this Clause was framed with a View to Compell him to appoint three particular Persons to whom the Qualification was peculiarly adapted.

As to the Clause by which the Associate Judges are to hold their Offices *Quam diu se bene gesserint*, We have had so lately occasion to lay our humble Sentiments before your Majesty upon that point that We shall only add that the Irregularity of such a Constitution is the more striking in this particular case, as the Chief Justice appointed by your Majesty, and who is to preside in the Supreme Court holds his Office by your Majesty's appointment during Pleasure only.

With respect to those parts of the Second and third of these Acts, which ascertain the Jurisdiction of the Inferior or County Courts We have already set forth the Nature and extent of this Jurisdiction, and We humbly apprehend that the bare state of the Fact sufficiently marks out the Impropriety of this Regulation, For by these Laws Actions to the Amount of £50 value is greatly beyond what is allowed in most if not all other Colonys are made cognizable in the Inferior Courts which are causes We humbly apprehend of too great Consequence and Importance to be adjudged and determined in these Courts, considering what must be the Qualification and Abilities of those who compose them; But there is a still greater Absurdity in restraining the Jurisdiction of these Courts in common Actions at Law to a limited value and giving them an unlimited Jurisdiction in other Causes of a more important and delicate Concern which is upon the face of it altogether inconsistent with reason and Justice, and we must further add that their having a concurrent Jurisdiction in these Matters with the Superior Court must in Our opinion necessarily introduce such Confusion, as cannot fail of operating to the Obstruction of Justice and the Prejudice of private Property.

For these reasons we humbly beg leave to lay these Acts before Your Majesty for Your Royal Disapprobation and Disallowance; trusting that when the Repeal Shall have been Promulged, the

Legislature of the Province of North Carolina will in dutifull Obedience to your Majesty and from a just regard to your Majesty's Rights and the Interest and Welfare of their Constituents, make speedy Provision for the Re-establishment of these Courts of Justice by Laws, which shall not be liable to the particular Objections above stated.

Having thus Humbly laid before Your Majesty Our Sentiments upon the Laws themselves, it is our indispensible Duty in Obedience to the Direction of Our Commission to State to Your Majesty what appears to Us in reference to the particular Conduct of Your Majesty's Governor in the passing of these Laws.

By Your Majesty's Instructions to all Your Governors of the American Colonies they are directed not to assent to any Bills of an extraordinary Nature affecting the Properties of Your Majesty's Subjects or the Trade and Commerce of the said Colonies without having first transmitted Copies of such Bills to Your Majesty, unless Clauses be inserted in them Suspending their Execution untill Your Majesty's Pleasure be Known, The Acts now under Consideration do in Our humble Opinion answer fully to every Description contained in those Instructions for they certainly affect not only the Property but the Life and Liberty of Your Majesty's Subjects and have a very material Connection with the Trade and Commerce of the Province and therefore in that respect alone ought not to have been passed without such Clauses of Suspension, but when We consider that these Laws are in effect only a Revival of Laws already Repealed by his late Majesty and are subject to every Objection upon which those Laws were Repealed, but that they contain Clauses Subversive of the Constitution and restrictive of Your Majesty's just Rights and Prerogative, We are at a loss to Account for the Governor's Conduct in suffering them by his Assent to have immediate Operation before Your Majesty's Pleasure could have been known, and thereby setting aside the Effect of one fundamental Principle of the Constitution of the British Colonies.

Mr. Dobbs does indeed in his Letter to the late Commissioners of this Board allege in his Justification that he had assented to these Laws upon the Advice of the Chief Justice and Attorney General of the Province and that he had procured a Clause to be inserted in the Act for establishing a Supreme Court (and in that only) declaring that if Your Majesty did not confirm this Act in two Years from the 10th of Nov^r 1760, it should from thenceforth be Null and void.

Upon this occasion We think it our Duty humbly to lay before

your Majesty the annexed Copy of the Questions proposed by the Governor upon this Occasion to the Chief Justice and Attorney General and their answers thereto which are of themselves of so extraordinary a nature as not to require any Comment upon them. But We cannot but observe that the measure itself, independent of the mode of it, is in Our humble opinion so far from alleviating the Governor's improper Conduct, that it is a heavy Aggravation of it; In Cases of this Nature it is the Duty of every Governor, to act upon his own Judgment, and if it were ever to be admitted that he could be dissolved by the Opinions of others from the Obligation of Obedience to those Instructions of the Crown, by which the Negative Voice in the passing of Laws is regulated and restrained the Interests of the Crown and the Mother Country must depend solely for Security upon the uncertain Wills Interests and Instructions of any Person whose Advice & opinion the Governor might think proper to ask.

As to the Clause in the Supreme Court Act referred to by Mr. Dobbs, it is no restraint upon the immediate operation and Effect of the Law and therefore it is so far from answering the Intention of the Suspending Clause, that it is both in Construction & Effect the very reverse.

Upon the whole, if the Governors of your Majesty's Colonies are suffered to go on in such repeated Acts of Disobedience to Your Majesty's Instructions, upon points so essential to the Constitution, the Dependence of those Colonies upon the Authority of the Crown and the just Government of the Mother Country already too much relaxed, will stand upon a very precarious foot.

All which is most humbly submitted.

SANDYS.
JOHN YORKE.
SOAME JENYNS.
E^d BACON.
GEO. RICE.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

GEORGE R.

Additional Instruction for our Trusty and well Beloved Arthur Dobbs Esq^r Governor of N^o Carolina in N^o America, and, in his absence to our Commander in Chief or to the President of our Council of our said Province for the time being Given, at our Court at S^t

James's the Ninth Day of December 1761 in the Second Year of our Reign.

Whereas Laws have been lately passed or Attempted to be passed in Several of our Colonies in America enacting that the Judges of the Several Courts of Judicature or other Chief Officers of Justice in the said Colonies shall hold their Offices, during good Behavior; And Whereas the Governors or other Chief Officers of Several others of our said Colonies have Granted Commissions to the Judges or other Chief officers of Justice; by which they have been empowered to hold their said Offices during good Behavior, Contrary to the express Directions of the Instructions given to the said Governors or other Chief Officers by us or by our Royal Predecessors; And Whereas it does not appear to us, that, in the present Situation and Circumstances of our said Colonies it would either be for the Interest or Advantage of the said Colonies, or of this our Kingdom of Great Britain that the Judges or other Chief officers of Justice, should hold their Offices, during good Behaviour; It is therefore our express Will and Pleasure that you do not upon any pretence whatever upon pain of being removed from your Government give your assent to any Act, by which the Tenure of the Commissions to be granted to the Chief Judges, or other Justices of the Several Courts of Judicature shall be regulated, or ascertained in any manner whatsoever; and you are to take particular care in all Commissions to be by you Granted to the said Chief Judges, or other Justices of the Courts of Judicature that the said Commissions are Granted, during Pleasure only, agreeable to what has been the Antient practice and usage in our said Colonies and Plantations.

G. R.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from Secretary Lord Egremont

WHITEHALL, 12th December 1761.

SIR, [GOVERNOR DOBBS]

As the King has nothing so much at Heart as to secure and improve the great and important Advantages, gained since the Commencement of this War in North America, and having seen His good Dispositions to restore the publick Tranquility, entirely frustrated by the Insincerity & Chicane of the Court of Versailles, in the late Negotiation; And as nothing can so effectually contribute to the great & essential Object of reducing the Enemy to the Neces-

sity of accepting a Peace, on Terms of Glory and Advantage to His Majesty's Crown, and Beneficial, in particular, to his Subjects in America, as the King's being enabled to employ, as immediately as may be, such Part of the regular Forces in North America, as may be adequate to some great & important Enterprize against the Enemy; I am commanded to signify to you the King's Pleasure, that, in order to better provide for the full and entire Security of His Majesty's Dominions in North America, and particularly of the Possession of His Majesty's Conquests there, during the Absence of such Part of the regular Forces, you do forthwith, use your utmost Endeavours, & Influence, with the Council & Assembly of your Province, to induce them to raise, with all possible Dispatch, within your Government, as large a Body of Men, as the Number of it's Inhabitant's may allow, and, forming the same into Regiments, as far as shall be found convenient, that you do direct them to hold themselves in readiness, and particularly, as much earlier than former Years, as may be, to march to such Place, or Places, in North America, as His Majesty's Commander in Chief there, or the Officer who shall be appointed to command the King's Forces in those Parts, shall appoint, in order to be employed there under the supreme Command of His Majesty's said Commander in Chief, or the Officer to be appointed as above, in such Manner, as from the Circumstances & Situation of the Enemy's Posts, and the State and Disposition of the Indian Nations on that Side, He may judge most Conducive to the King's Service; And the better to facilitate this important Service, The King is pleased to leave it to you to issue Commissions to such Gentlemen in your Province, as you shall judge, from their Weight & Credit with the People, and their Zeal for the publick Service, may be best disposed, & enabled, to quicken and effectuate the speedy levying of the greatest Number of Men; In the Disposition of which Commissions, I am persuaded you will have nothing in View, but the Good of the King's Service, and a due Subordination of the whole to His Majesty's Commander; And all Officers of the Provincial Forces, as high as Colonels, inclusive are to have Rank, according to their several respective Commissions, agreeable to the Regulations contained in his late Majesty's Warrant of the 30th of Dec^r 1757, which has been renewed by His present Majesty.

The King is further pleased to furnish all the Men, so raised as above, with Arms, Ammunition, and Tents, as well as to order Provisions to be issued to the same, by His Majesty's Commissaries, in

the same Proportion, & Manner, as is done to the rest of the King's Forces; The Whole therefore, that the King expects & requires from the several Provinces, is, the Levying, Cloathing and Pay of the Men; and on these Heads also, that no Encouragement may be wanting to the fullest Exertion of your Force, His Majesty is further most graciously pleased to permit me to acquaint you, that strong Recommendation will be made to Parliament, in their Session next year, to grant a proper Compensation for such Expences as above, according as the active Vigour, and strenuous Efforts of the respective Provinces shall justly appear to merit.

It is His Majesty's Pleasure, that you do, with particular Diligence, immediately collect, and put into the best Condition, all the Arms issued last Campaign, which can be anyways rendered serviceable, or that can be found within your Government, in order that the same may be again employed for His Majesty's Service.

I am further to inform you, that similar Orders are sent, by this Conveyance, to Pensylvania, Maryland, Virginia, and South Carolina; The Northern Governments are also directed to raise Men in the same Manner, to be employed as His Majesty's Commander in Chief shall judge most Conducive for the King's Service in North America.

It is unnecessary to add anything to animate your Zeal in the Execution of His Majesty's Orders in this important Conjunction, which is finally to fix the future Safety & Welfare of America, and of your own Province in particular; And The King doubts not, from your known Fidelity and Attachment, that you will employ Yourself with the utmost Application and Dispatch in this promising & decisive Crisis.

I am, Sir, &c.

EGREMONT

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Reed to the Secretary (Extr^t)

NEWBERN Dec^r 26th 1761.

REV^d SIR.

The fervor of the Methodists upon the Skirts or Borders of my Parish, which I mentioned in my last is very much abated & the little ground they had gained in this Country, I verily believe, will in a few months be totally lost, these strolling teachers were first imported here from New England from whence we have received

the greatest part of the dissenters, that are settled amongst us & their Principal study & endeavour is to render both the Ministers & Liturgy of the church of England as odious as possible that themselves & their doctrines may meet with a better reception. In defeating their schemes & subverting their pernicious doctrines, I have found meek instruction to be very effectual. I beg you'll pardon me, in still continuing to Solicit the Society for a few small tracts wrote on purpose to confute & expose such visionaries, my Parish is at least 100 miles in length & 'tis exceeding difficult for a single clergyman to discharge his duty faithfully, amongst an illiterate people, living dispersed in such a vast extent. pray Sir consider my situation & obtain me a little assistance in such tracts as the venerable Society shall think most proper, which shall be faithfully distributed, where they are most wanting by, your most obliged obd^t & humble Serv^t.

JAMES REED,
Miss^y in Craven County.

[B. P. R. O. AM. & W. IND. VOL. 214.]

Governor Dobbs to Secretary Lord Egremont.

BRUNSWICK December 1761.

MY LORD,

I have only to acknowledge the honor of a letter by order of Mr. Secretary Pitt from Mr. Wood dated the 28th day of May 1760 inclosing the copy of an Order of His Majesty in Council of the 15th revoking and repealing an Order of the 11th March 1752 relating to the nomination of Governors by which they are restored to your Lordships Department from the Board of Trade which I shall pay due obedience to as also another from Mr. Pitt of the 8th of July last inclosing His Maj. gracious declaration of his intention of demanding in marriage her present Majesty which has given His Maj. subjects here the greatest pleasure.

I have herewith inclosed to you a Congratulatory Address from the Council of this Province which was intended to be sent as the joint Address of the General Assembly but the several altercations betwixt the Governour Council & Assembly about procuring the supply in that short Session prevented it at that time and the unaccountable spirit of the Members of the Assembly appointed to meet last November who refused to make a House upon the quorum of 15 being assembled the number appointed by His Maj. Instructions

even though 33 had come to Town and they would not even meet though to adjourn only unless they had 38 the majority of the whole House which they said was their right by Charter and which they would stand by and not obey his Maj. Instructions I therefore prorogued them five several times by short prorogations for nineteen days to try and bring them to temper and then told them if they would not obey and meet so as to adjourn I would let them dissolve themselves which they accordingly did. I have issued out writs to elect a new Assembly and upon their dismissal prepared this Address by the Council to testify our duty to his Majesty at this critical juncture.

The late raised regiment and company were disbanded of course the first instant but it was providential that the peace with the Cherokees was signed and the Ratifications ready to be perfected before they were disbanded the Regiment having joined the Virginia forces and were entered into the Cherokee Country just as they signed the peace and made their Head men hasten down to Charles Town to perfect the Ratifications.

Pursuant to the new regulations the Council as the Assembly did not meet have signed a recommendation to you of Major Robert Rogers to be a very proper person to be made Superintendant of Indian Affairs in these Southern Provinces which I have inclosed to him in Charlestown to be forwarded to you.

As we have lost one of our Councillors Mr. John Swann who died here a few days ago and as I apprehend that the vacancy is to be filled upon your nomination as well as the other places in America I beg leave to recommend to Your Lordship Col. Wm. Dry Collector of this port a gentleman of distinction worth and fortune and zealous in the support of His Maj. rights and prerogatives to succeed him.

As I am not sure whether this nomination was in you or still continues in the Board of Trade I have also mentioned it to that Board until I should be further ascertained of it.

I am &c. my Lord &c.,

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 52, 53, 54.]

Letter from Governour Dobbs to the Board of Trade

BRUNSWICK December 1761.

MY LORDS.

I had the Honor to Receive yours of June last in September to-

gether with the Queens relative to this Province but have not been able until this time to prepare an Answer to them such as I had hopes to send you; and therefore must postpone sending you a proper Answer unto the third and fourth Queries until I get proper Returns from the Revenue Officers and Merchants from whom I must receive my Information; some of which have not made me any Returns and as the Treasurers particularly the Northern one have not yet made me any return of Taxables, I cannot at present Answer your Queries but Imperfectly nor can I procure proper Returns from the Colonels of the Militia, and therefore cannot answer those Queries: However as I have Answered all the other as far as in my power I would not delay sending them over in the Manner I now do least you should think that I neglected your order but shall send answers to those Omitted or not fully answered as soon as I receive proper Information I have not had any other letters from your Lordships since to Acknowledge.

The only Extraordinary thing that has happened since is the Assembly's having refused [to] meet and Act pursuant to Prorogation by Proclamation because they had not thirty eight Members present which makes up a Majority of the House of Assembly when by his Majestys Instruction fifteen make a Quorum. As I found it necessary for them to meet as the peace with the Cherokees was not ratified in order to Know whether the whole Regiment should be disbanded and the Company that garrisoned the forts or what number should be thought proper to be kept on foot as by the Law they were to be disbanded the first of this Instant, I, to try to bring them into Temper and to Comply with his Majesty's Instructions prorogued them five times by short Prorogations for nineteen days and then finding they would not comply Even to meet and Adjourn as well as Acknowledge his Majestys Right in Appointing a Quorum; I told them I would no longer prorogue them as there were then thirty Two Members in Town and the Consequence would be that they would dissolve themselves and though they had in former Sessions sat upon a Quorum of fifteen and did Business with a Smaller Number than thirty two, yet they Continued Obstinate and therefore I let them Dissolve themselves; and next day Issued Writs for a New assembly returnable the 19th of June by this Means the Troops are disbanded and not a Company left to garrison the Forts they gave out that their Constituents directed them not to meet unless there was a Majority of the whole House of Assembly alledging that their Charter still Subsisted and the King had no right to lessen

the Quorum by his Instructions. I told them that if they Submitted and moved his Majesty by Petition or Address to Enlarge the Quorum, I would send it over and should acquiesce with his Majesty's further Instructions upon it but I found this would not answer their purpose and their Scheme was that the five Member Northern Counties and a few adjoining should rule the whole Province and that no Assembly should meet or do Business without they had a Superiority in the Assembly for that they could withdraw and thereby dismiss the Assembly at their pleasure and for that reason they refused to divide a large County called New Hanover though both Parts petitioned for it that they might Keep down the numbers of the Southern District; and yet they themselves were attempting to divide the Counties in the Northern District to add to their Numbers which I peremptorily refused having agreed to two New Counties there before in Order to have others much larger divided in the Kings District

If they should continue to deny dividing Southern Counties where Convenient I desire to know his Majesty's pleasure whether he will Exert his Right by Charter for though he Complied with the Request of the Assembly to have to [the] Repealed Counties Restored by Charter upon Reserving his Right to appoint Members by Charter yet the favour does not bind the Crown but he may resume it and appoint or divide Counties by Charter

I shall refer your Lordships to my former letter about the Repeal of the Bath Town Law by which New Towns of 60 Families are to have a Right to Elect a Member without a Charter or even without a Writ as was the case of Halifax in April Sessions 1760 I hope also to have his Majesty's Instructions about the Treasurers and Manner of passing their Accounts of which I have given a full account in my Answer to the Queries

I have not yet received my New Commission or Great Seal nor his Majesty's Instructions.

Since the Assembly have not met nor is it likely that the Governour and Council will agree with the Assembly and their Committee of Correspondence who want to get the Money in Specie from England which is lodged in the Agents hands in London heretofore granted to us by parliament should it be allowed to Come over in Specie so much would be lost by Commission Freight and Insurance and their Treasurers Fees for receiving and paying it and the Jobbing it in their hands to get it allowed to themselves and Friends at the par between Paper Currency and Sterling of 33 & $\frac{1}{3}$ when Paper

Currency is at near 70 p cent Discount above the real value I apprehend very like [little] Benefit would accrue to the Publick; and your Lordships may perhaps think Treasonable [it reasonable] to link [sink] as much of our paper Bills as can be Purchased for it though as you have not thought fit to repeal the Bill made in 1759 to fix the Seat of Government upon Neuse wherein £4000 of it is appropriated to Build the Public Buildings if it should come & if it should come over it could be so much locked up in the Treasurers hands until such time as that Act should be Confirmed or Repealed by his Majesty and in such case it would be necessary to repeal that Bill and vacate the Purchase of the Land Appropriated for the Seat of Government and then the whole Money might be paid in taking so much Paper Currency as would be paid in by Merchants or others who wanted to send Bills to England without any draw back upon it; for if it came over in Specie it would be Immediately bought up to send over again to pay debts or Purchase Goods in Britain. This I hope you will think worthy of your Consideration.

I hope you will also Consider whether it is not reasonable to repeal the Fee Bill since it was Originally an Encroachment on the prerogative of the Crown and Every Person now intitled to Fees by being paid in Paper Currency at near Cent per Cent Discount is defrauded of near half his Fees granted by the Act and there are Many Cases where no Fees are paid for Services Done and no other Fees dare be taken as in the Case of the Chancery Fees which are generally so low that no Person of Credit can be procured to Act in it and thereby such delays are occasioned as things hang up for years together I not having made above two decrees since I came over and Scarce dismissed any Cause Except Dissolving Injunctions. I find his Majesty upon account of this Discount has allowed the Officers upon the Establishment to be paid off in Sterling Value Surely then the other Fees allowed should be also paid at like Value and not at so great a discount

And a Fee I apprehend should also be allowed upon the Great Seal for as the Assembly refused to fix a Salary upon the Governour though applied to pursuant to his Majesty's Instructions; it seems reasonable that the Governour should have reasonable Fees. And as his Majesty has allowed a Pistole upon each Patent in Virginia where a great Salary is paid by the Province; it is a little hard upon this Province that the Governor should only have 3 shillings 4 pence Sterling paid for a Patent and his Majesty's hands locked up by the Fee Bill upon granting his Lands. It may be thought I am argue-

ing for myself but it is for his Majesty's prerogative and for my Successors as at my time of Life I can Scarce Expect to reap any Benefit from the repeal of the Bill or his Majestys Gratuity upon it

I have mentioned to your Lordships in Answer to the Queries and the Manner of Passing and Auditing the Accounts to which I refer, but I must make Complaint of the Execution of the Office of Auditor here I cant say it hath ever been duly Executed of which I made a former Complaint; but since Lord Walpole's Death the Deputation has been worse Executed than ever I may say not Executed at all; for a Gentleman one Lucas was sent over by the Auditor as his Deputy he was Six months here before he applied to be sworn into his Office and instead of residing in his Majestys District to attend the Court of Claims he was above his Business and acted as Deputy Attorney without attending the Courts and took upon him to appoint Illegally a Deputy Auditor under him, he never Kept any Office Books or Register so that Patents were Postponed and I was obliged to appoint a Deputy whom I ordered to Keep half the Fees as usual when the Duty is not performed by the Auditor until he should attend in person. he then went to the Northward and neglected to attend and without any leave quit the Colony and went to England upon which I have been obliged to appoint another Person Deputy Auditor I do not doubt but the Auditor General will make a Complaint against me though for doing my duty; and therefore thought proper to state the Case to your Lordship that you may see how Offices are neglected here this Non attendance of the Auditor will be a Pretence to the Assembly for not having the Publick Accounts Audited

I have just received Advice of the Death of Mr. John Swann one of our Council and therefore beg leave to Recommend to your Lordships Colonel William Dry Collector of this Port a Gentleman of Great Worth and Fortune and zealous in Supporting his Majesty's Rights to Succeed him as there will be one wanting in this part of the Province to make up a Council or Court of Chancery

I am My Lords &c

ARTHUR DOBBS.

Mr. Lucas's Answer to Gov^r Dobbs's Allegations by way of Complaint to the R^t Honble the Lords Commissioners of Trade & Plantations, against his Official Conduct as D: Auditor of North Carolina.

Mr. Lucas immediately upon his Arrival at Edenton, North Caro-

lina in Sept^r 1759 recorded in the Provincial Secretarys Office, the Approbation of the Lords Commissioners of the Treasury, for the Auditor Generals Appointment of Him to be Deputy Auditor of that Province by way of publick Notification, of such his Arrival and Appointments; and wou'd also, at the same Time have recorded the Instrument of Appointment Itself, but that it cou'd not be done til the Execution was proved in a Court of Record; which is necessary, in that Province, previous to the Registry of every written Instrument. He obtained such Probate at the first Court for the County of Chowan, held at Edenton, where the subscribing Witness then resided about a Fortnight after his arrival there and intended to have gone immediately from thence to Newbern, distant 100 miles Southward, where the Secretarys Office was then kept: to have registered his said Appointment; and from thence to have proceeded to Brunswick the Place of Mr. Dobbs's Residence, above 100^d miles still further South from Edenton; proposing to have tendered Himself to have taken the Oaths of Office, but upon the very day whereon he obtained such Probate, he was taken sick of a Fever which, for near five Months, rendered Him incapable of transacting any manner of Business confining him to his Bed for many Weeks, and chiefly to his Rooms, for the Rest of that Time; and consequently he was incapable of performing so long a Journey, or even any Journey at all.

In the Month of March 1760; which was as soon as he was able to ride on Horseback, he went to his Predecessor's in Office Mr. M^cCulloch in Halifax County near 80 miles from Edenton to make a formal Demand of all the Books and Papers relative thereto agreeably to his Instructions from the Auditor Gen^l who had by Letter informed Mr. M^cCulloch that he had superseded Him, for neglect of his Duty in Office; and therein directed Him immediately to deliver up all such Books and Papers to Mr. Lucas; but notwithstanding such Demand and the Auditor General's Directions to Mr. M^cCulloch, Mr. Lucas was not able to obtain a single Paper relative to the Office 'til July 1761; th^o he had frequently, subsequent to that Application pressed and importuned Mr. M^cCulloch for the same but was from Time to Time put off with evasive Answers and Promises; and having no Method to compel such a Delivery, for want of a proper Knowledge of the Papers in his Custody was obliged to submit to his Delays.

Soon after Mr. Lucas's Return from Mr. M^cCulloch's House, Gov^r Dobbs having issued a Proclamation for the meeting of the assem-

bly at Newbern in April following; he went thither and took the Oaths of Office, before the Governor in Council and immediately applied to Mr. DeRosset the then Receiver General requesting him to exhibit his Accounts in a proper manner, to be audited conformably to the Auditor Generals Instructions; by which Mr. Lucas was required to call for such Accounts once in six months; to audit the same and transmit attested copies to the s^d Auditor General and to the Lords Commissioners of the Treasury; and with which View he then made such application but Mr. DeRosset declined to comply therewith pretending that he had passed his Accounts, a few days before with Mr. McCulloch the late Deputy Auditor; who had called upon him for them; whereupon Mr. Lucas made a formal Demand in writing of a proper Exhibition of such accounts which produced from Mr. DeRosset some few Days afterwards a certificate, under Mr. McCulloch Hand, upon a slip or small piece of loose Paper of his having audited the said accounts tho' in Fact such accounts were not audited and signed by Mr. McCulloch in any sort 'til the June or July following, as Mr. DeRosset acknowledged in May 1761 to Mr. Lucas who again applied for his accounts as he had done in October preceding—On Mr. Lucas at the same time representing to Mr. DeRosset the Imperfectness of those Accounts as well as the Impropriety and Irregularity of Mr. McCullochs pretended audit who was not only virtually superseded by Mr. Lucas's arrival in the Province with his said Powers and the publick Notification thereof but actually so by Mr. Chohnondeleys Letter to Mr. McCulloch in express Terms to that Purpose; He Mr. DeRosset by way of exculpating himself, produced a Letter written to him by Gov^r Dobbs, dated in March 1760 a few Days before the accounts appear to be sworn to requesting him to prepare his Accounts, and come down to him the Governor to swear thereto in Order to give Mr. McCulloch the Preference of auditing them; which he alledged might be done as Mr. Lucas had not then taken the Oaths of Office; which Mr. Lucas avers was not owing to any Negligence in Him being prevented therefrom by actual sickness.

It is evident that this transaction, in which Gov^r Dobbs had a considerable share, was not done with a real View to promote the Interest of the Crown, but only to give Mr. McCulloch the preference of auditing the acco^{ts} Who himself must have been induced thereto singly for the sake of pocketing the audit fee, as he well knew they ought not to have been admitted to pass under the Auditor General's Instructions.—Mr. DeRossets View in exhibiting his Accounts

to Mr. McCulloch was it is equally obvious to obtain the sanction of an Audit at any Rate which from the imperfect state of those accounts he cou'd not have donẽ from a regular officer; who deemed Himself bound by his Instructions; for Mr. DeRosset by his own Indorsement upon the Back of the said account transmitted by Him to the Auditor General, states himself unable to have rendered a proper and compact account, at the time he made out the same.—An indisputable evidence of Mr. McCullochs consciousness likewise that those accounts would meet the Disapprobation of the Auditor General, he did not presume, in the space of above two years, to transmit him a copy thereof; which the Deputy Auditor by his Instructions, is enjoined to do by the first opportunity after they are audited.—It is observable that the copy of Mr. DeRossetts accounts, sent by Him to the Auditor General, 16 months after the same are pretended to be audited by Mr. McCulloch, was then transmitted upon the Representations, and at the particular Request of Mr. Lucas, who was desirous that the fact might appear in its true light to the Auditor General; and which Mr. Lucas believes, was not otherwise intended to have been transmitted at all, Mr. DeRossett thinking Himself secure by the Countenance Gov^r Dobbs had given to the transaction.

Mr. Lucas apprehends that the Irregularity of Mr. DeRossets Accounts is so very conspicuous that it cou'd not escape even Governor Dobbs's Observation at the Time he administered the Oath to Mr. DeRossett; which he humbly conceives is alone the most pregnant circumstantial Evidence that Mr. Dobbs had not in View the Service of the Crown, in calling upon the Receiver for his Accounts, for had that alone been his Motive, as imperfect Accounts can Answer no good purpose, he wou'd have allowed the Receiver general Time to have compleated them; But the Danger of Mr. Lucas's being able to qualify Himself who was then recovering from his long Sickness and had been with Mr. McCulloch, to demand the official papers from Him was too pressing to have admitted of so much Delay as that wou'd have necessarily occasioned: In which case Mr. McCulloch wou'd not only have lost the audit Fee but DeRossetts accounts wou'd have met with real Objections from Mr. Lucas, as Deputy Auditor several payments being therein charged which Mr. Lucas had no power to allow under his Instructions: Nor wou'd it in that Case have answered any End to have made Mr. Lucas accidental and unavoidable Incapacity to take the Oaths of Office the foundation of a Complaint for not doing his Duty.

Mr. Lucas's Residence at Edenton, tho' it is generally deemed the Capital Town in the Province and is situate in the first and best settled and in the most populous Part of the Country; was owing solely to the Seat of Government not being fixed in any particular part of the Province for had that been the case, he wou'd certainly resided at the seat of Government for the Advantage and convenience of his Business But as the Meetings of the Assembly and other public Conventions were held alternately at Edenton, Newbern & Wilmington, Edenton was equally Commodious for executing the Duty of his Office, with any other Part of the Province 'til lately that the Governor has caused the Assembly to meet at Wilmington five or six Times successively being in the Neighbourhood of Brunswick his own Residence which is near the Sea Coast in the Southern Extremity of the Province; A Matter which has caused great murmurings and Complaints among the people.

The Governor having called and held an Assembly for the transacting of Publick Business at the Times wherein the superior Courts of Justice sat in different Parts of the Province Mr. Lucas whose attendance at those Courts as he then prosecuted for the Crown was of indispensable necessity; procured one Mr. Duncan a Gentleman of credit equal to that of any Person in the Country and who as Deputy Secretary, was entrusted with the Custody of the publick Records of the Province to countersign and take Minutes of the Patents passed at the Court of Claims; the only Business that requires the Deputy Auditors Attendance there and may without Prejudice to his Majesty or any other Person, be transacted by a Substitute in his Absence; And the same having been constantly done by the Permission of Governor Dobbs, when Mr. M^cCulloch was Deputy Auditor, Mr. Lucas did not know that he was irregular therein 'til he heard that Mr. Dobbs had refused to permit Mr. Duncan to take the minutes & countersign the Patents as usual and had Himself appointed Mr. Duncan's Clerk to do that Duty ordering him to retain a Moiety of the Fees for doing it; But Mr. Lucas for no other purpose took upon him to appoint even a Substitute who on that Occasion did not Act under any written Instrument but was only verbally or by Letter requested to do the Business as he had theretofore done in Mr. M^cCulloch's time; And, which by Reason the same had been then permitted Mr. Lucas cou'd not devine that it wou'd be looked upon as an illegal Appointment in Him; which he apprehends was no more than if he had sent his own Clerk to have transacted that Business.

Mr. Lucas admits that the minutes of the several patents as they were passed at each respective Court of Claims, were not regularly entered in the Auditors Book; the true Reason whereof is, because he cou'd never Obtain such Book from his Predecessor Mr. McCulloch 'til a few days before he left the Province; but he kept in his Custody the Minutes themselves, which respecting those Patents were equal to the Book, and might be entered therein at any Time, and which he has since delivered, together with the said Book to his Successor in Office Mr. Heron to be entered by Him therein.

That having been obstructed in the most material Part of his Duty, the auditing the Receiver Generals Accounts, Whereby his Endeavours to promote the Interest of the Crown were rendered ineffectual; as well as having been debarred the accustomed Privilege of his Attendance at the Courts of Claims being dispensed with, when particular Business might happen to require it elsewhere: And the Fees of Office which at any Time are but little more than adequate to the Expence of Attending those Courts, being considerably diminished; he did for these Reasons and for the Sake of his Health, in July or August 1761 leave the Province and return to England, without asking the Gov^rs leave; which in this case particularly, seemed the rather unnecessary as Mr. Dobbs had before Mr. Lucas's Intention of leaving the Province was known appointed a Person to transact the Business of his Office. And Lastly with Respect to the Allegation of his Absence being made a pretence for the Assembly's not having the publick Accounts audited it seems an Objection founded solely in Mr. Dobbs's Imagination for the Assembly of North Carolina never submitted the public Accounts to be audited by the Deputy Auditors but the same are constantly audited by a special Committee of the two Houses of Assembly.

[B. P. R. O. NORTH CAROLINA B. T. VOL. 14. E. 53.]

THE COLONY, ITS CLIMATE, SOIL, POPULATION, GOVERNMENT, RESOURCES, &c.

An Answer to the several Queries sent by the Lords Commissioners for Trade and Plantations.

Quere. 1. What is the situation of the Province under your Government the Nature of the Country Soil and Climate what are the principal Rivers and Harbours, the Latitudes and Longitudes of the most considerable places in it or the neighbour French or Spanish

Settlements: Have these Latitudes and Longitudes been settled by good Observations or only by common Computations and from whence are the Longitudes computed?

Answer. The Province of North Carolina is situated betwixt Virginia and South Carolina The Northern Boundary is fixed at $36^{\circ} 30'$ N^o Latitude and the Boundary betwixt His Majesty and Lord Granvilles Precincts is fixed at $35^{\circ} 34'$ by a West Line which has been run as far West as Coldstream river between Rowan and Anson Counties the Southern Line is not yet determined It was begun by Commissioners and run North West from Little River in $33^{\circ} 44'$ thirty Miles West of Cape Fear River to about 35° near Pedee River and from thence it was intended to run West parallel to the Virginia and Lord Granvilles Lines, but that not then agreeing with the first Instructions it was carried no further since which these Instructions were withdrawn and nothing since determined upon it if that had been determined, the Breadth of His Majestys District which pays him Quit Rents wou'd have been 34. and Lord Granvilles 56.

The Climate being so far paid [*sic*] and the Sea Coast which lies North East, and South West from Cape Hatteras to Little River and from Cape Hatteras to the Virginia Line North and South I shall proceed to the soil which is very variable along the sea Coast; as there are great Inland Sounds betwixt the Sandy Islands on the Ocean and the Main Land which run in a Chain with many Inlets from Currituck the Northern Boundary to Cape Fear and Little River with many Rivers running into the Sounds; the Islands and adjoining Lands are all sandy, and not a stone to be seen for near 100 miles from the sea except a few Lime stones Shelly rocks in and near the Rivers.

The soil along the Rivers is generally boggy and marshy full of aquatick Trees and Reeds or Canes wth a few rising bluffs from 20 to 30 feet which further in the Country rise to 40 or 60 feet high, the banks of the Rivers there being often of that height where extraordinary floods often rise above 40 feet the Lands at a Distance from the Rivers are generally Clay—Savannahs or Laurel Thickets and Swamps interspersed with sandy Hills full of pines called pine barren chiefly foxtailed or long leaved pine the best for Tar Pitch & Turpentine; the best grounds abound with Oak and Hicory and all the Swamps are intire Thickets of a vast Variety of Trees interspersed with Canes or Reeds The Sandy Islands and Sea Coast on the Main abound with Cedar white and red a Species of Juniper and Live or ever green Oaks excellent for Ship Timber being all crooked and

very lasting and in all Swamps very large Cypress poplar Tulip, red bay and Gum Trees, some near 30 feet in Circumference all the back Western Country is formed into rising hills and rich bottoms some stony rocky and gravelly full of Spar, but no Lime stone, generally very good Corn and pasture grounds, the Sandy light ground full of shrubby black Oak and small pines all fit for vines, they growing wild in great Numbers.

The chief Rivers which run into the sea or Sounds beginning Northwards are the River Roanoke, which runs from the Westward near the Virginia Line almost East into Albemarle Sound and enters the sea at Roanoak Inlet and thro' several others and by Pamlico Sound at Ocacock Bar into this River several others empty themselves on the North side as Chowan Little River Pequimons & Pasquotank which are all navigable for several Miles for Vessels w^{ch} draw 10 feet water but it is a tedious crooked Navigation as they must all pass through Ocacock Inlet and bar and over a great Swash within on which is not 10 feet water. This River lies in about 35° 50' N° Latitude upon which Edenton is situated.

The next considerable River is Pamlico which also runs into Pamlico Sound and thence to Ocacock Bar; on this River is Bath Town situated in 35° 30' at about 40 miles above the Sound: this River is navigable above 100 Miles into the Country the Head of this River is called Tar River.

The next considerable River South of Pamlico is Neuse River, betwixt which and Trent River which is also navigable the Town of New Bern is situated about 80 Miles East of Ocacock Bar which is its outlet as well as the forementioned Rivers into the sea: there are several other Rivers or Creeks upon each side of this River which enter into it which are navigable for some Miles: there is also a Navigation from Pamlico Sound for small vessels to Port Beaufort at old Topsail Inlet of about 5 feet water

The Town of New Bern is situated in 35° all the Trade of these 3 Rivers must be exported over Ocacock Bar which lies betwixt that Island and Core Banks, upon which a Town is laid out called Portsmouth, at which Fort Granville a Battery and a house is erected for a Barrack this being the only Entrance for Ships coming to Roanoke Pamlico and Neuse River there is about 16 feet water upon the Bar but on the Swash within Portsmouth not above 10 feet and generally within upon the Sound not above 12 feet Water, so that large Ships must lie near Portsmouth and so there is little or no Tide up these Rivers as it is expanded in the Sounds it is a great Check to the Navigation of these Rivers.

There are several small Rivers and Inlets Southwards of these betwixt Cape Lookout and Cape Fear River navigable for small Vessels viz^t Beaufort a small Town within the Bar of Old Topsail Inlet upon which there is 16 feet water and at Cape Look out 3 Leagues Eastward of it a small Harbour Land locked from all Winds and with out it a very good road the best and safest from the Capes of Virginia to Georgia after avoiding a Bank which extends S. S. E. from it for Leagues Southward of Beaufort are Bogue, Bear, New River, New Topsail, Deep and Rich Inlets navigable for small Vessels for some miles with other smaller Inlets North of Cape Fear River; But the Chief River for Navigation and Trade is Cape Fear River there being 18 feet water upon the Bar navigable for large Ships above Brunswick 15 miles up the River and as high as Wilmington after passing the Flats, upon which there is about 11 or 12 feet water (since a new Entrance has been opened by a Hurricane on the 22^d of September last at a place called the Hawlover 8 or 10 miles above the former Entrance) and is navigable for small Vessels for above 100 Miles farther upon the N^o West Branch and above 60 Miles higher on the N^o East Branch in which a rapid Tide flows for near 100 Miles this being the only Inlet for all the Southern & Western parts of this Province; there are also several navigable Creeks upon the River; there are also (to the Westward of this River) the Inlets of Shalot Lockwoods Folly and Little River navigable for small Vessels.

There are several large Swamps or Bogs called here dismal Swamps which are low grounds covered with Reeds or Canes interspersed with dry Islands and Thickets occasioned by not being drained which will be the best Lands in the Province when reclaimed some of these are from 10 to near 30 miles long and from 10 to 20 miles broad particularly one joining to Virginia and another betwixt Albemarle and Pamlico Sounds others between Neuse & Newport Rivers and on the Heads of Bogue and Bear Inlets and Waggamaw Lake which falls into Winyaw near Georges Town in S^o Carolina

The Latitudes are very correctly taken; I took the Latitudes by a Quadrant of 18 Inches and found New Bern exactly to lie in 35° and also at Portsmouth near Ocacock Bar (which was exactly the same) I took it also at Bath Town and found it 35° 30'. I took it also at Cape Look out Harbour and found it 34° 31', and at Bald head 2 Miles North of the Bar of Cape Fear and found it 33° 44' as also at Brunswick on Cape Fear River and found it 33° 56'—I also took the

Longitude at Brunswick by an Emersion of the first Satellite of Jupiter and found it $80^{\circ} 12'$ West from London.

Quere 2^d What are the Boundaries? Have those Boundaries been settled & ascertained and by what authority? If any parts are disputed by whom, when did the Disputes arise what steps have been taken or in your Opinion ought to have been taken to fix the true Boundary Lines

Answer. I have mentioned the Northern Boundary already determined and fixt by His Majesty and have some years ago sent to your Lordships Board a full state of the dispute about the Southern Boundary betwixt this Province and South Carolina to which I refer However I shall be as explicit as I can in informing your Lordships of the steps that have been taken in fixing that Boundary, and the Cause of the Dispute, and the reasons for suspending the Execution according to the Instructions formerly given which your Lordships thought proper to withdraw upon my coming over to this Government as I believe you also did to Gov^r Lyttelton upon his going to South Carolina.

The Lords of Trade not having been properly informed wth the interior situation of the Provinces of North and South Carolina and the Course of the Rivers before Georgia was separated from S^o Carolina imagining that the Rivers ran generally from the West to the East as the River Roanoak and the Rivers to the Northwards in Virginia hold that Course gave Instructions to the Governors of this and the Southern Province to run the Boundary Line from the Entrance of Little River 30 miles West of Cape Fear River and to keep the Course at 30 Miles Distance West of Cape Fear North West Branch to the Spring heads of that Branch not considering that as the Sea Coast from Cape Hatteras to the Southern Boundary of Georgia lay N^o E^t & S^o West; and that Rivers from the mountains hold generally a Course from N^o W^t to S^o E^t. If therefore these Instructions had been followed as [to] the Springs of the N^o West branch of Cape Fear River [there would] have been no back Country Westward belonging to this Province but a slip of 5 or 6 miles breadth.

The Commissioners therefore finding that the Entrance of Little River was in $33^{\circ} 44'$ run the Line N^o West across Waggomaw River at 30 miles Distance from Cape Fear River to the Latitude of 35° near to the Great Pedee River, which falls into the sea at Winyaw and went no further but thought it reasonable that a due West Course shou^d be held in that Latitude parallel to the Virginia Boundary Line but w^d not run it contrary to the Instructions until

His Majestys pleasure was known by this Line one Degree and a half wo^d have been the breadth of this Province from North to South except a stripe along the sea coast from Cape Lookout to Little River when South Carolina wo^d have had above 5 Degrees of Latitude from the ——— to 35° This is the supposed Boundary Line since that time, and Patents have been constantly granted as far South as that Latitude until I came over and then several new comers to avoid paying Taxes to the Province have gone to the South Government and taken out Patents there upon Lands formerly patented and possessed here which occasions great confusion as they are not amenable to the Laws of either Province.

His Majesty upon granting a charter to the Trustees of Georgia granted to them all the sea coast from Allabamaha to Savanna Rivers and not knowing the course of Savanna River made that River the Boundary betwixt South Carolina & Georgia and as that River ran also from N^o W^t to S^o East from y^e Mountains the South Carolina Province was cut off from having a back country and this gave them a pretence to renew their claim of having their Northern Boundary run up in like manner to cut off this Province from the Western Country.

This appearing to your Lordships Board an unnatural and unequitable Line as the Northern Boundaries of Maryland with Pennsylvania and the Virginia Boundary the Powtomac River and South Boundary of Virginia and the Division betwixt His Majesty's and Lord Granvilles Precincts and also the south Boundary of Georgia were laid out by parallel Lines East & West in their different Latitudes they thought proper to withdraw their former Instructions and that each Province sho^d lay before Your Lordships what they thought wo^d be an equitable Line without Prejudice to each Province, with reasons to support their Requests to be determined by His Majesty.

Since therefore the Province of Georgia has surrendered up their Charter to the Crown and His Majesty is at Liberty to fix the boundaries of each Province as it may appear most equitable & least prejudicial to each Province by parallel Lines where natural Boundaries cant be paid [*sic*].

I humbly beg leave to propose a proper Boundary Line w^{ch} may be least prejudicial to either of the Provinces; whether His Majesty may think proper to run the parallel Lines West of Pedee in the Latitude of 35° or rather more Southerly as Lord Granville's precincts by that Latitude takes up $\frac{2}{3}$ ^{ds} of this Province is proper for

your Lordships Consideration But I submit it to you whether it wo^d not be a great Benefit to this and no prejudice to the Southern Province if all the Lands from Little River to the Entrance of Winyaw and so up along the East Bank of Pedee River were added to this Province until it reaches our Southern parallel and a Southern Parallel may be run betwixt South Carolina and Georgia West of Savannah River, as the Georgia Charter is surrendered & His Majesty may alter and fix the Boundary betwixt these Provinces as he thinks proper

The reason for my proposing this Addition to this Province is that the upper part of Waggamaw River and Lake runs into Winyaw as also the Great and Little Pedee, and the Yadkin and Rocky Rivers in this Province join Pedee and now pass through the South Province into the Sea, and as that Province has laid Duties upon our Goods imported into that Colony, we have no Passage to the Sea without a tedious Land Carriage either to Cape Fear River, or by a long Land Carriage from our Western Frontier to Charles Town, whereas if the Eastern Bank of Pedee to the sea at Winyaw was in this Province and the Western in their Northern parallel then each cou^d export their own Produce without paying Duties to the other province; and if His Majesty pleases to make the savannah the Boundary betwixt S^o Carolina and Georgia near the Sea and run a Western parallel at some Distance from the Sea & betwixt these provinces S^o Carolina wo^d have a much greater and better Country added to that Province than wo^d be given to this, and the Breadth of that Province wou^d be still much greater even double to this Northern Province and the Province of Georgia be equal to the South Province.

Third and 4th Queries to be answered by the Collectors Naval Officers and Merchants.

Quere 5th What trade has the Province under Your Government with any foreign plantations or any ports of Europe besides Great Britain; How is the Trade carried on and what Commodities are sent to and received from such foreign Countries or Plantations.

Answer No foreign Trade whatsoever is carried on between this Colony and any foreign Plantation except with Eustatia and St Croix and with no foreign Countries in Europe except with the Madeiras and Azores and with the Canaries for Wine, Salt from Portugal not being allowed to be imported these are brought by Ships from Britain nor have we any Trade with Ireland upon Ac-

count that Naval Stores and other enumerated Commodities are prohibited which is a great help to Britain & this Colony.

Quere 6th What Methods are there used to prevent illegal Trade, and are the same effectual What Means in your Opinion may be proper for obtaining so valuable an End?

Answer. The only Means taken to prevent illegal Trade is putting the Laws in force when they dont comply with the Act of Navigation & other British Laws which bind the Colonies at present there is scarce any illegal Trade carried on; not above 2 or 3 Vessels condemned These 7 years.

The chief method to prevent any for the future upon a peace wo^d be to have one or two Companies established here from Britain to be fixt at Fort Johnston upon Cape Fear and at Fort Granville on Core banks near Ócacock Bar and at a Battery erected at Port Beaufort on Old Topsail to assist the Government and Collectors who having no Revenue Officers under them and but one Deputy Naval Officer in each Port can neither search Vessels properly nor make Seizures having no Tide Officers to put on board. It wo^d also be of great Benefit to Britain to take off the Limitation of several enumerated commodities which prevents a Trade with Ireland and several other Countries which is a great Loss to the Trade of Britain and Sale of their Manufactures as well as to this Colony; and may encourage them to go into an illicit Trade as it prevents their having Returns to send to Britain for their Manufactures and other Goods.

Quere 7th What is the natural produce of the Country staple Commodities and Manufactures? What Value of Sterling Money may you annually export and to what places? What Regulations have been at any time made for preventing frauds and abuses in the Exportation of the Produce or Manufactures of the Province and at what time did the Regulations take place?

Answer. The natural produce and Staple Commodities of this Province, for of Manufactures there are none; Consist of Naval Stores Masts yards Plank and Ship Timber, Tar pitch and Turpentine Lumber of all Kinds, furs and peltry Beef pork Hides, and some tanned Leather—Indian Corn pease Rice and of late flour Hemp flax and flax seed, Tobacco, Bees and Myrtle wax and some Indigo: We export little or no bullion or Sterling the whole Trade being carried on by paper Currency, so that what Bullion can be procured is bought up at Cent p Cent above Sterling Money, a Guinea above 45 Shillings, a pistole above 30, and a Dollar above 9 shillings; as to the Value of our Exports in Ster Money When 1

can get a proper Return from the several Collectors & Merchants who only can inform me I shall send you as particular an Account as I can procure.

The only Regulation made to prevent Frauds in the Exports are some inspecting Laws made some of them lately to inspect Beef Pork Pitch Tar Tobacco, and Turpentine in several parts the Inspectors not nominated by nor under the power of the Crown, but are chosen by the Justices in their Inferior Courts of Session, given in Jobs to their Friends & therefore not properly taken care of.

Quere 8th What Mines are there have these Mines been opened and worked and what may be the reputed Produce

Answer. No Mines are discovered opened or worked but great quantities of Iron ore have been found upon the surface of the ground, but not followed so as to find a Vein

No Forges or Bloomeries have been yet erected occasioned by the Sloth or poverty of the Inhabitants, upon which Account no Company has been formed to carry on a Bloomery. Lead Ore has been found near the Virginia Line near or among the Mountains near Holston's river, but no work has been carried on tho' the ore seems rich—there are also Symptoms of Copper ore.

Quere 9th What is the Number of the Inhabitants Whites and Blacks

Answer. I have endeavoured to procure a proper Answer to be made to this Query having sent Orders to the several County Clerks to make me proper Returns of the Taxables distinguishing the Whites from the Blacks which is the only Method I can take to answer the above Query I have also required the same from the Southern and Northern Treasurers who ought to make it a charge upon several Sheriffs to pay in the Taxes but they will not comply with my Orders: when I can get a proper Return I shall send it in the mean Time I shall make the best Return I can.

The Southern Treasurer has made me a Return the best he can procure for the year 1761 for the 14 Counties within his Collection 4 of which he has taken from the year 1759 these years last being not returned, and one County only by the Report of the Members by which it appears that the whole [white] Taxables which are males from 16 to 60 amount to 7473 The Blacks male and female who are taxed from 13 years and upwards amount to 6535: and the total Taxable 16038.

The Northern Treasurer has never returned a List of Taxables nor made any charge against himself whereby he can be called to

account but as he collects from the 12 Northern Counties w^{ch} are much more populous than the Southern Counties the numbers especially the whites are much greater and I find by a former return made me by the County Clerks tho' not correctly taken by the Justices that they then amounted to 13294 whites and Blacks and and as they have increased considerably the number now must exceed 34000 Taxables and of these the black Taxables male and female dont amount to 12,000, so that at the lowest computation the whole [white] Taxable males from 16 upwards amount to near 22,000 & consequently the whole number of Souls near to 4 times that number

Quere 10 Are the Inhabitants increased or decreased within these 10 years how much and for what reason?

Answer. They are increased considerably by Births not by any Influx or Importation of people for these 7 years next before that time great numbers removed and settled here from the Jersies and Pennsylvania, but a total stop was put to it by the Indian War to the Northward and of late here by the Cherokee War The Taxables when I came over in 1754 were computed at about 26000, and now are computed at 34000.

Quere 11 What is the number of the Militia under what Authority and Regulations is it Established what is the Expence of it & how is the Expence defrayed?

Answer The computed number by the Return of the several Colonels amount to about 16000. There is a Regiment appointed for each County which consists of more or fewer Companies and of greater or fewer Numbers according to the Extent of the County & number of Inhabitants the Officers are nominated and commissioned by the Crown. There is no fund to pay them or furnish them with arms Accoutrements and ammunition, only the fines levied upon them for not attending at the general muster twice a year. The Law for raising and supporting them expired some time ago and was renewed only for one year and to the End of the next Sessions of Assembly if they marched out of their own Counties upon any Invasion or Insurrection a large pay was allowed they [them] by Law but no fund appointed or raised to pay them

Quere 12 What Forts and Places of Defence are there within your Government in what Condition and what Garrisons are kept therein? What is the annual Expense of maintaining each fort and out of what fund is it paid?

Answer There is one square fort with 4 Bastions with a dry Ditch and pallisaded Counterscarp and a large lower Battery upon the

Counterscarp next the River which commands the Channel at the Entrance of Cape Fear River, which is now finished wth the greatest part of the parapet made of what they call Tabby work composed of Lime Sand and Shells which makes a strong Cement, there being no Stone but some Shelly Limestone within 100 miles of the Sea Coast.

This Fort will be completed in a few Months with Barracks & a Magazine upon which 30 Guns 18 and 9 pounders are to be mounted most of which are already mounted besides Swivels sent over by His late Majesty with Ordnance Stores in Proportion There are also two Forts or rather Batteries erected one at Portsmouth near Oacock Bar and another at Port Beaufort upon old Topsail Inlet with Barracks but there [are] no Guns to mount upon them but old Ship Guns carried from Fort Johnston to Fort Granville near Oacock There is also a small stockaded Fort built near the Catauba River to defend the Western Settlements from the Cherokee Indians.

There was a Company of 100 Men allowed for one Year to garrison Fort Johnston and Fort Granville by the Assembly and a Company of 50 men was allowed for the Stockaded Fort on the frontier and for the 2 last years a Company of 50 men was allowed for the stockaded fort and Fort Johnston of which 30 were at the Western fort and 20 at Fort Johnston on Cape Fear River as the Cherokee war is over and the Assembly dissolved themselves refusing to meet and sit pursuant to Proclamation and His Majesty's Instructions the Regiment and also the Company are disbanded and I have only ordered ten men with a Gunner to be kept at Fort Johnston to take care of the Stores.

The Fund allowed hitherto to maintain the Troops was raised by a poll Tax upon Taxables to sink the paper Bills which were issued to pay the Troops and other Contingencies of Government and 6^d p^r Gallⁿ upon Spirituous Liquors imported, but as the Taxes raised by the poll Tax have not answered to pay off the Notes issued the Notes now issued amount to near £80,000 this Currency and has raised a Discount upon the paper Currency of 66 $\frac{2}{3}$ above the par of Exchange, so that £200 Currency is worth no more than £100 Sterling which is a great Loss upon our Trade to Britain; as we have no Specie nor Staple to pay for British Manufactures and other Commodities—I hope therefore Your Lordships will think it advisable to recommend to His Majesty to establish a Company of 100 men in this Province to garrison the Fort Johnston and Granville in order to defend the forts and assist the Government and Revenue

Officers to prevent an illicit Trade which will undoubtedly increase upon a peace upon the Assembly here paying for their Provisions as is done in South Carolina; we have the more Reason to hope for this favour as this Province has never put Britain to any Expence except the Ordnance Stores sent by his late Majesty and sometimes a small Sloop stationed here which seldom kept the Station but wintered in South Carolina.

Quere 13 What is the number of the Indians inhabiting those parts of America lying within or bounding upon your Province? What Contracts or Treaties of Peace have been made with them and are now in force? What Trade is carried on with them and under what Regulations and how have these Regulations been established

Answer The only Tribes or remains of Tribes of Indians residing in this Province are the Tuskerora Sapona Meherin and Maramuskito Indians. The Tuskerora have about 100 fighting men the Saponas and Meherrin Indians about 20 each and the Maramuskitos about 7 or 8. the first 3 are situated in the Middle of the Colony upon and near Roanoak and have by Law 10,000 acres of Land allotted to them in Lord Granvilles District they live chiefly by hunting and are in perfect friendship with the Inhabitants

The Catauba Indians who are also in close friendship with the Inhabitants resided upon the Cataubas river near our Western Frontier near the Boundary Line in 35° N° Latitude proposed to be laid out betwixt this and the South Province they consisted within these few years of about 300 fighting men but last year the small pox ravaged in their Towns which made them desert them and leave their sick behind them to perish; by an account from their King Haglar to me they are reduced to 60 fighting and about as many old men and boys and a suitable number of Women, upon which and the Cherokee war they removed farther West upon or near the Boundary Line where they have had a Town laid out for them in South Carolina but allege that they are still within this Government Mr. Glenn wantonly promised them a District of 30 Miles radius round their Towns, which would have contained about 1,800,000 acres, but now as they are reduced I suppose less than 10,000 acres will content them.

The Cherokee Indians are situated among and beyond the Mountains to the Westward of our present Settlements, their upper Towns beyond the Mountains are within the parallels of this Province, the middle and lower Towns West of the South Carolina Frontier; they

were lately esteemed to be a powerful Tribe, and to consist of above 3000 fighting men, they are now upon account of the War Sickness and famine supposed to be reduced to about 2000.

The Shawanese upon the Ohio to the Westward of the Virginia frontier is the next most considerable Nation to the Northward of this Province, and the Chickesaws near the Mississippi to the Southward of the Tenasee and Cherokee river who consist of about 400 fighting men are the most warlike Tribe and always firm friends to the English. To the Southward of these are the upper and lower Creeks about 3000 fighting men on the Western frontier of South Carolina and Georgia and beyond them the Choctaws.

There have been no Treaties made between this Province and any Nation of Indians except a late Treaty made between the Virginians and Cherokees in 1755 by Mr. Randolph and Col^o Byrd who were joined by a Commissioner from this Province Col^o Waddell—There has been a small Trade carried on by a few Indian Traders from this Province with the Cataubas and Cherokees for furs and peltry but no Regulations by Law ever made in this Province

Quere 14. What is the Strength of your neighbouring Europeans French or Spaniards, and what Effect have these Settlements upon His Majesty's Colonies and more particularly upon that under your Government?

Answer There are no French or Spanish Settlements near this Province the nearest at present is a Stockaded fort called l'Assumption lately erected seated upon the Tenasee or Cherokee river which falls into the Ohio above its Entrance into the Mississippi, which is a great Check to y^e Chickisaws our most valuable Indian Allies, and has had a great Influence upon the Cherokees in spiriting them up and supplying them wth Ammunition to make war upon this and the neighbouring Colonies The French have another upon the Onabach called by them the River of S^t Jerom which falls into the North side of the Ohio before it enters into the Mississippi, by which they had a Communication with Le Detroit between the Lakes Huron and Erie from Louisiana; but as I apprehend it belonged to the Government of Canada it has or ought to have been given up by the Capitulation and Evacuation of Canada. I believe the French had not above 100 Men in either of these forts. The other Forts which affect the Southern Provinces belonging to the French are the Albama fort situated upon a branch of the Mobile, and another called fort Tombeebee higher up upon Mobile River to confine and distress the Chickesaws our allies and to awe the Choctaws

& influence the Creek Indians; these are also stockaded forts and have not above 100 Men in each fort.

The only Spanish Fort which affects our Colony of Georgia is S^t Augustine the Garrison of which is about 300 Men which I apprehend is maintained by the Pope; these are at constant war wth the adjoining Indians and do not extend Their plantations, and in time of peace an Advantagious trade is carried on through them wth the Havana, their Forts of S^{ta} Rosa and Pensacola on the Florida Coast in the Bay of Mexico are no Detriment to our Colonies but a Confinement to the French at Mobile

The grand Settlements of the French upon the Mississippi and Mobile are the only places dangerous to our Colonies as they will always spirit up the Creeks Choctaws and Cherokees to molest our Southern Colonies on this Continent and embroil us with the Indians

Quere 15 What is the Revenue arising within your Government when was it established and by what Laws or other Authority? to what Service is it appropriated how applied and disposed of and in what Manner are the Accounts audited and past?

Answer The only standing Revenue in this Province belonging to the Crown are the Quit Rents and what may arise from fines & forfeitures for the publick Revenue raised by the Assembly is temporary and trifling except what has been raised upon Account of the present war

The Quit Rents which I apprehend to be His Majesty's private Estate is entirely in His Majesty's power, and he has been graciously pleased to appropriate part of it to pay the several Officers he has appointed upon His Establishment and Exchequer Court when held here to the amount of £455 Sterling p Annum

By a partial Rental returned by the Auditor collected from the Books taken by the Secretary in the Court of Claims the Auditor to this day having never Kept a Register of the patents granted by the Crown which ought to have been entered in a Book in his Office the present annual Rental wo^d amount to near £3,000 ster p ann if duely collected, but the Receivers gen^r have been so negligent in their Collection under pretence of their not having a compleat Rental having never Kept a Regular Account of the Receipts and Arrears due to be a Charge against him that a very small part of them can be collected and the auditor for want of a regular Arrear can have no Check upon y^e Receiver and therefore can't audit a regular Account, so that all the Accounts have been slabbered over and never regularly audited occasioned by appointing Receivers who

are not qualified or negligent in making Receipts or in Keeping their Accounts; so that all the Accounts are passed by the Auditor upon the Oath of the Receiver without any Arrear returned, so that most of the Arrears are lost or sunk in the Receivers pocket there being no check upon him by these means the many thousand pounds remain in Arrear a great Debt is returned due to the late Governor and the several Officers upon the Establishment; and many of the Lands are not to be found and so rent and arrears are lost.

In the same Manner have His Majesty's Attorneys acted who are above their Business and generally employ Deputies not properly qualified so that few fines or forfeitures are ever received as may appear by the Receivers Accounts

The other Branches of the public Revenue granted by the General Assembly consist chiefly of a poll tax upon white & black taxables and a small duty upon spirituous Liquor imported of 4^d p^r Gallⁿ and further Duty of 2^d p^r Gallⁿ was added w^{ch} expires in 1762 and a powder Duty which also soon expires

The poll tax in one year amounted to [sic] in 1754 in the year 1760 it amounted to 16 shillings 4 pence p^r taxable in 1761 to 4 shillings 11 pence in 1762 to 4 shillings 2 pence and poll tax of 1 shilling 6 pence for contingencies expires also in 1762.

These several Taxes during their Continuance are appropriated to sink the paper Currency & to repay those which were issued and if His Majesty approved of their being reissued were appropriated to purchase Glebes, build publick Schools, or to pay the Assistant Justices and Attorneys General.

The Assembly have usurped the power of passing & auditing the public Accounts of the several Sums raised by the Acts of the general Assembly They receive the Accounts from the Treasurers and pretend to keep all the Vouchers which the Assembly pass or reject at their pleasure, I may say exclusive of the Council which they do by the Majority of the voices of a joint Committee from the two houses which generally consists of two Members of the Council and 6 or 8 of the lower House in two separate Committees of Claims & Accounts and tho the Members of the Council sho^d dissent they are outvoted and the Report is made by the Majority and agreed to by the Assembly which they expect the Governor and Council shou^d acquiesce in and allow of their Accounts and Claims tho carried iniquitously by the Influence of the Treasurers and Junto of their friends who generally rule the House the Treasurers being appointed by them being members of their house and thus they pass their

Accounts without proper Vouchers even without the Councils Consent which they expect the Governor shou'd approve, nor will they let the Auditor audit them or Keep the Vouchers and such Vouchers as they think proper to produce are lodged with their Committee Clerks who are often* changed and when enquired after are lost or Mislaidd, and no Register made of them and as these Treasurers got themselves fixt in a temporary Aid Bill which was passed in 1754 and the Tax to be raised expires in June 1763, they think as they were fixed without any Limitation of Time that they are in for Life and can't be suspended or removed by the Governor during the Act, nor even when the aid expires without that Clause be repealed and from this Act they have presumed to make payments without the Governors warrant nay after he has refused it and yet have paid Money upon the Speakers letter—I therefore hope yo^r Lordships will look into this and advise his Majesty to repeal this Clause if you think it still binding after the Expiration of the Aid at June 1763, and to come to some Resolution whether this Manner of accounting without having them passed before the Gov^r & Council and audited by the Auditor and the Vouchers properly registered in his Office shall be allowed of for the future and also whether His Majesty shall for the future nominate and Commission the Treasurer or Treasurers, or allow them to be chosen by the Assembly & appointed by a Law; and if that be allowed whether it be proper that any Treasurer sho^d be a Member of the lower House.

Quere. 16. What are the Establishments Civil and Military within your Government, by what Authority do the several Officers hold their places, what are the Names of the present Officers, when were they appointed and what is their reputed annual Value, what Salaries and Fees have they. by what authority are their Salaries and fees paid, and under what Regulations?

Answer. The Civil Establishment consists of a Governor and 12 Councillors a Secretary and Clerk of the Crown, a Chief Justice, a Baron, Auditor and Attorney General a Surveyor General three Assistant Justices 2 Treasurers, 4 Collectors, a Naval Officer, a Judge of the Admiralty an Advocate, Justices of the peace Sheriffs and Coroners, Mayors and Recorders of Corporations.

The Names of the Civil Officers on the Establishment are Rich^d Spaight Secretary and Clerk of the Crown appointed by the Gov^r in Nov^r 1755 in room of Henry M^cCulloh dec^d Mr. Berry Chief Justice appointed by Warrant from the Crown in 1759 in place of Mr. Henley deceased, Mr. Hasell Baron appointed by the Governor in 1760

upon Mr. Rieusset's Resignation the Honourable and Reverend Mr. Cholmondeley is Auditor by Patent in Reversion from the Crown upon the death of Lord Walpole, Robert Jones Attorney General upon Mr. Childs Resignation by Warrant from the Crown in April 1761, Mr. Rutherford Receiver General restored by the Lords of the Treasury (after having been suspended) in 1759 who is just returned and sworn in but has given no Security, nor has yet produced a new Commission or Warrant, Mr. McGuire Judge of the Admiralty appointed by the Governor in place of Mr. Ross dec^d in 1760, Mr. Marm: Jones, Mr. Charlton and Mr. Dewey appointed by the Gov^r Assistant Justices in pursuance which is to expire in 2 years from the Date if not confirmed by the Crown, John Starkey and Tho^s Barker Treasurers of the Southern and Northern Districts by the Aid Acts in Dec^r 1754, the funds granted expiring in June 1763, Mr. Palmer Surveyor General appointed by Warrant from the Crown in 1753, as also Collector of Port Bath Mr. Dry Collector of Port Brunswick, Mr. Rieusset Collector of Port Roanoak, Mr. Whitehall Collector of Currituck and Mr. McCulloch Collector of Port Beaufort; these are all appointed by the Lords of the Treasury or Commissioners of the Customs in England and Salaries paid from thence Mr. Turner Naval Officer appointed by Warrant from the Crown in 1759—Robert Jones Judge Advocate by the Crown. The Officers upon the Establishment paid out of His Majestys Quit Rents are the Auditor £100 p^{er} ann: Chief Justice 70, Baron 40 Surv^r General 40 Secretary 70, as Clerk of the Crown 25, Attorney General £80 the Receiver General has no salary, but is allowed 10 p^{er} cent out of his Receipt and 5 p^{er} cent to the several Sheriffs who receive under him in His Majesty's District; He is also allowed the usual distraining fees—The 3 Assistant Justices are allowed £400 this Currency p^{er} Ann. out of the publick Revenue, and the Attorney General p^{er} Ann^m by the same Act, what the Attorneys fees and perquisites are is only known to himself the Chief Justices fees are computed at £12 the Assistant Judges have none the Governors and his Secretaries fees are paid at a low rate in the fee Bill in the printed Book of Laws to which I refer, nor is there any fee paid for the Great Seal, nor for any Commissions but of profit and the Chancery fees are [so] shameful that no person of character will act for them, and being paid in paper Currency at 100 p^{er} cent less than the Value of Sterling Money the Officers are deprived of half their fees that Act passed by the late Governor in prejudice to the Officers on the Establishment being an Encroachment upon the prerogative of the Crown

without a suspending Clause cannot be justified all the other fees and Salaries which are not paid out of the Quit Rents are paid by that and other Acts of Assembly.

The Secretaries place including fees and perquisites was computed at £600 P annum this Currency or 300 sterling, but by the Appointment of the Office of Clerk of the pleas by Lord Halifax^s Letter, the County Clerks before having been appointed by the Secretary, the Value of the Secretarys place is lessened one half. The Baron has no fees or perquisites as there are no Exchequer Courts. The Auditors Secretaries & Surveyors fees are fixed in the fee Bill—The Naval Officers place is computed at £300 P an: this Currency, of which the several Deputies have generally one third. The Members of the Council have neither fees Salaries nor perquisites except 7 shillings 6 pence P diem when they attend the Session of Assembly tho' they sit as Judges in Chancery and being dispersed over the whole province it is difficult to get 5 together to hold a Court of Chancery or Claims or even an upper house during a Session of Assembly under pretence of Sickness or other Avocations and in Case a Council is called upon any Emergency after sending Expresses for them can scarcely in a fortnights time get above 5 together.

There has been no Military Establishment except the Militia only such forces as have been raised upon acco^{ts} of the American war since which time we have had 3 or 4 Companies of Provincial Troops in pay and one Regiment of 5 Companies of 100 men each raised for 7 months from the 1st of May 1761 upon account of the Cherokee war which being now over the Regiment was disbanded of course the 1st of this instant December and as the Assembly which was appointed to meet to Know if it was necessary to Keep any troops on foot did not think proper to meet or sit upon a quorum of 15 pursuant to His Majestys Instruction and tho 32 Members met at the place they wo^d not so much as meet and adjourn insisting upon their Right by Charter that their quorum was a majority of the whole Assembly after several short prorogations to bring them to temper after 19 days I let them dissolve themselves, so that we have no provincials in pay but are undisciplined half armed Militia until we have the sense of a new Assembly for which the Writs are issued.

Qure 17 What is the Constitution of the Government in general and particularly what Courts are there established for the Administration of Justice when were these Courts established and under what Authority; what are their Rules of Proceeding and how are their Judges and subordinate Officers appointed?

Answer The Constitution was originally formed by a Charter w^{ch} was surrendered up to the Crown in 1728. It now consists of a Governor and Council or upper house Commissioned by His Majesty and a lower House of Assembly elected by the Freeholders of the several Counties and by the Freemen and Freeholders of the several Incorporated Towns and Boroughs, or by the Bath Laws still in force of such Towns which contain 60 families—these with the Governor and Council make up the General Assembly and pass all the Laws which bind this province except such British Laws now in force & others since made which mention this province which Laws made here are in force if not contradictory to the British Laws until repealed by His Majesty in Council in Great Britain.

The only Courts at present established in this Province are five superior Courts of pleas in five different Districts held by the Chief and three Assistant Justices twice a year a Court of Chancery held by the Governor and 5 at least of the Council a Court of Oyer & Terminer when necessary a Court of Admiralty a County Court Sessions held quarterly which can try petty Causes and Debts not exceeding £50 this currency with Appeals to the Superior Courts and appeals for suits above £300 Ster to the Governor and Council with a further Appeal of above £500 to His Majesty in Council in great Britain

No Exchequer Court has yet been held nor is it safe to attempt it without express orders from England for fear of a general Outcry and Opposition to it, the government having no force to support their Authority; the superior and County Courts are held by virtue of an Act of the General Assembly passed in May 1760 and the Superior Court is to continue 2 years and no longer from the Time they were passed unless confirmed by His Majesty; it was made Temporary upon account of some clauses inserted in it which were contrary to His Majesty's Instructions and an Encroachment upon his Prerogative it being necessary to pass such a Bill upon the Repeal of the Supreme Court by His Majesty in Council otherwise we sho^d have had no Courts of Justice but those of the County Court Sessions and I was obliged to pass the County Court Law for a greater time than in the former Bill lest the other Bill sho^d not have passed at all, and the province shou^d have been for some time without any Courts of Law.

The Rules of Proceeding are by Common Law & Statute Law in England which include the Colonies, and by the Laws passed in this province until repealed by His Majesty in Council.

The Judges and Inferior Officers are all appointed by the Crown.

[B. P. R. O. JOURNALS B. T. VOL. 69.]

BOARD OF TRADE JOURNALS.

WEDNESDAY February 11, 1761.

The Secretary laid before the Board an order of His Majesty in Council received from the Clerk of the Council Viz. Order of His Majesty in Council dated 3 December 1760 confirming the Suspension of Francis Corbyn Esq. from his seat in the Council of North Carolina & removing him from it.

Tuesday February 17, 1761.

Representation to His Majesty proposing that Arthur Dobbs Esq. may be continued Governor and Charles Berry Esq. Chief Justice of the Province of North Carolina is agreed to and signed, also Letter to Mr. Secretary Pitt desiring he would move His Majesty that Mr. Benjamin Turner may be continued Naval Officer of the Province of North Carolina and inclosing a Warrant for that purpose.

Wednesday March 4th 1761.

Read the following Orders of His Majesty in Council viz:

Order of His Majesty in Council dated 27 February 1761 approving a Representation of this Board proposing Arthur Dobbs Esq. to be Governor of North Carolina & directing a Commission and Instructions to be prepared for that purpose.

Order of His Majesty in Council dated 27 Feb. 1761 approving a Representation of this Board proposing Charles Berry Esq. to be Chief Justice of North Carolina and directing a Warrant to be prepared for that purpose.

Whereupon Commissions and Warrants in the usual form having been prepared were agreed and Representations to His Majesty therewith were signed

Ordered that Draughts of General Instructions and of those relating to the observance of the Laws of Trade be prepared with all possible dispatch for the Governors of Jamaica Bermudas Barbadoes North Carolina Virginia Massachusetts Bay and New Hampshire

Thursday March 5th 1761.

The Secretary laid before the Board the following papers received from the Governor of North Carolina viz:

Letter from Richard Spaight Esq. Secretary of North Carolina dated 21 July 1760 concerning a factious Junto in the Assembly who have in certain resolutions exhibited charges against the Governor & himself.

The Answer of Richard Spaight Esq^{re} Secretary of North Carolina to certain charges exhibited against him in resolutions of the Assembly.

Letter from Gov^r Dobbs to the Board dated 3 August 1760.

The Answer of Gov^r Dobbs to the several charges exhibited against him in certain resolutions of the Assembly

The Earl of Halifax having acquainted the Board that it appeared by a letter to him from the Speaker of the House of Representatives of North Carolina that the original Address to His Majesty with the Articles of Complaint against the Gov^r had been transmitted to Mr. Secretary Pitt to be laid before His Majesty it was agreed that the said papers should lye by for further consideration when His Maj. pleasure upon the said original Address and Complaint should be further Known.

Tuesday March 17th 1761.

The following Representations to His Majesty and Letters to Mr. Secretary Pitt of recommendations of persons for vacant Governm^{ts} and other Offices in America were agreed to transcribed and signed Viz:

Representation to His Majesty proposing that Thomas Falkner Esq. may be appointed Secretary and Clerk of the Crown of North Carolina in the room of Henry M^cCulloh Esq. deceased.

Representation to His Majesty proposing that William Lucas Esq. may be appointed Attorney General of the Province of North Carolina.

Wednesday April 1st 1761.

Read a letter from Gov^r Dobbs to the Sec^y dated 9 February 1761 giving an account of his proceedings on the receipt of the Order for proclaiming His Majesty &c.

Minutes of Council from 18 Nov. 1760 to 7 February 1761.

Council in Assembly from 5 Nov. to 6 Dec. 1760

Thirteen Acts passed 3 Dec. 1760.

The Secretary laid before the Board twenty four Orders of His Majesty in Council approving the Board's recommendation to be Governors and other Officers in America & directing the proper

Commissions Warrants and draughts of Instructions to be prepared
Viz:

Thomas Falkner Esq. Secretary and Clerk of the Crown in North Carolina

Robert Jones jun^r Esq. Attorney General of the said Province.

Friday April 10th 1761.

Read the duplicate of a letter from Gov^r Dobbs dated 12 Dec. 1760 acquainting the Board with his having rejected a Bill for granting an aid to His Majesty & complaining of the conduct of the Assembly in several particulars.

Their Lordships after full consideration of the said letter agreed upon the Minutes of a letter to Mr. Dobbs in answer to his which was ordered to be prepared for their Lordships signing at the next Meeting

Agreed to & signed April 14

Wednesday May 6th 1761

The Secretary laid before the Board the following Order of His Maj. in Council

Order of His Maj. in Council dated 30 April 1761 approving a Representation of this Board respecting the suspension of Messrs. Rutherford and Murray from their seats in the Council of North Carolina & directing the former to be restored to his place and rank therein and that the name of the latter be not inserted in His Maj. General Instructions till a further enquiry be made into his conduct.

The first Article of the Draught of General Instructions for the Governor of North Carolina agreed to 22^d April having been drawn conformable to the directions of the said Order the draught of a Representation to His Maj. thereupon prepared pursuant to order was approved transcribed and signed.

Wednesday. May 27. 1761.

Their Lordships then took into consideration thirteen Acts passed in North Carolina between November 1759 and January 1760 and also six Acts passed in South Carolina in May 1758 together with Sir Matthew Lamb's reports thereupon and the said Acts and Reports having been read and no objection appearing to their Lordships against the said Acts it was agreed that they should lye by probationary until the further effect & operation of such of them as have not expired shall be Known.

Tuesday June 23. 1761.

Their Lordships took into consideration thirteen Acts passed in North Carolina in Dec. 1760 and eight Acts passed in South Carolina in May June July and August 1760 together with Sir Matthew Lamb's Reports thereupon and the said Acts and Reports having been read and no material objection appearing to any of the said Acts it was agreed that such of them as have not expired by their own limitation should lye by for consideration when the effect and operation of them should be further known.

Tuesday November 17. 1761.

The Secretary laid before the Board the following public papers received from North Carolina, viz

Minutes of Council from 25 Mar to 23 April 1761

Council in Assembly 30 June 1760 to 23 April 1761

Assembly 7 Nov. 1760 to 23 April 1761.

Fifteen Acts passed in April 1761

Ordered that the Acts be sent to Sir Matthew Lamb for his opinion thereon in point of law.

Tuesday. November 24. 1761.

Their Lordships then took into consideration three Acts passed in the Province of North Carolina in 1760 for establishing Courts of Judicature and regulating the proceedings therein and the said Acts having been read also Sir Matthew Lamb's Reports thereupon their Lordships were of opinion that they ought to be repealed and several Minutes were taken from which the Secretary was ordered to prepare the Draught of a Representation to His Majesty upon the said Acts.

Wednesday. November 25. 1761.

Their Lordships took into consideration the abovement^d Draught of a Representation to His Majesty and made some progress therein & it was agreed to take the same into further consideration tomorrow morn^e

Their Lordships then took into consideration two Acts passed in the said Province in 1760 for establishing Vestries and making provision for the Clergy together with Sir Matthew Lamb's Report thereupon and the said Acts having been read it was ordered that the Secretary should transmit them to the Lord Bishop of London and

desire the favour of his Lordship's sentiments upon them so far as regards the right of patronage vested by these Laws in the Vestrymen of each Parish and the method established for the suspension and removal of Ministers guilty of immorality.

Thursday. November 26. 1761.

Their Lordships took into consideration the Draught of a Representation to His Majesty upon three Laws passed in North Carolina in May 1760 establishing Courts of Judicature and the said Draught having been agreed to was ordered to be transcribed and was signed December 3rd.

Friday. December 11. 1761.

Ordered that the Secretary do transmit to the Governor of North Carolina a certified copy of the Board's letter to him signed by the late Comm^{rs} on 14 August last.

Thursday December 17th 1761.

The Secretary laid before the Board the following Orders of His Maj. in Council. Viz^t: Order of His Majesty in Council on 14 Dec. 1761 repealing three Acts passed in the Province of North Carolina in May 1760 for establishing Courts of Justice

Order of His Majesty in Council on same day directing this Board to notify the Governor of North Carolina His Majesty's high displeasure at his conduct in the manner of passing the said laws.

Ordered that the first mentioned Order be transmitted to the Governor of North Carolina and that the Draught of a letter to him signifying His Majesty's displeasure in the manner directed in the last mentioned Order be prepared.

Said Draught was approved transcribed and signed December 22. 1761.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington the 7th Day of February 1761
Present—His Excellency the Governor

The Hon^{ble} { James Hasell and } Esquires
 { John Swann Maurice Moore }

At which time His Majesty King George the third was Proclaimed

King of Great Britain France and Ireland and all Dominions thereunto belonging in Presence of His Excellency In Council. Then His Excellency took the Oaths of Supremacy and allegiance and subscribed the Test in presence of said Council. As also swore in the Members present

Ordered, That Writs of Election issue to the Sheriffs of the several Counties to call an Assembly to meet at Wilmington the twentieth day of March next.

At a Council held at Wilmington the 25th Day of March 1761.

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Lewis De Rossett }
 { John Swann and } Esq^{rs}
 { John Dawson Maurice M^{oo}re }

At which time The Honorable John Dawson and Lewis DeRossett Esquires took the Oaths of Supreamacy and Allegiance and subscribed the Test and took their seats at the Board accordingly

At a Council held at Wilmington the 26th day [of] March 1761

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Lewis DeRossett }
 { John Swann Rich^d Spaight & } Esq^{rs}
 { John Dawson Maurice Moore }

At which time the Honourable Richard Spaight Esq^r took the Oaths of Supreamacy and Allegiance and Subscribed the Test and took his seat at the Board accordingly

Several Warrants for Land were Read and granted as ¶ Warrant Book

Upon Petition of William Herritage setting forth That Sarah Herritage Wife of the petitioner whilst she was sole obtained His Excellency's Warrant by the name of Sarah Lovick of one hundred Acres of Land lying in Carteret County since her intermarriage with the petitioner hath been duly surveyed and returned into the Secretarys Office. The Petitioner therefore humbly prays a Patent may issue in his own name for the said one hundred Acres of Land

Ordered, That a Patent issue to the said William Herritage agreeable to the prayer of his Petition

Ordered, That all disputes and Caveats about Land be heard on Thursday the second day of April next, and that publick notice be given thereof.

At a Council held at Wilmington the 2^d day of April 1761

Present—His Excellency the Governor.

The Hon^{ble} { James Hasell Lewis DeRossett }
 { John Swann Rich^d Spaight } Esq^{rs}
 { John Dawson Maurice Moore }

Several Warrants for Land were Read and Granted as p Warrant Book.

Upon hearing the Caveat Lewis DeRossett against John Gardner, It is Ordered that a Warrant issue to John Gardner and that his Lands be surveyed accordingly

Upon hearing the Caveat John Gardner ag^t Lewis De Rossett It is Ordered that the Warrant issue to join the Lines of John Gardners Land

At a Council held at Wilmington the 9th day of April 1761

Present—His Excellency the Governor.

The Hon^{ble} { James Hasell Lewis DeRossett }
 { John Swann Rich^d Spaight & } Esq^{rs}
 { John Dawson Maurice Moore }

His Excellency laid before the Board Letters from General Amherst and Governor Fauquier wherein the assistance of this Province is thought necessary in the intended Expedition against the Cherokees or whatever Operations his Majesty may think proper to employ them in. In consequence whereof His Excellency desired the advice of the Board

Upon which it is unanimous opinion of the Board that His Excellency should send the several Letters to the Assembly, and a Message Recommending their providing a proper Fund to raise and support such a number of Forces as his Majestys Orders, which are daily expected may require.

Upon reading the Petition of John Lane praying to have an Act of Assembly to dock the Intail of Eight Hundred and forty five acres of Land, And also the petition of Mary Hurst for Docking the Intail of five hundred and seventy acres of Land both in the parish of Edgcomb and County of Halifax It appeared the due proofs of the several Requisites agreeable to His Majesty's Instructions were complied with.

At a Council held at Wilmington the 10th April 1761

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Rich^d Spaight & } Esq^{rs}
 { Lewis De Rossett Maurice Moore }

Upon Petition of Archibald Mc^cClaine It was Ordered that a Patent issue to him on his Brothers Warrant for two Hundred Acres of Land in Anson County who is now deceased the said Archibald being his heir at Law

Upon Petition of Moses Moore It is Ordered that a Patent issue to him on his Brothers Warrant for 350 Acres in Anson County who is now deceased the said Moses being his Heir at Law

Upon Petition of Andrew Armour, It is Ordered that a Patent issue to him on his fathers Warrant for 212 Acres In Anson County who is now deceased the said Andrew being heir at Law.

Upon petition of Thomas Steele setting forth that by a Patent bearing date the 17th day of May he is possessed of a Tract of 400 Acres of Land in Anson County On both sides of fishing Creek, that by comparing the said Land and Lines, with the Courses inserted in the said patent and the plan annexed the petitioner finds the figure of the plan agreeable the lines and Corners, but in the Courses there is a manifest Error by the mistake of the Deputy Surveyor which runs the Lines away entirely from the Land first surveyed for the petitioner who is the first taker up of the same. The Petitioner therefore prays An Order of Council to alter and set the Courses right in the said Patent and Record as originaly run which are as follows (Viz^t) Beginning at a white oak on the south side of Fishing Creek and runs N° 70 E^t 160 poles to a Hickory then N° 20 W^t 200 poles to a white oak then S° 70 W^t 160 poles to a hickory thence to the first Station including his improvements.

Ordered That the said Patent and Record thereof be altered agreeable to the Prayer of the petition

Ordered that Tuesday next be appointed for hearing the disputed Caveats and that Notice be given accordingly

Several Warrants and patents for Land were read and Granted as p Warrant and Patent Books.

At a Council held at Wilmington the 14th April 1761

Present—His Excellency the Governor.

The Hon^{ble} { James Hasell Lewis De Rossett }
 { John Swann Rich^d Spaight & } Esq^{rs}
 { John Dawson Maurice Moore }

Upon hearing the Caveat of James Cummins, Thomas Mason and others ag^t Bartho^m Coin

Ordered that a Patent issue to Bartholomew Coin unless cause shewn to the contrary this Court

Upon hearing the Caveat Leonard Lofton ag^t the Exors. or Administrators of Job Thompson.

Ordered That no Patent issue for the Exors. or Administrators of Job Thompson

Upon hearing the Caveat Abraham Jones ag^t Grigg Yarborough

Ordered that a Patent issue to Grigg Yarborough

Upon hearing the Caveat John Nelson ag^t John Kerney

Ordered that a Warrant issue to John Kerney

Ordered that two patents issue to Stephen Dewey and Blake Baker upon their Warrants one for 605 and one for 110 Acres in Dobbs County

Several Warrants and Patents for Land were Read and Granted as p Warrant and Patent Books.

At a Council held at Wilmington the 16th April 1761.

Present—His Excellency the Governor.

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|------------------------|---|------------------|---------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Rich ^d Spaight | } Esq ^{rs} |
| | | John Swann | Charles Berry | |
| | | John Dawson | and | |
| | | Lewis De Rossett | Maurice Moore | |

At which time the Hon^{ble} Charles Berry Esq^{re} took the Oaths of Supremacy and Allegiance and subscribed the Test; As Also each Member present took the Oath of a Councillor.

Ordered that New Commissions of the Peace issue to the several Counties in this Province as per Commission Book.

At a Council held at Wilmington the 17th April 1761.

Present—His Excellency the Governor.

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|------------------------|---|--------------|--------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett & | } Esq ^{rs} |
| | | John Swann | Richard Spaight | |

Upon Petition of John Linton setting forth That William Wall lately deceased did in his lifetime obtain His Excellencys Warrant for 300 Acres of Land in that part of Beaufort County since called Pitt County that Joshua Wall sole Brother and Heir at Law to the Warrantee hath granted his Claim to the said Warrantee Land unto the petitioner who intermarried with the sister of the said Warran-

tee the Petitioner therefore prays that a Patent may be granted to him for the Land so warranted by the said William Wall.

Ordered That a Patent issue to the said John Linton agreeable to the prayer of his petition.

Several Patents and Warrants for Land were Read and Granted as \P Warrant and patent Rooks.

At a Council held at Wilmington 21st April 1761.

Present—His Excellency the Governor.

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|------------------------|---|------------------|---------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Rich ^d Spaight | } | Esq ^{rs} |
| | | John Dawson | Charles Berry & | | |
| | | Lewis De Rossett | Maurice Moore | | |

Several Warrants for Land were Read and granted as \P Warrant Book.

At a Council held at Wilmington the 23^d April 1761

Present—His Excellency the Governor.

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|------------------------|---|------------------|-----------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Richard Spaight | } | Esq ^{rs} |
| | | John Swann | Charles Berry | | |
| | | John Dawson | and | | |
| | | Lewis De Rossett | Maurice Moore | | |

A Bill for Granting an Aid to His Majesty and for other purposes having passed both Houses and now only waiting for His Excellency's Assent in Order to its being passed into a Law And His Excellency in regard that the Aid thereby Granted is to be raised by Emission of paper Currency to be sunk as therein mentioned. And that there is a Clause in the said Bill appointing an Agent for the province; Now desiring the advice and opinion of his Majesty's Council under their Hands whether the same is a proper and fit Bill to be passed into a Law.

We therefore of His Majestys Council whose names are here under written, taking into our most serious Consideration the absolute necessity there is at this time of an immediate Grant of an Aid for his Majesty's service, being urged thereto in the warmest and most pressing manner by His Majesty—And from the Indigent Circumstances of this province, being well assured that there is no other method for raising the aid Granted but by a New Emission of paper Currency which considering the Tax there is laid to sink it we do not apprehend it can, or will depreciate the currency of this Province, more than at present it is: And with regard to the Clause contained in the Bill appointing an Agent for this province it being objected to

as unconstitutional the tacking to an Aid Bill though it would have given us the greatest pleasure and satisfaction to have had the Bill passed without any tack whatever to it; Yet considering as we observed before, the absolute necessity of the present aid the many Aids which have been lost from the Bills being Rejected on that account only, the utter impossibility of obtaining an Aid from the people on any other Terms than that of Appointing an Agent in the same Bill, And also that in case the Bill should receive your Excellency's Assent the unhappy divisions which have for a long time subsisted in the Legislature will thereby be reconciled. For these reasons therefore we would recommend it to your Excellency to give your Assent to the said Bill.

JNO. SWANN
JOHN DAWSON
LEWIS DE ROSSETT
CHA^s BERRY
MAURICE MOORE

Present in the Afternoon

His Excellency the Governor.

The Hon^{ble} { James Hasell Charles Berry
 { John Swann and
 { Lewis De Rossett Maurice Moore } Esq^{rs}

Several Warrants and Patents for Land were read and granted as p Warrant and Patent Books

At a Council held at Wilmington the 20th October 1761—

Present—His Excellency the Governor

The Hon^{ble} { James Hasell and
 { John Swann Lewis De Rossett } Esq^{rs}

Several Warrants for Land were read and Granted as p Warrant Book.

At a Council held at Wilmington the 21st day of October 1761

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Charles Berry
 { John Swann and
 { Lewis De Rossett Maurice Moore } Esq^{rs}

His Excellency and Council sat in Chancery and went through part of the Docket

At a Council held at Wilmington the 23^d October 1761

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Lewis De Rossett & } Esq^{rs}
 { John Swann Maurice Moore }

Several Warrants and Patents for Land were read and Granted as p Warrant and Patent Books.

Upon hearing the Caveat John Browning ag^t James Herbert—It is Ordered that a Patent issue to James Herbert for the Land in dispute

Upon Petition of Hezekiah Farrow setting forth that he is in possession of a piece of Land said to contain 202 Acres and 20 square poles at Cape Hatteress Point Patented by W^m Read the 9th day of October 1716 and that the Bounds of the said Patent is at present in dispute. The petitioner therefore prays that an Order of Resurvey may be Granted so as he may ascertain the Bounds and Quantity of Land he is possessed of which was Granted.

Present in the Afternoon—His Excellency the Governor

The Hon^{ble} { James Hasell Charles Berry } Esq^{rs}
 { John Swann and }
 { Lewis DeRossett Maurice Moore }

His Excellency and Council sat in chancery and went through the Docket

At a Council held at Wilmington the 24th October 1761

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Charles Berry } Esq^{rs}
 { John Swann and }
 { Lewis DeRossett Maurice Moore }

On motion of Thomas M^cGuire Esq^r in behalf of Caleb Grainger

Ordered That a Warrant of Resurvey issue to the surveyor General to Resurvey 520 Acres of Land on the Sound commonly known by the name of Holtons Land in New Hanover County and that he make a Return thereof to his Excellency and Council at their next meeting.

Upon hearing the Caveat John Newberry against John Walsh,

Ordered That the Line of Thomas Brook's Patent S^o 88 W^t 215 poles be altered to S^o 88 E^t 215 poles and that the Record of said Patent be also altered.

On hearing the Caveat W^m Jordan ag^t Peter Lord

Ordered That a Patent issue to Peter Lord

Several Warrants and Patents for Land were Read and Granted as p Warrant and Patent Books.

At a Council held at Wilmington the 30th day November 1761

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Lewis DeRossett & } Esq^{rs}
 { John Swann Maurice Moore }

As the Assembly of this Province has been Prorogued to this day and a sufficient number of the Members of His Majestys Council not appearing—His Excellency thought proper that John Sampson Esquire should be sworn in as a Member of the Council

John Sampson Esquire appeared at the Board and took the Oaths of Supreamacy and Allegiance subscribed the Test and took the Oath of a Councillor and his seat at the Board accordingly

At a Council held at Wilmington 1st day December 1761—

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Maurice Moore & } Esq^{rs}
 { Lewis DeRossett John Sampson }

Lewis DeRossett Esq^r having Resigned the office of Receiver General of His Majestys Quit Rents of this Province

His Excellency thought proper to appoint John Rutherford Esquire Receiver General of His Majestys Quit Rents the said John Rutherford appeared and took the Oaths by Law appointed for the Qualification of Publick Officers and subscribed the Test and took the Oath of office.

At a Council held at Wilmington the 2^d Day December 1761

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Maurice Moore & } Esq^{rs}
 { Lewis De Rossett John Sampson }

Ordered That a New Commission of the Peace and *Dedimus* issue for Hertford County and that Scasbrook Wilson, Henry King and Jesse Hare be added thereto

Ordered That a New Commission of the Peace and *Dedimus* issue for the County of Bertie and that George Pollock, William Lowther David Ryan and Josiah Harrel be added thereto, and that John Brown, John Baker, Henry Hill, John Brickell, Robert Sumner and Peter West be left out of the said Commission they being in the Commission of the Peace for Hertford County.

Ordered That a New Commission of the Peace and *Dedimus* issue

for Halifax County and that William Bryan, Thomas Wiggins be added thereto.

Ordered that a Patent issue to Peter Presler on his Warrant for Two hundred Acres of Land, in Anson County on Mountain Creek

Upon Petition of Henry Skibbow setting forth That he returned a Warrant of John Stantons to the Surveyor General, but by some mistake the Warrant cannot now be found the Petitioner therefore prays a Patent may issue to the said John Stanton for the said Land by him Warranted agreeable to Plotts of the said Land made by the said Petitioner the said Plotts being drawn from the Petitioners Field Book and are agreeable to the Plotts returned with the aforesaid Warrant

The Petitioner having sworn to the Contents of the said Petition, Ordered that a Patent Issue to the said John Stanton on the Land petitioned for

Upon Petition of Henry Skibbow setting forth that he obtained His Excellencys Patent for one hundred Acres of Land in the County of Bladen on South River but through some mistake it is mentioned in the Patent to be in New Hanover County, The Petitioner therefore Prays the name of the said County New Hanover be altered to Bladen and that the Record be altered accordingly which was Granted.

Ordered that a Patent issue to Benjamin Bell on Archibald Bells Warrant Brother to the said Benjamin, the Warrant being filled up in Archibalds name thro' mistake

At a Council held at Wilmington the 5th day December 1761

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Maurice Moore & } Esq^{rs}
 { Lewis De Rossett John Sampson }

Several Warrants and Patents for Land were Read and Granted as p Warrant and patent Books

Upon petition of Samuel Green setting forth that he obtained his Excellency's Warrant for two hundred Acres of Land lying in Carteret County on Bogue Sound but thro' a mistake in making the Entry of said Land it is said to be in Onslow County. The Petitioner therefore desires that the patent may issue for the said Land in Carteret County Which was Granted

At a Council held at Wilmington the 8th day December 1761

Present—His Excellency the Governor

The Hon^{ble} { James Hasell and } Esq^{rs}
 { Lewis De Rossett John Sampson }

Ordered That New Writs of Election issue to the several Counties and Towns in this province to be made returnable at Wilmington the Nineteenth day of January next and the day of Election be the fourteenth day of January next

Ordered That James McManus's, Frederick Becton's and James McDades Patents bearing date the Eighth day of January 1760 be Enrolled in the Auditor's Office

LEGISLATIVE JOURNALS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 33.]

NORTH CAROLINA—SS.

At an Assembly begun and held at Wilmington the Thirty first day of March in the year of our Lord One thousand Seven hundred and Sixty One, and in the first year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the faith &c. being the first Session of this Assembly.

In the Upper House.

Present.

The Hon^{ble} { James Hasell Lewis De Rossett } Esq^{rs}.
 { John Swann Richard Spaight }
 { John Dawson Mau^r. Moore }

This House have appointed Richard Jones their Mace Bearer in the room of John Teer, deceased and

John Beswick Serjeant at Arms in the Room of Richard Jones.

Then the House adjourned till 3 O'clock in the afternoon.

Tuesday afternoon. The House met according to adjournment.

Present

The Hon^{ble} { James Hasell Lewis De Rossett } Esq^{rs}.
 { John Swann Richard Spaight }
 { John Dawson Mau^r Moore }

Then His Excellency the Governor came to this House and Com-manded the attendance of the lower House of Assembly, who ac-

cordingly attended, when his Excellency was pleased to deliver to both Houses the following Speech, to wit,

GENTLEMEN OF HIS MAJ. COUNCIL MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

The sudden and unexpected Death of His late Majesty of Glorious Memory, and his present Majesty's happy Accession to the Crown which Occasioned a Dissolution of the late Elected Assembly, having been notified to me by the Lords of His Majestys Privy Council of Great Britain—in form, and at the same time having received a letter from General Amherst acquainting me that he had letters from Mr. Secretary Pitt, that his Majesty would Continue the War with Vigour in America to drive the French from this Continent and that he had reason to believe that I should soon receive Orders from his Majesty as well as the other Provinçes to raise forces to finish the plan of the War in America I thought it my duty to call a New Assembly to meet as soon as possible to be ready to obey and communicate such orders as I should receive. But not having since received any further advice or orders and it being now too late to raise any forces to be of any use against the Cherokees as the operations will be over, or a peace be made with them before our Troops could be armed and accoutred, I have nothing at present to lay before you from his Majesty unless I shall receive dispatches or orders during the Session which I hope will be a short one, I shall only recommend to you to prepare at present such Bills as you may find necessary for the Internal peace and Improvement of the Colony untill the usual time of Meeting next Winter; and in case any thing material Occurs during the Session, I shall lay it before you, not desiring to detain you longer than is necessary at this Season of the year.

Having received Information this day that I can depend upon, that General Amherst has received Instructions about the operations to be undertaken on this Continent the ensuing Campaign from his Majesty and daily expect His Majesty's Orders upon it, I shall loose no time when they arrive to lay his Majestys Orders before you.

This House having taken into consideration his Excellency's Speech Ordered it to be read, which was accordingly done.

Then the Honble Lewis De Rossett and Mau^r Moore Esq^{rs} were appointed a Committee to draw up an address in Answer to His Excellency's Speech.

Then the House adjourned till tomorrow Morning 10 o'clock.

Wednesday Morning April 1st 1761. The House met according to adjournment.

Present

| | | | | |
|------------------------|---|--------------|---------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Lewis DeRossett | } Esq ^{rs} |
| | | John Swann | Rich ^d Spaight | |
| | | John Dawson | Mau ^r Moore | |

The Committee appointed by this House to draw up an address in answer to His Excellency the Governor's Speech Reported that they had prepared the same, which was ordered to be read,

The same was read and approved of, and Resolved that the same stand the Address of this House and be Entered on the Journal thereof as follows Viz^t

MAY IT PLEASE YOUR EXCELLENCY

We the Members of His Majesty's Council return you our thanks for your Speech at the opening of this Session.

We beg leave, Sir, Most sincerely to condole with your Excellency on the Death of our late Sovereign of blessed and Glorious Memory, whose mild and Equitable Government, influenced by the strictest Justice and accomplished virtue will be ever had in gratefull Remembrance; A Monarch from whose Wisdom and Tender care of His Most distant Subjects is derived to North America the pleasing prospect of a secure and peaceable Enjoyment of our Religion, Liberties, and a fertile Country. But Sir, amidst our unfeigned sorrow what thanks and praises are we in Duty Bound to offer up to the Great and Supreme Director of the Universe who while he has been pleased to take to himself the best of Kings hath graciously provided a Prince to preside over us, from whose Virtue Abilities and Natural Attachment to the People committed to his care may justly be Expected that Felicity and Oppulence to the British Nation that can only be produced by a Wise and beneficent Government. We therefore most heartily congratulate your Excellency On the Accession of our present King to the throne of His Ancestors and with great fervency pray that almighty God may render his Administration long and Happy.

Your Excellency has been pleased to signifye to both Houses that you have been advised of His Majesty's Design to prosecute the Warr with the utmost Vigour We would therefore beg leave to observe to your Excellency that the present meeting of the Assembly seems to be a most seasonable and convenient opportunity to make such provision as may be necessary to further any intended opera-

tions in America as in all probability it cannot be long before an Aid will be requisite when perhaps the Slow Meetings of the Assembly and time which must be spent in Levying Troops, will render such a Grant too late to be serviceable.

Your Excellency may Depend on our ready and Chearfull Concurrence with every measure that may be entered upon by the Assembly for Securing his Majestys Just rights and possessions, Or the Peace happiness and prosperity of this Province.

Received from the Assembly by Mr. Taylor and Mr. Miller the following Bills, to wit,

A Bill to Enable the Inhabitants of to drain their low Lands.

On motion read the first time and passed.

A Bill to Impower the Inhabitants of several Parishes within this Province that have no legal Vestry within their respective parishes to meet and Elect Vestrys.

On motion read the first time and passed.

Then the House adjourned till 4 o'Clock in the afternoon.

Wednesday afternoon The House met according to adjournment.

Present

| | | | | |
|------------------------|---|--------------|---------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Lewis DeRossett | } Esq ^{rs} |
| | | John Swann | Rich ^d Spaight | |
| | | John Dawson | Mau ^r Moore | |

Received from the Assembly the following Message

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have appointed Mr. John Starkey Mr. Bartram Mr. Benton Mr. Osborn Mr. Howe Mr. Baker Mr. Smithwick a Committee of this House to settle and allow Public Claims in Conjunction with such of your Honours as you shall think proper to appoint

SAM^l SWANN Speak^r

By Order W^m HERRITAGE C^{lk}

On Motion Ordered, that the following Message be sent to the Assembly,—

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your Message relative to the Committee, we have appointed the Honble John Swann, John Dawson and Maurice

Moore Esq^{rs} a Committee of this House to settle and allow the Public Claims.

April 1st 1761.

Then the House adjourned till to-morrow Morning 10 o'clock

Thursday Morning April 2nd 1761. The House met according to adjournment.

Present

| | | | | |
|------------------------|---|--------------|------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Lewis DeRossett | } Esq ^{rs} |
| | | John Swann | Richard Spaight | |
| | | John Dawson | Mau ^r Moore | |

This House waited on His Excellency and by the Hon^{ble} James Hasell Esq^r presented him with their address, to which his Excellency was pleased to make the following answer to wit

I return you thanks for your sincere address of condolence upon his late Majesty's Death of Glorious Memory and hearty Congratulation of his Majesty's Happy Accession to the Throne—and also for your readiness in preparing Bills for the raising Troops in case I should have Orders from his Majesty to raise any in this Province to finish the American War.

Received from the Assembly by Mr. Palmer and Mr. Taylor the following Bills, to wit,

A Bill for altering the times of holding the Superior Courts of Pleas and Grand Sessions for the Districts of Wilmington and New Bern and also the Inferior Courts of Pleas and Quarter Sessions in the Counties of Orange Duplin and Carteret and for other purposes.

On Motion, Ordered that the said Bill be read, read the same the first time and passed.

A Bill for the better regulating the offices of the several Clerks of the Inferior Courts of Pleas and Quarter Sessions.

On Motion Ordered that the said Bill be read; read the same the first time and passed.

A Bill for altering the Method of working on the roads and appointing Public Ferries within the County of Duplin.

On Motion Ordered that the said Bill be read; read the same the first time and passed.

A Bill to amend and improve the Navigation from Currituck Inlet through the District in Currituck County to Albemarle Sound.

On Motion Ordered to be read; read the same the first time and passed.

Then the House Adjourned till 4 o'clock in the afternoon.

Tuesday [Thursday] afternoon The House met according to adjournment

Present as before, and then adjourned till 9 o'clock tomorrow Morning.

Fryday morning 3^d April 1761. The House met according to adjournment.

Present

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|------------------------|---|--------------|------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } | Esq ^{rs} |
| | | John Swann | Richard Spaight | | |
| | | John Dawson | Mau ^r Moore | | |

Received from the Assembly the following Message

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House have appointed Mr. Harnett Mr. Leach Mr. Corbin Mr. Coutanch Mr. Harris Mr. Respis and Mr. George Pollock Members of this House a Committee thereof to state and settle the Public Accounts of this Province in Conjunction with such of your House as your Honrs. shall think proper to appoint.

JOHN SWANN Speaker.

By order W^m HERRITAGE Clk.
2nd April

On Motion Ordered that the following Message be sent to the Assembly

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message relative to the Committee of Accounts we have appointed the Hon^{ble} Lewis De Rossett and Richard Spaight Esq^{rs} a Committee of this House to state and settle the Public Accounts.

Then the House adjourned till 4 o'clock in the afternoon.

The House met according to Adjournment.

Present as before

Then the House adjourned till Monday Morning 10 o'clock.

Monday April 6th 1761. The House met according to adjournment.

Present as before

Then the House adjourned till to Morrow Morning 10 o'clock.

Tuesday Morning April 7th 1761 The House met according to adjournment.

Present

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|------------------------|---|--------------|------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } Esq ^{rs} |
| | | John Swann | Richard Spaight | |
| | | John Dawson | Mau ^r Moore | |

Received from the Assembly by Mr. Fonville & Mr. Miller the following Bills, to wit.

A Bill for Dividing the County of New Hanover and Erecting that part thereof called St. Phillips Parish situated on the South West side of Cape Fear River into a separte County by the name of County.

On Motion, Ordered that the said Bill be read, read the same the first time amended and passed.

A Bill for altering the times of holding the Superior Court of Pleas and Grand Sessions for the District of New Bern And also the Inferior Court of Pleas and Quarter Sessions in the Counties of Orange and Carteret and for other purposes.

A Bill to Impower the Inferior Court of Pleas and Quarter Sessions for the County of Northampton to Lay a Tax to pay sundry Persons who have suffered by the Burning of Paces Ware-house in the said County and other purposes

On Motion, Ordered that the said Bill be read, read the same the first time and passed.

A Bill for altering the Method of working on the Roads and appointing Public Ferries within the County of Duplin.

A Bill for Building a Court House in the Town of New Bern for the County of Craven, for raising a Tax and appointing Commissioners for Building the same and for repealing an Act passed at Wilmington the 20th Nov^r 1759, Entitled an Act for appointing Commissioners for Finishing the Court House already began in the Town of New Bern and for other purposes.

On Motion, read the first time and passed.

A Bill for Amending an Act Intituled an Act for Dividing the Parish of Saint Johns in Granville County.

On Motion, read the first time and passed.

A Bill to compell the Attendance of the Members of the Assembly of this Province already Elected or hereafter to be Elected within the same.

On Motion, read the first time and passed.

A Bill for Enlarging the time for Inspection of Tobacco, at the

Public Ware House in the Town of Tarborough in the County of Edgecomb and for Encreasing the Salaries of the Inspectors thereof.

On Motion read the first time and passed.

A Bill to Dock the Entail of Certain Lands therein mentioned Vesting the Fee simple thereof in Blake Baker and for settling other Lands in lieu thereof to the same Uses;

On Motion Ordered that the said Bill be read; read the same the first time and passed.

A Bill to Amend and Improve the Navigation from Currituck Inlet through the District of Currituck County to Albemarle Sound.

On Motion; Read the Second time amended & passed.

A Bill to appoint Commissioners of the Roads for a Certain District in Bladen County.

Then the House adjourned till 4 o'Clock in the afternoon.

Met According to adjournment

Present as before

Received from the Assembly by Mr. Lemmon and Mr. Lee the following Bills, to wit,

A Bill to Impower Joseph Howell to Build a Bridge over Tarr River at the Town of Tarborough at the Place where a Bridge was formerly Built.

On motion Read the first time and passed.

A Bill to continue an Act Entitled an Act for Killing Squirrels in certain Counties therein mentioned.

On motion, read the first time and passed.

A Bill for adding part of Orange County to Johnston County and for ascertaining the Dividing Line between the said Counties.

An Additional Bill to an Act Intitled an Act to make Provision for Paying the Chief Justice and Attorney General's Salaries and Defraying the Contingent Charges of Government.

On motion, read the first time and passed.

A Bill to appoint Commissioners to Improve and Amend the Navigation of New River in Onslow County to raise a fund by way of Lottery to defray the Expense thereof.

On motion Ordered that the said Bill be read, read the same the first time amended and passed.

Then the House adjourned till 10 o'Clock tomorrow morning.

Wednesday Morning April 8th 1761.

Present

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|------------------------|---|--------------|-----------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } | Esq ^{rs} |
| | | John Swann | Rich ^d Spaight & | | |
| | | John Dawson | Maur ^e Moore | | |

On motion Ordered that the following Bills be read :

A Bill for altering the times of holding the Superior Court of Pleas and Grand Sessions for the District of New Bern and also the Inferior Court of Pleas and Quarter Sessions in the Counties of Orange and Carteret and for other purposes.

On motion, read the second time and passed.

A Bill for altering the Method of Working on the Roads and appointing Public Ferries within the County of Duplin.

On motion read the second time and rejected.

A Bill to appoint Commissioners of the Roads for a Certain District in Bladen County.

On motion read the first time amended and passed.

Recd from the Assembly by Mr. Pollock and Mr. Coutanch a Bill to Impower the Inhabitants of Several Parishes within this Province that have no legal Vestry within their respective Parishes to meet and Elect Vestries.

On motion read the second time amended and passed.

Then the House adjourned till 4 o'clock in y^e afternoon.

The House met according to adjournment.

Present as before.

Recd from the Assembly by Mr. Robeson and Mr. Sykes the following Bills, to-wit:

A Bill for altering the times of holding the Superior Court of Pleas and Grand Sessions for the District of New Bern and also the Inferior Courts of Pleas and Quarter Sessions in the Counties of Orange & Carteret; and for other purposes.

On motion read the third time and passed.

Ordered to be Engrossed.

A Bill to Amend and Improve the Navigation from Currituck Inlet through the District in Currituck County to Albemarle Sound.

On motion read the third time and passed.

Ordered to be Engrossed.

A Bill for Enlarging the time for Inspection of Tobacco at the Public Ware House in the Town of Tarborough in the County of Edgcomb and for Encreasing the Salaries of the Inspectors thereof.

On motion Ordered to be read, read the same the second time and passed.

A Bill for amending an Act Intitled an Act for Dividing the Parish of Saint Johns in Granville County.

On motion read the second time and passed.

A Bill to continue an Act Intitled an Act for Killing squirrels in certain Counties therein mentioned.

On motion; Ordered that the same be read; read the second time and passed.

A Bill to prevent the Exaction of Illegal and Exorbitant Fees in Levying Executions by Sheriffs and other Officers.

On motion; read the first time Amended and passed.

Reced from the Assembly by Mr. Osborn and Mr. Bartram the following Bills, to wit,

A Bill to appoint Commissioners of the Roads for a certain District in Bladen County

On Motion, read the Second time Amended and passed

A Bill to appoint Commissioners to Improve and Amend the Navigation of New River in Onslow County, to raise a fund by way of Lottery to defray the Expence thereof.

On motion read the Second time and passed.

A Bill for building a Court House in the Town of New Bern for the County of Craven, for raising a Tax and appointing Commissioners for Building the same, and for repealing an Act passed at Wilmington the 20th November 1759 Entitled an Act for appointing Commissioners for finishing the Court House already began in the Town of New Bern and for other purposes.

On Motion read the Second time And Ordered to lye on the Board for further Consideration.

Then the House adjourned till 10 o'Clock to Morrow Morning.

Thursday Morning 9th April 1761. The House met according to adjournment.

Present

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|------------------------|---|--------------|---------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } | Esq ^{rs} |
| | | John Swann | Rich ^d Spaight | | |
| | | John Dawson | Mau ^r Moore | | |

Reed. from the Assembly by Mr. Miller and Mr. Houston the following Bills to wit,

A Bill for Enlarging the time for Inspection of Tobacco at the

Public Ware House in the Town of Tarborough in the County of Edgcomb and for Increasing the Salaries of the Inspectors thereof.

On Motion; read the third time and passed.

A Bill to Impower the Commissioners of the Roads in several Counties in this Province to turn and alter Roads when they may Judge Convenient or usefull.

On Motion read the first time amended and passed.

A Bill to Continue an Act Entitled an Act for Killing Squirrels in certain Counties therein mentioned

On Motion; read the third time and Rejected.

A Bill to prevent the Exacting of Illegal and Exorbitant Fees in Levying Executions by Sheriffs and other Officers.

On Motion, read the Second time amended & passed.

A Bill for Amending an Act Intitled an Act for Dividing the Parish of Saint Johns in Granville County.

On Motion, read the third time, and Ordered to lie for Consideration.

Then the House adjourned till 4 o'Clock in the afternoon.

Met according to adjournment.

Present as before

Then the House Adjourned till 10 o'Clock to Morrow Morning.

Fryday Morning April 10th 1761.

Present

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|------------------------|---|--------------|------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } Esq ^{rs} |
| | | John Swann | Richard Spaight | |
| | | John Dawson | Mau ^r Moore | |

Reced. from the Assembly by Mr. Benton and Mr. Whitehall the following Bills, to wit

A Bill to Dock the Intail of certain Lands therein mentioned Vesting the Fee simple thereof in Blake Baker and for settling other Lands in lieu thereof to the same Uses.

On Motion; read the second time amended and passed.

A Bill for an Additional Act to an Act Intitled an Act to make Provision for Paying the Chief Justice and Attorney Generals Salaries and defraying the Contingent Charges of Government.

On Motion read the second time and passed.

Reced. from the Assembly by Mr. Beaseley and Mr. Brown a Bill for the better regulating the Offices of the several Clerks of the Inferior Courts of Pleas and Quarter Sessions.

Then the House adjourned till tomorrow Morning 10 o'Clock

Saturday Morning April 11th 1761. The House met according to Adjournment.

Present.

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|------------------------|---|--------------|------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } Esq ^{rs} |
| | | John Swann | Richd. Spaight | |
| | | John Dawson | Mau ^r Moore | |

Then the House adjourned till Monday Morning 10 o'Clock.

Monday April 13th 1761. The House met according to adjournment.

Present.

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|------------------------|---|------------------------|---------------------------|---------------------|
| The Hon ^{ble} | { | Ja ^s Hasell | Lewis De Rossett | } Esq ^{rs} |
| | | John Swann | Rich ^d Spaight | |
| | | Jn ^o Dawson | Mau ^r Moore | |

On Motion, the Bill for Amending an Act Intituled an Act for Dividing the Parish of Saint Johns in Granville County, was put, and passed. Ordered to be Engrossed.

On Motion; the Bill for adding part of Orange County to Johnston County and for Ascertaining the Dividing Line between the said Counties, was read the first time and passed.

Reced from the Assembly by Mr. Sampson and Mr. Palmer, the following Bills, to wit,

A Bill to Dock the Intail of Certain Lands therein Mentioned Vesting the Fee simple thereof in Blake Baker and for settling other Lands in lieu thereof to the same uses;

On Motion, read the third time and passed. Ordered to be Engrossed.

A Bill to Impower the Inferior Court of Pleas and Quarter Sessions for the County of Northampton to lay a Tax to pay sundry persons who have suffered by the Burning of Pace's Ware House in the said County and other purposes.

On Motion, read the second time amended and passed.

Reced. from the Assembly by Mr. Howe and Mr. Ashe the following Bills, to wit,

A Bill to appoint Commissioners of the Roads for a Certain District in Bladen County.

On Motion, Ordered to be read, read the same the third time and passed. Ordered to be Engrossed

A Bill to Impower the Inhabitants of several Parishes within this Province that have no legal Vestry within their respective Parishes to meet and Elect Vestries.

On Motion; read the third time and passed. Ordered to be Engrossed.

A Bill to Impower Joseph Howell to Build a Bridge over Tarr River at the Town of Tarborough, at a Place where a Bridge was formerly Built;

On Motion, Ordered to be read, read the same the second time and rejected.

A Bill to prevent the Exacting of Illegal and Exorbitant Fees in Levying Executions by Sheriffs and other Officers.

On Motion read the third time and passed

Ordered to be Engrossed.

A Bill to appoint Commissioners to Improve and Amend the Navigation of New River in Onslow County, to raise a fund by way of Lottery to defray the Expence thereof,

On Motion, read the third time and passed. Ordered to be Engrossed.

A Bill for Adding that part of the Road belonging to the North East District in New Hanover County, called Negro head point to the Wilmington District.

On Motion read the first time & passed.

Reced from the Assembly by Mr. Osborn and Mr. Bartram a Bill for Building a Court House in the Town of New Bern for the County of Craven, for raising a Tax and appointing Commissioners for Building the same. And for repealing an Act passed at Wilmington the 20th Nov^r 1759 Entitled an Act for appointing Commissioners for finishing the Court House already began in the Town of New Bern and for other purposes.

On Motion read the second time and passed.

Then the House adjourned till 10 o'Clock tomorrow Morning.

Tuesday Morning April 14th 1761. The House met according to adjournment.

Present.

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|------------------------|---|--------------|-----------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } | Esq ^{rs} |
| | | John Swann | Rich ^d . Spaight | | |
| | | John Dawson | | | |

Reced from the Assembly by Mr. Ashe and Mr. Baker the following Bills, to wit,

A Bill to Impower the Inferior Court of Pleas and Quarter Sessions for the County of Northampton to lay a Tax to pay sundry persons

who have suffered by the Burning of Pace's Ware House in the said County and other purposes.

On Motion, read the third time and passed. Ordered to be Engrossed.

A Bill for adding part of Orange County to Johnston County and for Ascertaining the Dividing line between the said Counties.

On Motion, read the Second time Amended and passed.

A Bill for an Additional Act to an Act Intituled an Act to make provision for paying the Chief Justice and Attorney General's Salaries and Defraying Contingent Charges of Government.

On Motion; read the third time and passed. Ordered to be Engrossed.

A Bill for adding that part of a Road belonging to the North East District in New Hanover County called Negrohead Point to the Wilmington District.

On Motion; read the second time and passed.

On Motion; the Bill for the better regulating the Offices of the several Clerks of the Inferior Courts of Pleas and Quarter Sessions, was read the second time; and Ordered to Lie for Consideration till the first of May.

Reced from the Assembly by Mr. Howe and Mr. Ashe the following Message, to wit,

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

On reading the Petition of James Davis Printer setting forth that by a Resolve of the several Branches of the Legislature at an Assembly held in June last he was Continued Printer to this Province from thence to the End of the next Session of Assembly which terminated in December last.

Praying to be allowed for half a year's Salary due to him from the Public since the Expiration of late law appointing him Printer to this Province down to December last, at which time the present Law for Continuing him Printer to this Province did take place

This House have Resolved that the said James Davis be paid by the Public Treasurers the sum of Eighty pounds Proclamation Money so due to him, And Desire your Honors Concurrence thereto.

By Order

W^m. HERRITAGE Clk.

11th April 1761.

Received from the Assembly by Mr. Leech and Mr. Bartram the following Bills, to wit,

A Bill for Adding that part of a Road belonging to the North East District in New Hanover County called Negrohead point to the Wilmington District.

On Motion read the third time and passed. Ordered to be Engrossed

A Bill for adding part of Orange County to Johnston County and for Ascertaining the Dividing Line between the said Counties.

On Motion, read the third time and passed. Ordered to be Engrossed.

A Bill for Building a Court House in the Town of New Bern for the County of Craven for raising a Tax and appointing Commissioners for Building the same and for Repealing an Act passed at Wilmington the 20th Nov^r 1759, Entitled an Act for appointing Commissioners for Finishing the Court House already began in the Town of New Bern and for other purposes.

On Motion read the third time and Ordered that the following Message be sent to the Assembly, to wit,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the "Bill for Building a Court House in the Town of New Bern &c." We would desire that the Dementions of the Court House for the said County not Exceeding Fifty Feet long and thirty feet wide in the Clear, be altered to "not Exceeding Sixty feet long and forty feet wide in the Clear" as such alteration will make it much more convenient for the sitting of the Courts and Jury rooms And also be Attended with very little more expence; to which alteration if your House agree, please to send some of your Members to see the same done

Then the House adjourned till tomorrow Morning 10 o'Clock.

Wednesday Morning April 15th 1761. The House met according to adjournment.

Present

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|------------------------|---|--------------|-----------------------------|----------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } Esq ^{res} |
| | | John Swann | Rich ^d . Spaight | |
| | | John Dawson | Mau ^r . Moore | |

Recd. from the Assembly by Mr. Leech and Mr. Graves the following Message, to wit

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

In answer to your Message of this day regarding the Alteration you desire to have made in the Bill for Building a Court House in

the Town of New Bern &c, This House do agree thereto and have sent Mr. Leech and Mr. Graves two of the Members of this House to see such alteration made.

SAM^l SWANN Speaker.

By Order W^m HERRITAGE Clk
15th Ap^l 1761.

The alteration proposed, in the foregoing Message, was made in the said Bill in the presence of Mr. Leech and Mr. Graves. Then the said Bill was put and passed. And Ordered to be Engrossed.

Then the House adjourned till 4 o'Clock in the afternoon.

Wednesday afternoon The House met according to adjournment

Present

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|------------------------|---|--------------|---------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } Esq ^{rs} |
| | | John Swann | Rich ^d Spaight | |
| | | John Dawson | Mau ^s Moore | |

Then the House adjourned till tomorrow Morning 10 o'clock

Thursday Morning April 16th 1761. The House met according to adjournment

Present

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|------------------------|---|------------------------|------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } Esq ^{rs} |
| | | John Swann | Richard Spaight | |
| | | John Dawson | Cha ^s Berry | |
| | | Mau ^s Moore | | |

Then the Message relative to James Davis Printer to this Province of the 11th of this Month was taken into Consideration and Ordered to be read, which was Accordingly done and Concurred with.

Received from the Assembly the Reports of the Committee of Accounts which were Read and Concurred with Except the Three Hundred pounds in the within report mentioned to be due to Mr. Abercromby for his Agency, which we can by no means agree to, as he was not an Agent duly Authorized by Act of Assembly but only Impowered by a Resolve of the lower House of Assembly.

Reced from the Assembly the Reports of the Committee of Claims, which were read and Concurred with.

Then the House adjourned till 10 o'Clock tomorrow Morning.

Fryday morning April 17th 1761. The House met according to adjournment

Present

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|------------------------|---|------------------------|---------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } | Esq ^{rs} |
| | | John Swann | Rich ^d Spaight | | |
| | | John Dawson | Cha ^s Berry | | |
| | | Mau ^r Moore | | | |

Received from the Assembly by Mr. Howe and Mr. Dry a Bill for Granting to His Majesty an Aid of £16,494 Proclamation Money for raising Cloathing and paying Five hundred effective Men exclusive of Officers to be employed as his Majesty or the General or Commander in Chief of his forces in America shall direct or appoint and for appointing an Agent to represent to his Majesty and his Ministers the Loyalty dutifull behaviour and Zeal of this House for his Mjesty's service and also lay before them proper documents of the Charges and Expences this Province hath been or shall be at in his Majesty's service during the present war and to solicit the affairs of this Province at the several Boards in England and other purposes.

On motion read the first time and passed.

Rece^d from the Assembly by Mr. McCulloh and Mr. Pollock a Bill to Impower the several Superior and Inferior Courts within this Province to admit a Copy of the last Will and Testament of any person deceased in Evidence.

On motion read the first time and passed.

Then the House adjourned till 10 o'Clock to morrow morning.

Saturday Morning April 18th 1761. The House met according to adjournment

Present

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|------------------------|---|------------------------|------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } | Esq ^{rs} |
| | | John Swann | Richard Spaight | | |
| | | John Dawson | Cha ^s Berry | | |
| | | Mau ^r Moore | | | |

Rece^d from the Assembly by Mr. Howe and Mr. Sampson a Bill for granting to His Majesty an Aid of £20,000 Proclamation Money for raising Cloathing and paying Five hundred effective Men exclusive of Officers to be Employed as His Excellency the General or Commander in Chief of His Majesty's forces in America or His Excellency the Governor or Commander in Chief of this Province shall direct or appoint for Paying or subsisting Fifty Men & Officers now in Garrison and for appointing an Agent to represent to His Majesty and His Ministers proper Documents of the Charges and Expences this Province hath been at or shall be at in His Majesty's

service during the present Warrs, and to Solicit the affairs of this Province at the several Boards in England, and other purposes.

On motion, Read the Second time amended and passed
Then the House adjourned till Monday Morning 10 o'clock

Monday Morning April 20th 1761.

The House met according to adjournment.

Present

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|------------------------|---|------------------|---------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Rich ^d Spaight | } | Esq ^{rs} |
| | | John Swann | Cha ^s Berry | | |
| | | John Dawson | and | | |
| | | Lewis De Rossett | Mau ^r Moore | | |

Reced from the Asssmbly by Mr. Pollock and Mr. Houston a Bill to Impower the several Superior and Inferior Courts within this Province to admit a copy of the last Will and Testament of any person deceased in Evidence.

On motion; Read the recond time Amended and passed.

Then the House adjourned till tomorow Morning 10 °Clock.

Tuesday Morning 21st 1761. The House met according to adjournment.

Present as above

Reced. from the Assembly by Mr. Barrow and Mr. Coutanch the Bill for Granting to His Majesty an Aid of £20,000 Proclamation Money &c.

Reced from His Excellency the Governor His Majesty's Instructions dated 1761 which were read and Ordered to be Entered on the Journals, as follows to-wit .

“And Whereas the Members of the several Assemblies in the
“Plantations have frequently assumed to themselves Privileges no
“ways belonging to them, especially of being protected from Suits
“at Law during the Term they remain of the Assembly to the great
“Prejudice of their Creditors and the Obstruction of Justice and
“some have presumed to adjourn themselves at Pleasure without
“leave from our Governors first obtained and others have taken
“upon them the Sole framing of Money Bills refusing to let the
“Council alter or amend the same, all which are very Detrimental
“to our Prerogative, If upon your calling an Assembly in North
“Carolina you find them insist upon any of the above said Privi-
“leges you are to signifye to them that it is our Express Will and

"Pleasure that you do not allow any Protection to any Members of
 "the Council or Assembly further than in their persons, and that
 "only during the sitting of the Assembly; and that you are not to
 "allow them to adjourn themselves otherwise than *De Die in*
 "*Diem* except Sundays and Holidays without leave from you or the
 "Commander in Chief for the time being first obtained; and that
 "the Council have the like power of Framing Money Bills as the
 "Assembly."

Reced from the Assembly by Mr. Benton and Mr. Robeson a Bill
 to Impower the several Superior and Inferior Courts within this
 Province to admit a copy of the last Will and Testament of any per-
 son Deceased in evidence.

On motion Ordered that the following Message be sent to the As-
 sembly,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading the Bill for Granting an Aid to His Majesty &c^a We
 think it necessary that some of His Majesty's Council should be
 Joyned with those of your House in the Committee of Correspond-
 ence and have accordingly named the Hon^{ble} John Swann Lewis De
 Rossett and Mau^r Moore Esq^{rs} to be of the same to which if you
 agree you are desired to send some of your Members to see the
 names of said Gentlemen Incerted in the Bill.

21st April 1761.

Recd from the Assembly the following Message to wit

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your Message relative to the adding the Hon^{ble} John
 Swann Lewis De Rossett and Mau^r Moore Esq^{rs} to the Committee of
 Correspondence in the Aid Bill mentioned this House agree thereto
 and have sent Mr. Ashe and Mr. Howe two of the Members thereof
 to see those Gentlemens names inserted in the said Bill.

SAM^l SWANN Speaker.

By order W^m HERRITAGE Clk.

21st April 1761.

The Gentlemens names proposed in the above Message were in-
 serted in the said Bill in the presence of Mr. Ashe and Mr. Howe
 and then the said Bill was put and passed.

Ordered to be Engrossed.

On motion, ordered that the following Message be sent to the Assembly,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill to Impower the several Superior and Inferior Courts within this Province to admit a Copy of the last Will and Testament of any person Deceased in Evidence We find that you have Obliged the Secretary or his Deputy to attend with the Original Wills Instead of which we would propose that the Secretaries Clerk attending with such Will certified upon the back by the Secretary or His Deputy sworn to before any Magistrate that the same is the Original Will Lodged in his Office shall have the same effect as if the Secretary or His Deputy had personally attended. We also find that you have allowed for such attendance only Five shillings p^r day a sum inadequate to the Expende and trouble of such service. We would therefore propose that the sum be allowed Seven Shillings and six pence p^r day to which alteration if your House agree please to send such of your Members as you shall think proper to see the same made in the Bill.

Then the House adjourned till tomorrow Morning 10 °Clock.

Wednesday Morning 22nd April 1761 The House met according to adjournment.

Present

| | | | | | |
|------------------------|---|-----------------|---------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Rich ^d Spaight | } | Esq ^{rs} |
| | | John Swann | Cha ^s Berry | | |
| | | John Dawson | Mau ^r Moore | | |
| | | Lewis DeRossett | | | |

Reced from the Assembly the following Resolves, to wit,

Tuesday the 14th April 1761.

Resolved That the Treasurers be impowered to Pay the Salaries of the Judges of the Superior Courts out of the Money they have in their Hands belonging to the Fund appropriated for Schools and Glebes and that the same shall be reinstated by Monies to be Collected on the Contingent Fund. And desire your Hon^{rs} Concurrence—

SAM^l SWANN Speaker

By Order W^m HERRITAGE Clk

20th April 1761.

Tuesday 21st April 1761 In the Assembly.

Resolved That as there is not Money enough of the Contingent Fund in the Treasury to pay the allowances to the General Assembly, Servants thereof, the Claims of the Scouting parties on the Frontier of this Province and other public Demands which amount to a very considerable sum, it is necessary to borrow the remainder of the Glebe and School Money (after payment of the Judges^s Salaries before resolved to be borrowed from that Fund) towards discharging the said allowances, Claims and other Demands. And that the same be replaced out of the Tax for the Contingent Fund as the same shall be paid in and Desire your Hon^{rs} Concurrence thereto.

SAM^l SWANN Speaker

By Order W^m HERRITAGE.

21st April 1761.

Then the foregoing Resolves were taken into Consideration and Concurred wth

Received from the Assembly by Mr. Ashe and Mr. Palmer the following Message to wit,

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your Message relative to the Alterations you propose to the Bill to Impower the several Superior and Inferior Courts within this Province to admit a Copy of the last Will and Testament of any Person deceased in Evidence, This House cannot agree to those you mention, because as to the first, We think it too great a Trust to be reposed in any Private Clerk, and as to the Second we think Five shillings p^r day a sufficient allowance to the Officer for travelling to and from and attending the said Court with the Original Will as directed by the said Bill.

SAM^l SWANN, Speaker.

By Order W^m HERRITAGE Clk.

21st April 1761.

Then the above Message was Ordered to be read, read the same accordingly and the said Bill was On Motion put the third time and passed and Ordered to be Engrossed.

Reced from the Assembly their Estimate of Charges &c. of the last and present Sessions which on Motion was read and Concurred with.

Sent to the Assembly the Estimate of allowances &c. of this House

for the last and present Sessions for their Concurrence and received it from the Assembly Concurred with.

Received from the Assembly the following Message to wit

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

The Chairman of the Committee of Public Accounts hath received from John Starkey. Esq^{re} Public Treasurer of the Southern District the sum of £105.13.3 on the Sinking Fund and £513.1.3 in Treasurers Notes including Interest to be sunk by the Tax laid for that purpose.

This House have therefore appointed a Committee of the Whole House to see the said several sums burnt at the house of John Campbell in Wilmington at 10 o'Clock to Morrow Morning and desire you will please to appoint a Committee of your Members to see the same done accordingly.

SAM^l SWANN Speaker.

By Order W^m HERRITAGE Clk.
22nd April 1761

On Motion, Ordered that the following Message be sent to the Assembly :

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading your Message of yesterday relative to the appointing of a Committee of our House to Joyn that of yours to see the Bills burnt, We have accordingly appointed the Honble Lewis De Rossett and Mau^r Moore Esq^{rs} to see the same done.

23^d April 1761.

Then His Excellency the Governor came to this House and commanded the attendance of the Assembly whereupon the Speaker attended by the Assembly waited on His Excellency in the Council Chamber and presented him the following Acts for his Assent—Viz^t

1st An Act for Granting to His Majesty an Aid of £20,000 Proclamation Money &c^a

2^d An Act for an Additional Act to an Act Intituled an Act to make Provision for paying the Chief Justice and Attorney Generals Salaries and defraying the Contingent Charges of Government.

3^d An Act to Impower the Inhabitants of several Parishes within this Province that have no legal Vestry within their respective Parishes to meet and Elect Vestrys.

4th An Act to appoint Commissioners to further Improve and amend the Navigation of New River in Onslow County to raise a fund by way of Lottery to Defray the Expence thereof.

5th An Act to amend and Improve the Navigation from Currituck Inlet through the District in Currituck County to Albemarle Sound.

6th An Act to Impower the Inferior Court of Pleas and Quarter Sessions for the County of Northampton to lay a Tax to pay sundry Persons who have suffered by the Burning of Pace's Warehouse in the said County and other purposes.

7th An Act for altering the times of holding the Superior Courts of Pleas & Grand Sessions for the District of Newbern and also the Inferior Courts of Pleas & Quarter Sessions in the Counties of Orange and Carteret and for other purposes.

8th An Act for Building a Court House in the Town of Newbern for the County of Craven for raising a Tax and for appointing Commissioners for Building the same and for repealing an Act passed at Wilmington the 20th day of November 1759 Entitled an Act for appointing Commissioners for finishing the Court House already begun in the Town of New Bern and for other purposes.

9th An Act to prevent the Exacting of Illegal and Exorbitant Fees in Levying Executions by Sheriffs & other Officers.

10th An Act for amending an Act Intitled an Act for dividing the Parish of St John's in Granville County.

11th An Act for adding part of Orange County to Johnston County, and for ascertaining the Dividing line between the said Counties.

12th An Act for enlarging the time for Inspection of Tobacco at the Public Warehouse in the Town of Tarborough in the County of Edgcomb and for encreasing the Salaries of the Inspectors thereof.

13th An Act for adding that part of a Road belonging to the North East District in New Hanover County called Negrohead point, to the Wilmington District.

14th An Act to appoint Commissioners of the Roads for a certain District in Bladen County.

15th An Act to Impower the several Superior and Inferior Courts within this Province to admit a Copy of the last Will and Testament of any Person Deceased, to be given in Evidence.

16th An Act to Dock the Entail of certain lands therein mentioned Vesting the Fee simple thereof in Blake Baker and for settling other Lands in lieu thereof to the same uses.

To which Acts His Excellency was pleased to assent, except The Act for adding that part of a Road belonging to the North East

District in New Hanover County called Negrohead point to the Wilmington District.

Reced. from the Assembly the following Message to wit,
Thursday 23rd April 1761. In the Assembly.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

Resolved That to expedite His Majesty's Service in raising Men to form the Regiment Directed by the Act of Assembly passed this Session of Assembly for Granting An Aid to his Majesty &c^a. So much of the Public Money now in the Treasury belonging to any Fund be borrowed and applied towards the Service aforesaid and that the same be replaced by the Money to be Emitted by the aforesaid Act, and Desire your Honors Concurrence thereto.

SAM^l SWANN, Speaker.

By Order W^m HERRITAGE C^{lk}.
23rd April 1761.

On motion the above Resolve was read and concurred with.

Then His Excellency the Governor was pleased to prorogue (by Proclamation) this Assembly till the 19th day of November next.

Test

JN^o BURGWIN C^{lk}

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

At an Assembly begun and held at Wilmington the Thirty first day of March in the first year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain, France and Ireland King (and so forth) and the year of our Lord One Thousand seven hundred and sixty one, being the first session of the Present Assembly

The Several Writs for Electing Representatives for the several Counties and Towns within this Province to sit and vote in the General Assembly thereof were returned as follows (to wit)

Craven County—Mr. Thomas Graves, Mr. John Fonville.

Dobbs County—Mr. Richard Caswell, Mr. William Whitfield.

Hyde County—Mr. William Webster, Mr. Thomas Smith.

Pasquotank County—Mr. Thomas Taylor, Mr. Benj^a Palmer, Mr. Andrew Miller, Mr. Samuel Swann, Mr. Thomas Sawyer.

Perquimons County—Mr. Francis Brown, Mr. William Skinner, Mr. John Harvey, Mr. Thomas Bonner, Mr. Benj^a Harvey.

Chowan County—Mr. Francis Corbin, Mr. Edward Vail, Mr. Thomas Barker, Mr. Robert Beasley, Mr. Henry Bonner.

Carteret County—Mr. William Cole, Mr. John Backhouse.

Beaufort County—Mr. John Barrow, Mr. Thomas Respass.

Currituck County—Mr. Robert Whitehall, Mr. Stephen Williams, Mr. Henry White, Mr. William Williams, Mr. Joshua Campbell.

Tyrrill County—Mr. Edmund Smithwick, Mr. Stephens Lee, Mr. Jacob Blount, Mr. William Mackey, Mr. Stephen Hooker.

Bertie County—Mr. Cullen Pollock, Mr. George Pollock, Mr. William Gray.

Northampton County—Mr. Robert Jones, Mr. Joseph Sykes.

Halifax County—Mr. Alexander M^cCulloch, Mr. Blake Baker.

Edgecomb County—Mr. William Haywood, Mr. Duncan Lemon.

Granville County—Mr. Robert Harris, Mr. Samuel Benton.

Onslow County—Mr. Samuel Swann, Mr. John Starkey.

Duplin County—Mr. John Sampson, Mr. William Houston.

Cumberland County—Mr. Thomas Gibson, Mr. Hector M^cNeil.

Orange County—Mr. William Churton, Mr. Thomas Loyd.

Johnston County—Mr. John Hinton, Mr. Needham Bryan.

New Hanover County—Mr. George Moore, Mr. John Ashe.

Bladen County—Mr. Robert Howe, Mr. William Bartram.

Rowan County—Mr. John Frohock, Mr. Alexander Ozborn.

Anson County—Mr. Anthony Hutchins, Mr. Charles Robinson.

Edenton—Mr. Samuel Johnston.

Newbern—Mr. Joseph Leech.

Wilmington—Mr. Cornelius Harnett.

Brunswick—Mr. William Dry.

Halifax—Mr. Stephen Dewey.

Bath Town—Mr. Michael Coutanche.

Thursday 31st March 1761

Pursuant to the above returns, the following Members appeared

Mr. Thomas Graves

Mr. John Sampson

Mr. Thomas Taylor

Mr. Needham Bryan

Mr. Francis Brown

Mr. Robert Howe

Mr. Robert Beasley

Mr. Charles Robinson

Mr. Robert Whitehall

Mr. William Dry

Mr. Stevens Lee

Mr. Thomas Respass

Mr. Robert Harris

Mr. William Cole

Mr. John Starkey

Mr. Richard Caswell

Mr. Tho^s Loyd

Mr. Andrew Miller

Mr. John Ashe
 Mr. Alex Ozbörn
 Mr. Corn^l Harnett
 Mr. Mich^l Coutanche
 Mr. Duncan Lemon
 Mr. John Fonville
 Mr. Benj^a Palmer
 Mr. William Skinner
 Mr. John Backhouse
 Mr. Joshua Campbell
 Mr. George Pollock
 Mr. Samuel Benton

Mr. Francis Corbin
 Mr. John Barrow
 Mr. Edm^d Smithwick
 Mr. Joseph Sykes
 Mr. Samuel Swann
 Mr. George Moore
 Mr. Joseph Leech
 Mr. Blake Baker
 and
 Mr. William Haywood

Took the Oaths by Law appointed for their qualification subscribed the Test and took their Seats William Herritage Clerk of the Assembly appeared and took the Oaths by Law appointed for his Qualification and subscribed the test

His Excellency the Governor sent a Message requiring the attendance of the Members in the Council Chamber The Members waited on his Excellency the Governor in the Council Chamber when his Excellency was pleased to direct them to return to the House and make Choice of a Speaker The Members returned and proposed Samuel Swann Esq^r Speaker who was unanimously chosen and placed in the Chair accordingly Mr. Howe and Mr. Simpson were ordered to wait on his Excellency the Governor, and acquaint him the Members have made Choice of a Speaker, and desire to know when the House shall wait on his Excellency and present him, and being returned acquainted the House that his Excellency required the attendance thereof immediately The House waited on his Excellency the Governor in the Council Chamber and presented Samuel Swann Esq^r for their Speaker: His Excellency was pleased to approve of their Choice, and then made a Speech to His Majesty's Council and this House, Then Mr. Speaker with the House returned, and Mr. Speaker acquainted the Members that the House had waited on his Excellency the Governor in the Council Chamber, when his Excellency made a Speech to his Majesty's Council and this House, a copy of which to prevent mistakes he had obtained and laid the same before the House, which was ordered to be read the same is read, and on Motion Ordered the same be entered on the Journal of this House and is as follows Viz^t

[For the Governor's Speech see Journal of Upper House.—EDITOR.]

Then on Motion ordered a Committee be appointed to prepare an Address in answer to His Excellency the Governors Speech, and Mr. Francis Corbin, Mr. John Starkey and Mr. Howe are accordingly appointed

Then the House Adjourned till 9 °Clock tomorrow morning.

Wednesday the 1st April 1761—The House met according to adjournment

Mr. Baker moved a Committee be appointed to prepare and bring in a Bill for better regulating the offices of the several Clerks of the Inferior Courts of pleas and quarter sessions &c^a and Mr. Caswell, Mr. Baker, Mr. Harnett, Mr. Harris and Mr. Barrow, are accordingly appointed.

Mr. Baker presented the Petition of Thomas Pace of the County of Northampton which sets forth that the Public Ware House, in the County of Northampton called Pace's Warehouse was on the seventeenth day of March last burnt to ashes with a large quantity of Tobacco &c^a Praying relief &c

Ordered the said Petition lie till tomorrow for consideration

Mr. Taylor moved for leave to present a Bill to impower the several Inhabitants of Several Parishes within this Province that have no legal Vestry within their Respective Parishes to meet and Elect Vestries

Ordered he have leave and that he present the same.

Mr. Taylor presented the aforementioned Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Taylor and Mr. Miller

Mr. Taylor moved for leave to present a Bill to enable the Inhabitants of to drain their low lands

Ordered that he have leave and that he present the same

Mr. Taylor presented the above mentioned Bill, which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Taylor and Mr. Miller.

Mr. Robinson presented a Certificate from the Court of Anson County thereby Certifying that William Pelham of said County is aged and infirm, and not able to get a livelihood, and recommending him to be exempt from paying Public Taxes, and also one other Certificate from the said Court of Anson County thereby Certifying that Robert Ashley of said County is aged and infirm, and not able

to get a livelihood, and recommending him to be exempt from paying Public dues

Ordered the said William Pelham and the said Robert Ashley be exempt accordingly

Then the House adjourned till 3 °Clock in the Afternoon.

P. M. The House met according to Adjournment.

Mr. Thomas Gibson one of the Members for Cumberland County, Mr. William Houston, one of the Members for Duplin County, and Mr. William Bartram one of the Members for Bladen County appeared, took the Oaths by Law appointed for their qualification, subscribed the test, and took their seats in the House.

On motion ordered Mr. Starkey, Mr. Bartram, Mr. Benton, Mr. Ozborn, Mr. Howe, Mr. Baker and Mr. Smithwick settle and allow the public Accounts, and that the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have appointed Mr. John Starkey, Mr. Bartram, Mr. Benton, Mr. Ozborn, Mr. Howe, Mr. Baker, Mr. Smithwick a Committee of this House to settle and allow Public Claims in Conjunction with such of your Honors as you shall think proper to appoint.

S. SWANN Sp.

Sent by Mr. Harnett and Mr. Caswell

On motion resolved that the House resolve into a Committee of the whole House to-morrow, to set as a Committee of Privileges and Elections, and that the Clerk of the Crown lay before the said Committee the several writs for Electing Representatives for the several Counties and Towns in this Province to sit and vote in the Present Assembly, together with the returns thereon now remaining in his office

Then the House adjourned till 9 °Clock tomorrow morning

Thursday 2^d April 1761. The House met according to Adjournment

Mr. Corbin from the Committee appointed to prepare an Address in answer to his Excellency the Governors Speech reported that the Committee had prepared the same which he presented to the House

Ordered the same be read, the same is read, and approved of.

Resolved the same stand the Address of this House, and be Entered on the Journal thereof, and is as follows, Viz^t

NORTH CAROLINA—SS.

To His Excellency Arthur Dobbs Esquire, Captain General Governor and Commander in Chief in and over His Majesty's Province of North Carolina

SIR—We his Majesty's most dutiful and loyal Subjects the Members of the Assembly of North Carolina beg leave to return your Excellency our thanks for your Speech, at the opening of this Session. The sudden and unexpected Death of his late Majesty of Glorious Memory must fill the minds of every sincere lover of Liberty with inexpressible concern, from a deep sense of the Loss, that the Subjects of Great Britain in General, and all, who have any dependance on her Interest, must have sustained by that event happening at so critical a Juncture We beg leave to congratulate your Excellency on his present Majesty's happy accession to the Imperial Crown of Great Britain and her Dependances; and acknowledge that our Concern for so affecting a loss as that of his Majesty's Royal Grandfather is greatly alleviated from the agreeable assurance that his Majesty is, not only the Immediate possessor of his Crown, but also of his Virtues

Your Excellency is pleased to acquaint us that you have nothing at Present to lay before us from his Majesty or his Ministers, and, that it is now too late to raise Forces to be of any use against the Cherokees, as the operations will be over or a peace be made with them before our Troops could be armed and Accounted Your Excellency further informs us that by a letter from General Amherst you are made to expect that in consequence of his Majesty's Resolution to continue the War with Vigour in America: an aid would be requested of this Province which request would have been happily anticipated, had the Aid Bill that passed both Houses at the last Session of the late Assembly met with your Excellency's Approbation, as in that Bill sixteen Thousand four Hundred and ninety four pounds was Granted for raising five Hundred Effective men Exclusive of Officers Garrisons and Forts, their Assistance joined to the South Carolina and Virginia Forces might have Contributed to the more Speedy reduction of his Majesty's Implacable Enemies, or brought on sooner, the desirable Blessings of peace, Especially with the Barbarous and Inhuman Allies of our Natural Enemy

Your Excellency's expectation that this may be a short Session is extremely agreeable, and more especially at this season of the year in which our more immediate attention is necessary as to our Domestic Interest, and Permit us to add, Sir, that if your Excellency

had been so obliging as to have called the Present Assembly at a more Central part of the Province it would have been saving the Public a considerable Expense, greatly Contributed to the ease of much the Largest Number of Members that compose the Assembly, and prevented your Excellency the trouble of frequent Prorogations from time to time till a sufficient number of the Members could come in from the remote Distances at which they reside from this place, to make a House for the Dispatch of Public Business—Permit us Sir to say that we are fully apprised of the Royal Prerogative as to time and place, and could only Hope, the Indulgence for the ease and benefit of the Subject, under the Illustrious House of Hanover an House as Remarkable for its antiquity, as it is Esteemable for its Virtues.

Mr. Baker moved for leave to present a Bill for altering the Method of Working on the Roads and appointing Public Ferries within the County of Duplin.

Ordered he have leave accordingly

Mr. Baker presented the afore mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, Passed and ordered to be sent to the Council.

Mr. Baker presented the Petition from the Inhabitants of the County of Northampton, which was read, setting forth that they labour under great inconveniences and difficulties in paying their Taxes in Money, and that they conceive they can pay the said Taxes and officers fees more Conveniently in Tobacco &c—Praying relief.

Then on motion ordered that the said Petition lie for Consideration.

Mr. Caswell moved for leave to present a Bill for altering the times of holding the Superior Courts of Pleas and Grand Sessions for the Districts of Wilmington and New Bern and also the Inferior Courts of Pleas and Quarter Sessions in the Counties of Orange, Duplin, and Carteret and for other purposes.

Ordered he have leave accordingly.

Mr. Caswell presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council

Mr. Brown moved for leave to present a Bill to amend and improve the navigation from Currituck Inlet, thro' the District in Currituck County to Albemarle Sound

Ordered he have leave accordingly

Mr. Brown presented the above mentioned Bill which he read in

his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the above three Bills by Mr. Palmer and Mr. Taylor

Mr. Baker moved for leave to bring in a Bill to impower Joseph Howell to build a bridge over Tar River at the Town of Tarborough near the place where a Bridge was formerly built

Ordered he have leave, and that he prepare and bring in the same

Mr. Baker moved a Committee be appointed to prepare a Bill to compell the attendance of the Members of the Assembly of this Province already Elected or hereafter to be Elected within the same, And Mr. Baker, Mr. Harnett, Mr. Starkey, Mr. Caswell and Mr. Sampson are accordingly appointed

On motion ordered that a Committee be appointed for stating and settling the Public Accounts of this Province, and Mr. Harnett, Mr. Leech, Mr. Corbin, Mr. Contanche, Mr. Harris, Mr. Respass, and Mr. Geo Pollock are accordingly appointed

Ordered the following Message be sent to his Majesty's Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have appointed Mr. Harnett Mr. Leech, Mr. Corbin, Mr. Coutanche, Mr. Harris Mr. Respass, and Mr. Geo Pollock members of this House, a Committee thereof to state and settle the Public Accounts of this Province in Conjunction with such of your Honours as you shall think proper to appoint

S. SWANN Sp.

Mr. Harris from the Committee appointed to prepare and bring in a Bill for the better Regulating the offices of the several Clerks of the Inferior Courts of Pleas and quarter sessions reported that the Committee had prepared the same, which he presented to the House, and read the same, in his place, and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Palmer and Mr. Taylor

The order of the day being read, on Motion ordered the same be postponed till tomorrow.

Then the House Adjourned till 3 o'Clock Afternoon.

P. M. The House met according to Adjournment

Mr. Skinner moved for leave to present a Bill to continue an Act, for killing Squirrels in certain Counties therein mentioned.

Ordered he have leave.

Mr. Skinner presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same by Mr. Lemon and Mr. Lee

Ordered Mr. Dry and Mr. Ashe wait on his Excellency the Governor, and acquaint him that the House, desire to know when they shall wait on him with their Address, and being returned acquainted the House, that his Excellency was pleased to tell them that he would receive the House, in a quarter of an Hour.

Mr. Speaker with the House waited on his Excellency the Governor, the House returned, and Mr. Speaker reported that he with the House, had waited on his Excellency the Governor and presented him with the Address of this House, and that his Excellency was pleased, to make an Answer thereunto, a Copy of which to prevent mistakes he had obtained which he presented to the House.

Ordered the same be read, the same is read, and then on motion ordered the said answer be entered on the Journal of this House, and is as follows, Viz^t

I return you thanks for your Address of Condolence and Congratulation upon his late Majesty's Death, of Glorious Memory and his Present Majesty's Accession to the Crown, since you are pleased to take notice of the Transactions of the last Assembly, I must in answer inform you that if the Aid then offered had been so calculated as not to infringe upon the Prerogative of the Crown, and to Answer the end for which it ought to have been Granted without Inconsistencies and unusual limitations, and had it not been calculated to lessen Public Credit and answer private purposes, I should heartily have agreed to pass it, and if any further Aid Bill shall be required I never can pass any with such Clogs and Limitations. as to your application and expostulation about the place appointed for the meeting of the Assembly and non-attendance of the Members I must observe to you that the Assembly had passed a Vote that the Town of New Bern the most central place was not a fit place for the setting of the Assembly and that this being the only proper place for the setting of Assembly and that this being the only proper place while the operations of the War are to the Southward to obtain Early Intelligence of any further Danger in which operations

may be necessary, and if you had thought proper to obey his Majesty's Instructions who has appointed fifteen a Quorum there had been no unnecessary Prorogations or delays, but the Assembly insisting upon a Majority of the whole Elected Members to be a Quorum in Express Contradiction to his Majesty's Instructions, at one time, and passing Bills and other Resolutions at other times with a less number to serve Particular Purposes are the Chief things to be complained of

Then the House adjourned till 9 °Clock tomorrow morning

Friday 3^d April 1761. The House met according to Adjournment

Mr. Starkey moved for leave to present an Additional Bill to an Act, Intituled an Act to make provision for paying the Chief Justice and Attorney Generals Salaries and defraying the Contingent charges of Government

Ordered he have leave accordingly

Mr. Starkey presented the above mentioned Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Mr. Bryan presented the above mentioned Bill which he read in his Place and Delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council [*sic*]

Sent the above two Bills to the Council by Mr. Lemon and Mr. Lee

The order of the day being read the House Resolved into a Committee of the whole House, to sit as a Committee of Privileges and Elections and unanimously choose Mr. John Starkey Chairman who took the Chair accordingly, after some time spent the Committee came to several Resolutions which Mr. Chairman was directed to report to the House, then Mr. Speaker resumed the Chair and Mr. Chairman reported that the Committee not having time to go through the whole business before them desire leave to sit tomorrow—Resolved the Committee sit again to morrow

Mr. Baker pursuant to order brought in a Bill to impower Joseph Howell to build a bridge over Tar River at the Town of Tarborough at the place where a bridge was formerly built, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Mr. Starkey moved for leave to bring in a Bill to appoint Commissioners to further improve and amend the navigation of New

River in Onslow County to raise a fund by way of Lottery to defray the expence thereof.

Ordered he have leave and that he prepare and bring in the same

Mr. Starkey brought in the aforementioned Bill which he read in his place, and Delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Lemon and Mr. Lee.

Then the House adjourned till tomorrow morning 8 °Clock.

Saturday 4th April 1761 The House met according to adjournment.

Mr. Houston presented the Petition of Joseph Williams which was read—Praying &c

Resolved the same be rejected

Received from the Council the following Bills Viz^t

The Bill to Enable the Inhabitants of to drain their Low Lands.

The Bill to Impower the Inhabitants of several Parishes within this Province that have no legal vestry within their Respective parishes to meet and Elect Vestries Endorsed 2^d April 1761 In the Upper House read the first time and passed

The Bill to amend and improve the Navigation from Currituck Inlet through the District in Currituck County to Albemarle Sound

The Bill for altering the method of working on the Roads and appointing Public Ferries within the County of Duplin

The Bill for altering the times of holding the Superior Courts of Pleas and Grand Sessions for the Districts of Wilmington and New Bern, and also the Inferior Courts of Pleas and quarter sessions in the Counties of Orange Duplin and Carteret and for other purposes Endorsed 2^d April 1761 In the Upper house of Assembly read the first time and passed

Received from the Council the following Message, Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message relative to the Committee, We have appointed the Hon^{ble} John Swann, John Dawson and Maurice Moore Esq^{res} a Committee of this House, to settle and allow the Public Claims.

JAMES HASELL P. C.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message relative to the Committee of Accounts—

We have appointed the Hon^{ble} Lewis De Rossett and Richard Spaight Esq^{rs} a Committee of this House, to state and settle the Public Accounts.

JAMES HASELL P. C.

Mr. Backhouse presented the Petition of Ebenezer Harker formerly Sheriff of Carteret County, which was read praying a stay of execution against him at the suit of the Public

Resolved the said Petition be rejected

Mr. Benton moved for leave to present a Bill for amending an Act Intituled an Act for dividing the Parish of Saint Johns in Granville County.

Ordered he have leave accordingly

Mr. Benton presented the said Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Fonville and Mr. Miller

The order of the day being read, the House resolved into a Committee of the whole House, and Mr. Chairman took the Chair. The Committee took under Consideration the Writ for Electing members for the County of Perquimons and the return thereon, and came to several Resolutions, which together with the Resolutions of the Committee yesterday, Mr. Chairman was directed to report to the House

Then on motion Mr. Speaker resumed the Chair, Mr. Chairman reported that the Committee had taken under Consideration the Writ for Electing a member for the Town of Newbern, with the return thereon and a return of a member for the said Town by the Coroner of Craven County, and also the Writ for Electing members for Perquimons County and came to several Resolutions which he read in the House, the House on due Consideration thereof agreed thereto, and on motion ordered the same be entered on the Journal of the House and are as follows, Viz^t

Resolved that the right of Electing a Member for the Town of Newbern is in the freeholders of the said Town

Resolved that the Writ for Electing a Member for the Town of Newbern ought to have been directed to the Sheriff of Craven County as formerly by the Ancient Laws and Customs of this Province hath been used and accustomed

Resolved that in Case of the death of the Sheriff of any County the Coroner may take the poll and return the Writ

Resolved that Mr. Joseph Leech is legally chosen and returned a Member for the Town of New Bern

Resolved that the Direction of the said Writ of Election to the Mayor of the said Town is not Warranted by Law.

Resolved, that Mr. John Harvey, Mr. William Skinner, Mr. Thomas Bonner, Mr. Benjamin Harvey, and Mr. Francis Brown are duly Elected, and returned members for the County of Perquimons and in Consequence thereof are Intitled to their seats in the present Assembly

Then the House Adjourned till 10 °Clock Monday morning

Monday 6th April 1761. The House met according to Adjournment

Mr. Stephen Dewey the Member for Halifax, Mr. Alexander McCulloch one of the Members for Halifax County appeared took the Oaths by Law appointed for their qualification subscribed the Test, and took their Seats in the House

Mr. Haywood presented the Petition of the Inspector and several Merchants of the Town of Tarborough which was read, Praying an augmentation of the Inspectors Salary &c On motion ordered a Bill be brought in pursuant to the prayer of the said Petition

Mr. Baker presented a Bill for Enlarging the time for Inspection of Tobacco at the Public Ware House in the Town of Tarborough in the County of Edgcomb and for increasing the Salaries of the Inspectors thereof, which he read in his place, and delivered in at the Table, where the same was again read, by the Clerk, passed and ordered to be sent to the Council

Sent by Mr. Fonville and Mr. Miller

Mr. Caswell presented the Petition of John Lane of the Province of South Carolina, which was read &c Praying the Intail of Certain Lands therein mentioned may be docked &c

Then on motion Resolved that Mr. Harnett, Mr. Harris, and Mr. Caswell Enquire into the facts of the said Petitions and report thereon to the House

Then the House Adjourned till 3 °Clock Afternoon

P. M. The House met according to Adjournment

Mr. Baker from the Committee appointed to prepare a Bill to compell the attendance of the Members of the Assembly of this Province already Elected or hereafter to be elected, within the same Reported that the Committee had prepared the said Bill and was

ready to lay the same before the House, if they will receive it Resolved the same be received

Mr. Baker presented the aforementioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Fonville and Mr. Miller

The House, on Motion took under Consideration the Petition from the Inhabitants of Northampton County, presented to this House, by Mr. Baker on Thursday last, And Ordered that Mr. Baker bring in a Bill pursuant to the prayer thereof.

Mr. Baker presented a Bill to Impower the Inferior Court of Pleas and quarter Sessions for the County of Northampton to lay a tax to pay sundry persons who have suffered by the burning of Pace's Ware House in the said County and other purposes, which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Fonville and Mr. Miller.

Mr. Respass moved for leave to absent from the Service of the House

Ordered he have [leave] accordingly.

Then the House adjourned till 9 o'clock tomorrow morning.

Wednesday 8th April 1761 The House met according to Adjournment

On motion ordered Mr. Coutanche be discharged from the Committee of Public Accounts [not] being an Accountant

Ordered Mr. Gibson be added to the Committee of Public Accounts in the room of Mr. Coutanche, and that Mr. McCulloch be added to the said Committee of Accounts in the room of Mr. Respass who has obtained leave to absent from the service of the House

Received from the Council the Bill for the better Regulating the offices of the several Clerks of the Inferior Courts of pleas and quarter Sessions Endorsed 2nd April In the upper House read the first time and passed.

On motion Resolved the House Resolve into a Committee of the whole House to consider further on Privileges and Elections, and Mr. Chairman took the Chair, after some time spent Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had come to several Resolutions as follows Viz^t

Mr. Charles Robinson is duly Elected a member for the County of

Anson. That Mr. Anthony Hutchins being returned on the Writ but was Sheriff of the said County at the time of his Election disqualifies him for a member for the County aforesaid. That his Excellency be addressed to direct the Clerk of the Crown to issue a Writ for Electing a Member for the County aforesaid.

To which Resolves the House agreed,

And then Mr. Chairman acquainted the House that the Committee not having time to proceed on the other two Writs desire to sit again to morrow

Resolved the said Committee sit again to morrow

Mr. Howe moved for leave to present a Bill to prevent the exacting of illegal and exorbitant Fees in levying executions by Sheriffs and other Officers

Ordered he have leave accordingly

Mr. Howe presented the aforementioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Robinson and Mr. Sykes

Received from the Council the following Bills—Viz^t

The Bill for Enlarging the time for Inspection of Tobacco &c^a

The Bill to compell the attendance of the Members of the Assembly &c^a

The Bill for building a Court House, in the Town of New Bern

The Bill to Impower the Inferior Courts of pleas and quarter Sessions in the County of Northampton &c^a

The Bill for dividing the Parish of St John's in Granville County &c^a

The Bill to continue an Act, for killing Squirrels &c^a

The Bill for the better regulating the offices of the Clerks of the Inferior Courts of pleas and quarter Sessions &c [Endorsed] In the Upper House, read the first time and passed

The Bill for dividing the County of New Hanover and Erecting that part thereof called St Philips Parish into a County &c

The Bill to appoint Commissioners to Improve and amend the navigation of New River &c Endorsed 7th April 1761 In the upper House of Assembly read the first time amended and passed

The Bill to amend and improve the Navigation from Currituck Inlet thro' the District &c^a [Endorsed] 7th April 1761 In the upper House, read the second time amended & passed

The Bill for an Additional Act to an Act Intituled an Act to make

Provision for Paying the Chief Justice and Attorney General Salaries &c^a [Endorsed] 7th April 1761—read the first time and passed

The Bill to appoint Commissioners of the Roads for Certain District &c^a Endorsed 8th April 1761—read the first time and passed—and—

The Bill for altering the times of holding the Superior Courts of Pleas and Grand Sessions for the District of New Bern &c Endorsed 8th April 1761—In the upper House read the second time and passed

On motion ordered the Bill for altering the times of holding the Superior Court of Pleas and Grand Sessions for the District of New Bern &c be read the third time read the same a third time, passed, and ordered to be sent to the Council

On motion Ordered the Bill to amend and improve the navigation from Currituck Inlet thro' the District &c be read the third time, read the same a third time passed and ordered to be sent to the Council

On motion ordered the Bill for amending an Act for dividing the Parish of Saint John in Granville County, be read the second time, Read the same a second time, amended passed and ordered to be sent to the Council

On motion ordered the Bill for enlarging the time for Inspecting of Tobacco at the Public Ware House in the Town of Tarborough &c^a be read the second time, [Read the second time] amended passed, and ordered to be sent to the Council.

On motion ordered the Bill to continue an Act, Intitled an Act, for killing Squirrels in Certain Counties therein mentioned be read the second time read the same a second time, passed, and Ordered to be sent to the Council

Sent the above five Bills to the Council by Mr. Robinson and Mr. Sykes.

Then the House adjourned till 3 o'clock Afternoon

P. M. The House met according to Adjournment

On motion ordered the Bill for Building a Court House, in the Town of New Bern, for the County of Craven for raising a Tax &c^a be read the second time, read the same a second time, amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Ozborn and Mr. Bartram

On Motion ordered the Bill to appoint Commissioners to Improve and amend the navigation of New River in Onslow County &c^a be

read the second time—read the same a second time amended passed and ordered to be sent to the Council

On Motion ordered the Bill to appoint Commissioners of the Roads for a certain District be read a second time—read the same a second time amended passed and ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Ozborn and Mr. Bartram

On Motion ordered the Bill for regulating the offices of the several Clerks of the Inferior Courts of Pleas and quarter Sessions &c be read a second time, read the same a second time, amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Beasley and Mr. Brown

Received from the Council the following Bills—Viz^t

The Bill to amend an Act Intituled an Act, for dividing the Parish of St Johns in Granville County.

The Bill to continue an Act, for killing Squirrels in Certain Counties therein mentioned.

The Bill for enlarging the time for inspection of Tobacco at the Public Ware House in the Town of Tarborough &c Endorsed 8th April 1761 In the Upper House of Assembly read the second time and passed

The Bill to prevent the exacting of Illegal fees &c^a—Endorsed 8th April 1761 In the Upper House of Assembly read the first time and passed

The Bill to amend and improve the navigation from Currituck Inlet through the District to Albemarle Sound—Endorsed 8th April 1761—In the Upper House of Assembly read the third time and passed—Ordered to be engrossed

Mr. Lemon presented a Certificate from the Court of Edgcomb County Certifying that William Braswell is very poor and decrepid and recommending him to be exempt from paying Public Taxes and doing Public duties

Ordered he be exempt accordingly

Then the House adjourned till 9 oClock tomorrow morning

Thursday 9th April 1761—The House met according to Adjournment

Mr. Ashe moved for leave to present a Bill to impower the Commissioners of the Roads in Several Counties in this Province to turn and alter the Roads where they may judge convenient and usefull

Ordered he have leave accordingly

Mr. Ashe presented the aforementioned Bill, which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Miller and Mr. Houston.

On Motion ordered the Bill for amending an Act, Intitled an Act, for dividing the Parish of St John in Granville County, be read the third time, read the same a third time amended passed and ordered to be sent to the Council

On Motion ordered the Bill for enlarging the time for the Inspection of Tobacco, be read the third time, read the same a third time, passed and ordered to be sent to the Council

On motion ordered the Bill to prevent the exacting of illegal and exorbitant fees in levying executions by Sheriffs and other officers, be read the second time; read the same a second time amended passed and ordered to be sent to the Council.

On motion ordered the Bill to continue an Act Intitled an Act, for killing of Squirrels in certain Counties therein mentioned, be read the third time; read the same a third time, passed, and ordered to be sent to the Council.

Sent the above four Bills to the Council by Mr. Miller and Mr. Houston.

On motion ordered the Bill for dividing the County of New Hanover and erecting that part thereof called St. Philips Parish into a County &c^a be read the second time; read the said Bill a second time, and then on motion Resolved the House Resolve into a Committee of the whole House to consider the subject matter of the said Bill.

The House Resolved into a Committee of the whole House, for the Purposes aforesaid, and chose Mr. Starkey for Chairman who took the Chair Accordingly, after some time spent the Committee came to several Resolutions, and then on motion Mr. Speaker resumed the Chair. Mr. Chairman reported that the Committee proposed several amendments to the said Bill which he laid before the House, and then on motion ordered the said Amendments be inserted in the said Bill the same are incerted accordingly, Then the motion was made and the question put that the said Bill pass and was carried in the Negative.

The order of the day being read Resolved the Committee sit tomorrow.

Then the House Adjourned till 9 o'clock tomorrow morning

Friday 10th April 1761. The House met according to Adjournment

Received the following Message from his Excellency the Governor Viz^t

Mr. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Having last night received letters by Express from General Amherst and Governor Fauquier expecting an Aid to be prepared by this Province, and tho' have not yet received his Majesty's Commands what sum or number of Troops may be wanted which I daily expect, yet by the unanimous advice of the Council I herewith lay these letters before you, and earnestly recommend that you may consider what may be the most proper fund to answer the immediate service that may be required by his Majesty, such as I may pass pursuant to my Instructions to raise such forces as may be necessary to co-operate with his Majesty's forces wherever he may think Proper to employ them, and that to loose no time when the orders arrive a Bill may be framed and so far perfected that it may be immediately passed, if necessary, for his Majestys and the Public Service upon the receipt of his orders

ARTHUR DOBBS.

9th April 1761.

Ordered the same lie on the Table

Resolved the House will proceed to take the said Message and letters therein referred to, under consideration, to morrow morning

On motion ordered the Bill to Dock the Intail of Certain Lands therein mentioned vesting the fee simple thereof in Blake Baker &c, be read the second time, read the same a second time passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Benton and Mr. Whitehall

Received from the Council the Bill for enlarging the time for Inspection of Tobacco at the Public Ware House in the Town of Tarborough &c^a and

The Bill for altering the times of holding the Superior Court of Pleas and Grand Sessions for the District of New Bern &c^a Endorsed 8th April 1761 In the upper House of Assembly read the third time and passed

Ordered to be engrossed

On motion ordered the Bill to compell the Members of the Assembly of this Province &c be read a second time, read the same a

second time, Then the motion was made and the question put, if the said Bill pass, and was carried in the Negative

On motion ordered the Bill for an additional Act to an Act Intituled an Act, to make provision for paying the Chief Justice and Attorney General Salary's &c^a be read the second time, read the same a second time, amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Benton and Mr. Whitehall

The House took under Consideration the great and unnecessary expence this Province is at in subsisting a certain Negro now in the Goal of Wilmington under sentence of death but reprieved, and resolved the following Address be sent to his Excellency Viz^t

NORTH CAROLINA—SS.

TO HIS EXCELLENCY ARTHUR DOBBS ESQUIRE, GOVERNOR &c^a

SIR—The Assembly understand that a certain Negro man is now in the Goal at Wilmington under sentence of Death, but having been recommended to your Excellency as an object of Mercy, you were pleased to respite the Execution of that Sentence by ordering His Majesty's, most Gracious Reprieve to be issued

That by the Laws of this Province any Negro who may be under Sentence of Death for any Capital offence by him committed the Public shall pay the value of such Negro to the master or owner, in consequence of which the Public have allowed the value of the said Negro and have allowed large fees to the Goaler for his sustenance since such reprieve issued and should your Excellency be pleased still to continue that mercy and not order Execution of that sentence to be done on him his lying longer under confinement and the hardship he may endure thereby possibly will induce him to effect his escape, and thereby may have an opportunity of repeating the mischief for which he now lyes under sentence of Death The Assembly therefore beg leave to Address your Excellency, that you will be pleased to order the said Negro to be sold to some person who will give security that he may immediately after such sale be from hence transported to some other Colony Island or Plantation never to return, and that the money arising by such sale may be paid into the hands of the Public Treasurer and applied to the Contingent fund

Received from the Council the following Bills, Viz^t

The Bill to impower the Inhabitants of several Parishes within

this Province that have no legal Vestry within their Respective Parishes to meet and Elect Vestries

The Bill to prevent the exacting of Illegal and Exorbitant fees in Levying Executions by Sheriffs and other officers

The Bill to appoint Commissioners of the Roads for a Certain District in Bladen County Endorsed 8th April 1761 In the Upper House of Assembly read the second time amended and passed

The Bill to impower Joseph Howell to build a bridge over Tar River at the Town of Tarborough &c Endorsed 7th April 1761 In the Upper House of Assembly read the first time and passed and

The Bill to Impower the Commissioners of the Roads in Several Counties in this Province to turn and alter Roads Endorsed 8th April 1761 In the Upper House of Assembly read the first time amended and Passed

On motion ordered the Bill to Impower the Inhabitants of Several Parishes within this Province that have no legal Vestry within their Respective Parishes to meet and Elect Vestries, be read the third time, read the same a third time amended, passed and ordered to be sent to the Council

On motion ordered the Bill to prevent the Exacting Illegal and Exorbitant fees in levying Executions by Sheriffs and other Officers, be read the third time, read the same a third time, amended passed, and ordered to be sent to the Council

On motion ordered the Bill to Improve and amend the navigation of New River in Onslow County &c be read a third time, read the same a third time, Passed and ordered to be sent to the Council

Sent the above three Bills to the Council by Mr. Howe and Mr. Ashe

Then the House Adjourned till 3 °Clock in the Afternoon

P. M. The House met according to Adjournment

On motion ordered the Bill to appoint Commissioners of the Roads for a Certain District in Bladen County, be read the third time, read the same a third time passed, and ordered to be sent to the Council.

On motion ordered the Bill to impower the Commissioners of the Roads in Several Counties in this Province to turn and alter Roads &c^a be read the second time, read the same the second time, then the motion was made and the Question put, that the said Bill pass, and Carried in the Negative.

On motion ordered the Bill to Impower Joseph Howell to Build a bridge over Tar River at the Town of Tarborough &c^a, be read the second time, read the same a second time amended passed and ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Howe and Mr. Ashe

Mr. Backhouse moved for leave to be absent from the Service of the House.

Ordered he have leave accordingly

The order of the day being read, Resolved the same be postponed till tomorrow

Mr. Howe according to order brought in a Bill for appointing and laying out a Town at the mouth of Cross Creek in Bladen County which he read in his place and delivered in at the Table, where the same was again read by the Clerk, then the question was put that the said Bill lie till next Session of Assembly for consideration and passed in the affirmative, and ordered that in the mean time Mr. Dry, Mr. Bartram, Mr. Howe, Mr. Harnett, Mr. Sampson, Mr. McNeil and Mr. Houston, view the mouth of Rockfish Creek and a place called Cross Creek, fit and convenient for a Town and report thereon to the next Session of Assembly, the place most proper for the Purpose, and for the Benefit of the Back Inhabitants of this Province

Then the House adjourned till 9 o'clock tomorrow morning

Saturday 11th April 1761 The House met according to Adjournment

Mr. Leech presented the Petition of James Davis Printer regarding the Payment of half a years Salary due to him as Printer of this Province in December last which was read

Resolved the said James Davis be allowed and paid by the Public Treasurers the sum of eighty pounds proc money for half a years salary due to him from the Public Ending in December last; and that the following Message be sent to his Majesty's Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

On reading the Petition of James Davis setting forth that by Resolve of the several Branches of the Legislature at an Assembly held in June last he was Continued printer to this Province, from thence to the end of the next Session of Assembly which terminated in December last, praying to be allowed for half a years Salary due to

him from the Public since the Expiration of the late Law appointing him printer to this province down to December last, at which time the present Law for continuing the said James Davis printer to this province did take place, This House resolved that the said James Davis be paid by the Public Treasurers the sum of eighty pounds proc money so due to him, and desire your Honors Concurrence thereto

Mr. Caswell moved for leave to be absent from the Service of th House, on Monday next

The order of the day being read the House again resolved into a Committee of the Whole House, as a Committee of Privileges and Elections, and Mr. Chairman took the Chair, after some time spent, Mr. Speaker Resumed the Chair

Mr. Chairman reported that the Committee had come to several Resolutions as follows to wit

1 Resolved that Mr. Stephen Dewey is duly Elected and qualified a Member for the Borough of Halifax

2^d Resolved that Mr. Cornelius Harnett is duly Elected and Qualified a Member for the Borough of Wilmington, to which the House Concurred

Mr. Ashe moved for leave to present a Bill for Adding that part of a Road Belonging to the North East District in New Hanover County called Negrohead point to the Wilmington District

Ordered he have leave accordingly

Mr. Ashe presented the said Bill which he read in his place and Delivered in at the Table, where the same was again read by the Clerk passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Howe and Mr. Ashe

The order of the day being read Resolved the House take under Consideration his Excellency's Message and the Letters therein referred to, on Monday next

Then the House adjourned till Monday Morning 9 o'Clock

Monday 13th April 1761 The House met according to Adjournment

Received from the Council the Bill to Dock the Intail of Certain Lands therein mentioned vesting the fee simple thereof in Blake Baker &c^a Endorsed, 10th April 1761 In the upper House of Assembly read the second time amended and passed, and

The Bill for an Additional Act to an Act, Intituled an Act to make Provision for paying the Chief Justice and Attorney General Sala-

ries &c^a Endorsed 10th April 1761 In the upper House of Assembly read the second time and passed

On motion ordered the Bill to Impower the Inferior Court of Pleas and Quarter Sessions in the County of Northampton to lay a tax &c^a be read the second time, read the same a second time, amended passed and ordered to be sent to the Council

On motion ordered the Bill to Dock the Intail of Certain Lands therein mentioned, vesting the fee simple thereof in Blake Baker &c^a be read the third time, read the same a third time amended passed and ordered to be sent to the Council

(Sent by Mr. Sampson and Mr. Palmer) •

Ordered Mr. Sampson and Mr. Harnett, wait on the Reverend Mr. Camp, and return him the thanks of this House, for his Sermon Preached before them Yesterday, and request a Copy thereof, that this House may direct the same to be printed

Then the House adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment

The order of the day being read the House Resolved into a Committee of the whole House, to take under Consideration his Excellency's Message and the Letters therein referred to, and Mr. Sampson was unanimously chosen Chairman who took the Chair Accordingly After some time spent Mr. Speaker Resumed the Chair,

Mr. Chairman reported—That the Committee had taken his Excellency's Message and the letters therein referred to under Consideration, and came to several Resolutions thereon, but not having time to reduce them into form, desire leave to sit again tomorrow

Resolved the Committee sit again tomorrow

Received from the Council the following Bills—Viz^t

The Bill to prevent the exacting of illegal and exorbitant fees &c^a

The Bill to appoint Commissioners of the Roads for a Certain District in Bladen County

The Bill for amending an Act Intituled an Act for Dividing the Parish of Saint John in Granville County

The Bill to Dock the intail of Certain Lands therein mentioned vesting the fee simple thereof in Blake Baker &c^a

The Bill to appoint Commissioners to improve and amend the navigation of New River in Onslow County &c^a—and

The Bill to Impower the Inhabitants of Several Parishes within this Province that have no legal Vestry within their Respective Parishes to meet and Elect Vestries Endorsed 13th April 1761 In the Upper

House of Assembly, read the third time and passed Ordered to be engrossed.

The Bill to Impower the Inferior Court of Pleas and quarter Sessions in the County of Northampton for raising a Tax &c^a

The Bill for adding that part of a Road belonging to the North East District in New Hanover County &c^a—and

The Bill for adding part of Orange County to Johnston County &c^a Endorsed 13th April 1761 In the Upper House of Assembly, read the first time and passed

On Motion ordered the Bill for adding that part of a Road, belonging to the Northeast District in New Hanover County &c^a be read a second time, read the same a second time, amended passed and ordered to be sent to the Council

On Motion Ordered the Bill for adding part of Orange County to Johnston County &c^a be read the second time, read the same a second time, amended, passed and ordered to be sent to the Council

On Motion ordered the Bill for an additional Act to an Act to make Provision for paying the Chief Justice and Attorney General Salaries &c^a be read the third time, read the same the third time amended passed and ordered to be sent to the Council

On Motion ordered the Bill to Impower the Inferior Courts of Pleas and quarter Sessions for the County of Northampton to lay a tax &c^a be read the third time, read the same a third time, passed and ordered to be sent to the Council

(Sent the same by Mr. Ashe and Mr. Baker)

Then the House adjourned till 9 o'clock tomorrow morning.

Tuesday 14th April 1761—The House met according to Adjournment

Received from the Council the following Bills Viz^t

The Bill for adding part of a Road belonging to the North East District in New Hanover County &c^a—Endorsed 14th April 1761—In the Upper House read the second time and passed.

On motion ordered the Bill for Building a Court House in the Town of New Bern for the County of Craven for Raising a tax &c^a be read the third time read the same a third time amended passed and ordered to be sent to the Council

On Motion ordered the Bill for adding that part of a Road belonging to the North East District in New Hanover County called Negro-head point &c^a be read the third time, read the same a third time passed and ordered to be sent to the Council

On Motion ordered the Bill for adding part of Orange County to Johnston County &c be read the third time, read the same a third time passed and ordered to be sent to the Council

Sent the above three Bills to the Council by Mr. Leech and Mr. Bartram

Resolved that the Treasurers being Impowered to pay the Salarys of the Judges of the Superior Courts out of the money they have in their hands belonging to the fund appropriated for Schools and Glebes, and that the same shall be reinstated by monies to be collected on the Contingent fund.

Mr. Starkey from the Committee appointed to view the condition of the Magazine at Wilmington belonging to the Public Reported that the Committee had viewed the same, and that they found in the Magazine one Hundred sixty five Barrels of Gun Powder two of which they opened and believed the powder therein to be dry and good and sundry other stores there, and are of opinion it would save the Public a considerable expence were the said powder and other stores removed to Fort Johnston for the use of which Fort they were originally intended.

Then the House Resolved that his Excellency be Addressed to direct the said Powder and other Stores to be removed to the Magazine at Fort Johnston, so soon as the same shall be finished.

The Order of the day being read Resolved the Committee set tomorrow.

Then the House Adjourned till tomorrow morning 9 o'clock.

Wednesday 15th April 1761. The House met according to Adjournment.

The order of the day being read the House Resolved into a Committee of the whole House, and Mr. Chairman took the Chair, Then acquainted the Committee that he had Reduced the Resolutions of Monday last into form which he read and were agreed to. Then Mr. Speaker resumed the Chair.

Mr. Chairman Reported that the Committee had reduced the Resolutions thereof into form which he laid before the House the same were read and are as follows—Viz^t

Resolved that it is now too late in the season of the year for us to hope or expect that a sufficient number of men can be raised in time to be of any service in the present Expedition against the Cherokees, as his Majesty's Forces, and those of the Neighboring Provinces, are just on the point of Commencing their Operations.

Resolved, that no practicable Method can be taken to raise men for his Majestys Service in case we should be required so to do, but that of issuing Notes of Credit to be sunk by a poll Tax, in Proportion only, to the number of forces to be raised, as our zeal to assist in the Common Cause against his Majesty's Enemies has occasioned not only our funds to be entirely exhausted, but also the contracting a very large Debt on the Province which has reduced it to the present unhappy circumstance to which the House Concurred

Resolved that agreeable to his Excellencys Message as well as [to] shew their Constant Zeal and loyalty to his Majesty's Service [we will] raise such a Number of men as the unhappy circumstances of the Province will admit to co-operate with his Majestys forces wherever he may think proper to employ them

Resolved the following Message be sent to his Excellency the Governor Viz^t

TO HIS EXCELLENCY ARTHUR DOBBS ESQUIRE GOVERNOR &c^a

SIR—This House have had under their consideration your Excellency's Message Recommending to us to consider what may be the most proper fund from which an Aid may be prepared by this Province when orders shall arrive for that purpose for raising men to co-operate with his Majestys Forces wherever he may think Proper to employ them at the same time your Excellency Acquaints us that you have not yet received his Majestys Commands as to what sum or number of Troops may be wanted

We have likewise taken into Consideration the Letters your Excellency has been pleased to lay before us from General Amherst and Lieutenant Governor Fauquier, by which we observe the particular destination of the Troops is to join the Virginians against the Cherokees; which as your Excellency has justly observed to us in your Speech at the opening of this Session is now too late in the season of the year for us to hope or expect men can be raised in time to be of any use in the present Expedition against them.

We have also considered the State of our Provincial Funds which are not only intirely exhausted but that a large debt has been contracted by the zeal of this Colony, has already shewn for his Majesty's Service in their readiness in Granting Aids to assist in the Common Cause against the French and their Indian Allies, and that the only means left us to comply with your Excellencys request will be by issuing notes of Credit to be sunk by a poll tax sufficient for the

raising, arming, clothing, paying, and subsisting the Number of Forces that may be required from us for his Majesty's Service.

S. SWANN Sp.

Sent by Mr. Dry and Mr. Miller

Received from the Council the Bill for adding part of Orange County to Johnston County &c^a Endorsed 14th April 1761—In the Upper House of Assembly read the third time and passed.

Ordered to be engrossed.

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY—

On reading a third time the Bill for building a Court House in the Town of Newbern &c^a. We would desire that the dementions of the Court House for the said County not exceeding fifty feet long and thirty feet wide in the Clear be altered to, "not exceeding sixty feet long and forty feet wide in the Clear," as such alteration will make it much more convenient for the setting of the Courts and Jury Rooms, and also be attended with very little more expence to which alteration, if your House agree please to send some of your members to see the same done.

JAMES HASELL. P. C.

Resolved the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In answer to your Message of this day regarding the alteration you desire to have made in the Bill for Building a Court House in the Town of New Bern &c^a this House do agree thereto, and have sent Mr. Leech and Mr. Graves two of the Members of this House to see such alteration made

S. SWANN Sp

Mr. Sampson and Mr. Harnett, acquainted the House that agreeable to the order thereof had waited on the Reverend Mr. Camp and returned him the thanks of this House for his Sermon preached before them on Sunday last, and desired him to furnish the House with a Copy thereof in order the same may be Printed, and that in Answer thereto Mr. Camp said he thought himself under the highest Obligation for the notice of the House and that he will Comply with their request

Received from the Council the Bill for adding part of a Road belonging to the north East District in New Hanover County &c^a Endorsed 14th April 1761 In the Upper House of Assembly read the third time and passed

Ordered to be engrossed

Then the House adjourned till 3 °Clock in the Afternoon

P. M. The House met according to adjournment

Received from the Council the Bill for Building a Court House in the Town of New Bern for raising a Tax &c^a Endorsed 15th April 1761 In the upper House of Assembly read the third time and passed

Ordered to be engrossed

Received from His Excellency the following Message Viz^t

MR. SPEAKER AND GENTLEMEN

As I find by your Answer to my Message that in case any demand could be made from his Majesty for an immediate supply, that in the low state of Trade of this Province from the Taxes already laid and debts incurred, you can think of no other method of raising a supply but by issuing notes and increasing the paper Currency to be sunk by a poll tax, and that there is no fund to pay the debts and contingent charges of Government I think it proper to inform you that there are several sums of money in several of the collectors hands who receive the powder duty which are not appropriated, which if you think proper may be applied to answer the Contingencies of Government immediately and may be again restored by any future Tax, to be laid for future Contingencies, of which sum no account has yet been laid before the General Assembly.

ARTHUR DOBBS

On Motion Mr. Starkey, Mr. Corbin and Mr. Harnett are appointed a Committee to prepare an Answer to the foregoing Message

Then the House adjourned till 8 °Clock tomorrow morning

Thursday 16th April 1761—The House met according to Adjournment

Mr. Harnett Chairman of the Committee of Accounts acquainted this House that the said Committee had stated and settled sundry Accounts the report whereof he laid before the House, which was

read, and after several alterations made by the House the said reports was agreed to

Ordered the said reports be sent to the Council for Concurrence

Sent the same by Mr. Houston and Mr. Skinner

Mr. Starkey Chairman of the Committee of Public Claims acquainted the House that the said Committee had settled and allowed sundry Claims, the report whereof, he laid before the House, which was read and after an allowance of ten pounds thereto added, for a scalp taken by Henry Harmon, the said report was approved of, and sent to the Council for Concurrence

Sent the said Reports to the Council by Mr. Ashe and Mr. Harris

Received from the Council the Message sent to them the 11th Instant, Endorsed 16th April 1761 Concurred with

JAMES HASELL, P. C.

Mr. Corbin from the Committee appointed to prepare an Answer to his Excellency's Message of Yesterday reported that the Committee had prepared the same which he read in his place, and is as follows (to wit)

TO HIS EXCELLENCY ARTHUR DOBBS ESQUIRE, GOVERNOR &c

Sir—This House have had under their Consideration your Excellency's Message of Yesterday, relative to the powder duty wherein you are pleased to inform us that there are several sums of money in several of the Collectors hands who receive the powder duty which are not appropriated, and which your Excellency desires may be applied to answer the Contingencies of Government, as also that no account of what sum has been received by the powder Receivers has yet been laid before the General Assembly

We beg leave to observe to your Excellency what must have escaped your notice that by sundry Accounts [Acts] of Assembly, the money arising by the powder duty, has been appropriated towards finishing and repairing the Forts Johnston and Granville, and amending the navigation of port Bath, port Roanoke, port Brunswick, Port Beaufort or Currituck, and likewise towards the navigation of New River, and the Receivers of the ports in the several Districts are to collect with the Commissioners of the said Forts, and the Commissioners of the Navigation Respectively, as the said duty is applied; some of which Commissioners have already accounted with the Assembly by which it appears there will remain but a small sum of the Powder duty, in the hands of the Receivers more than will

answer the Purpose for which that duty was directed by Law to be applied To which the House agreed Sent the above Message by Mr. Dry and Mr. Sampson

Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In Answer to your Message relative to the adding the Honorable John Swann Lewis De Rossett and Maurice Moore Esquires to the Committee of Correspondance in the Aid Bill mentioned This House agree thereto and have sent Mr. Ashe and Mr. Howe two of the Members thereof, to see the Gentlemens names inserted in the said Bill who being returned acquainted the House that they had waited on the Council with the foregoing Message and had seen the Gentlemens names therein mentioned Inserted in the said Bill

Resolved that as there is not Money enough of the Contingent fund in the Treasury to Pay the Allowances of the General Assembly, servants thereof, the Claims of the Scouting Parties on the Frontier of this Province and other Public Demands which amount to a very considerable sum it is necessary to borrow the remainder of the Glebe and School Money after payment of the Judges Salaries (before resolved to be borrowed from that fund) towards discharging the said allowances, claims and other demands, and that the same be replaced, out of the Tax for the Contingent fund as the same shall be paid in and desire your Honors Concurrence thereto and that the above Resolve be sent to the Council for Concurrence by Mr. Ashe & Mr. Palmer

Received the following Message from the Council—Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill to Impower the several Superior and Inferior Courts within this Province to admit a Copy of the last Will and Testament of any Person deceased in evidence, We find that you have obliged the Secretary or his Deputy to attend with the original Will, Instead of which we could propose that the Secretary's Clerk attending with such Will certified on the Back by the Secretary or his Deputy sworn to before any Magistrate that the same is the original Will Lodged in his office, shall have the same effect, as if the Secretary or his Deputy had Personally attended We also find that you have allowed for such attendance only five shillings per day a sum inadequate to the expence and trouble of such service We would therefore propose that the sum be altered

to seven shillings and six pence per day; to which alterations if your House agree please to send such of your Members as you shall think proper to see the same made in the Bill.

JAMES HASELL P. C.

Resolved the following Message be sent to the Council in Answer to the Above—Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

In Answer to your Message relative to the alteration you propose to the Bill to impower the several [Superior] and Inferior Courts within this Province to admit of a Copy of the last Will and Testament of any Person deceased in Evidence this House cannot agree, because as to the first think it too great a trust to be reposed in any Private Clerk, as to the second we think five shillings p day a sufficient allowance for Travelling to and from and attending the said Court with the original Will as directed by the said Bill

Sent by Mr. Ashe and Mr. Palmer

Then the House Adjourned till 9 o'Clock tomorrow Morning

Wednesday 22^d April 1761—The House met according to adjournment

The House to avoid the appearance of inconsistency in their Conduct in removing Mr. Bacon from his appointment as agent for this Province by a most solemn Resolve of one of the fullest Houses of Assembly ever known in this Colony—Resolve that the principal motive of this House for so doing was the sincere desire they had to shew their zeal and Loyalty to his Majesty in Granting an Aid for his Service, so forceably Recommended to us by his General and Commander in Chief in America, and this Assembly apprehend themselves rather the more in duty obliged to this, as his Excellency has declared that he would not pass any Bill that had the name of Mr. Bacon inserted therein; but that if any other person, in England was named as agent he would give his Assent to him. These Considerations together with the suspicion that might have arose of our obstructing his Majesty's Service and refusing what assistance is in our power; to the Neighbouring Provinces in the most Critical Juncture has induced us to make the appointment of another Gentleman.

Received from the Council the two Resolves of this House of the

14th and 21st Instant sent to them on Monday and Friday last, Endorsed 22^d April 1761 Concurred with in the upper House

JAMES HASELL P. C.

Sent the Estimate of the Allowancies of the Assembly, Clerk and others of this and the last Session of Assembly to the Council for Concurrence

Mr. Harnett, Chairman of the Committee of Accounts Reported that John Starkey Esq^r Public Treasurer of the Southern District hath this Session of Assembly paid into the Committee £105.13.3, on the sinking fund, and the sum of £513.0.0, in Treasurers Notes Including Interest which said several sums are by Law to be burnt

Then on motion Resolved the following Message be sent to the Council Viz^t -

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

The Chairman of the Committee of Public Accounts hath received from John Starkey Esq^r Public Treasurer of the Southern District, the Sum of £105.13.3. On the sinking fund, and £513.0.0 in Treasurers Notes including Interest to be sunk by the several Taxes laid for that purpose. This House have therefore appointed a Committee of the whole House to see the said several sums burnt at the House of Mr. John Campbell in Wilmington at 10 °Clock Tomorrow morning, and desire you'l please to appoint a Committee of your House to see the same done accordingly

Sent by Mr. Lee and Mr. Gibson

Resolved the following Message be sent to his Excellency the Governor Viz^t

SIR—Mr. Anthony Hutchins being disqualified to represent Anson County or having a seat in this present Assembly. This House therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue a Writ for Electing a Member for Anson County to sit and Vote in this Present Assembly in the room and stead of the said Mr. Anthony Hutchins

S SWANN Sp

22^d April 1761

Then the House adjourned till 8 °Clock Tomorrow Morning

Thursday 23^d April 1761. The House met according to Adjournment.

Received from the Council the Bill to Impower the several Superior and Inferior Courts within the Province to admit a Copy of the last will and Testament of any Person deceased to be given in Evidence, Endorsed 22^d April 1761, In the upper House of Assembly read the third time and passed

Ordered to be Engrossed

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading your Message of Yesterday relative to the appointing a Committee of your [this] House to join that of yours to see the Bills burnt, We have accordingly appointed the Hon^{ble} Lewis De Rosset and Maurice Moore Esquires to see the same done

23^d April 1761.

JAMES HASELL, P. C.

Received from the Council the Estimate of the Allowance of the last and this Present Session of Assembly, Clerk and others sent to them yesterday, Endorsed 23^d April 1761. In the Upper House Concurred with.

JAMES HASELL P. C.

Received from the Council the report of the Committee of Claims, Endorsed 16 April 1761. In the Upper House Concurred with.

JAMES HASELL P. C.

His Excellency the Governor sent a Verbal Message to the House requiring the immediate attendance thereof, in the Council Chamber with the Engrossed Bills Viz^t

The Bill for Granting to his Majesty an Aid of Twenty Thousand pounds &c^a for appointing an Agent &c^a

To which said Bills his Excellency was pleased to assent except the Bill for adding that part of the Road belonging to the North East District in New Hanover County &c^a which his Excellency rejected then made a Speech to the House a Copy of which to prevent mistakes Mr. Speaker obtained and which he laid before the House.

Ordered the same be read, the same was read, and ordered to be Entered on the Journal of the House and is as follows Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

I thank you for the supply Granted to his Majesty, an Aid upon this Critical situation of affairs and Poverty of this Province as great as could be expected to be raised in time to co-operate with the other regular and Provincial Troops. But it would have given me double pleasure if you had framed your Aid Bill so as I could have passed it without departing from his Majestys Instructions and incroaching upon his Prerogative, which you have attempted to do, by this Bill, and have since in Council advised me to pass it, and have ventured to encroach upon his Majestys just prerogative, and given up their own rights. And since you in answer to my Message, have disclaimed any right of adding such Clauses to the Aid Bill as may in the least encroach upon his Majesty's Negative Voice, by putting the Crown under a dilemma of giving up so far its Prerogative, or loosing the necessary supply, and as the clause added is only temporary, and I had agreed to have passed it in a separate Bill, Yet upon so critical an emergency and earnest requisition from his Majesty to raise a considerable number of men, which by Loosing no time may be able to join and co-operate with his Majesty's Forces, and may be the means of securing the Possession of all French America, and the future peace and safety of his Majesty's American Dominions, I have for these Considerations ventured so far to depart from his Majestys Instructions as to pass this Aid Bill; and in order to procure the good end proposed by it, hope that each of you, upon your return home will promote the speedy raising of the troops, and prevent as much as possible the concealment of Deserters and every attempt to frustrate the important end proposed by the Bill.

Mr. Ashe informed the House that Mr. Charles Cogdell hath been guilty of a contempt and indignity of this House by throwing a Cat upon Mr. Charles Robinson one of the Members of this House, whilst in the Council Chamber during the time Mr. Speaker was presenting the Bills passed this Session to His Excellency the Governor for his Assent.

Resolved, that the said Charles Cogdell be taken into Custody of the Serjeant at Arms and brought to the Bar of the House, to answer for the said Contempt Mr. Charles Cogdell appeared in Custody at the Bar of this House, and Confest that a Cat leaping upon his shoulders from a Stare Case, he on a surprise, threw her from him, which might fall on Mr. Robinson, but with no design or contempt to any of the Members of the House

Ordered the said Charles Cogdell withdraw and remain in Custody till the House shall take further order thereon

Ordered the Serjeant at Arms bring the said Charles Cogdell to the Bar of this House and that he be reprimanded by Mr. Speaker, and also ask Pardon of the House in General and of Mr. Robinson in Particular and that he be therein discharged Paying the fees

Pursuant to order the Serjeant at Arms brought the said Charles Cogdell to the Bar of the House, where he asked pardon of the House, and of Mr. Robinson in Particular for his said offence, and then was reprimanded by Mr. Speaker and ordered to be discharged, paying the fees

Received from the Council the Report of the Committee of Accounts Endorsed, April 16th 1761 In the Upper House Concurred with (Except) The three hundred pounds in the within Report mentioned to be due to Mr. Abercrombie for his Agency which we can by no means agree to as he was not an Agent duly authorized by Act of Assembly, but only Impowered by a Resolve of the Lower House of Assembly

JAMES HASELL, P. C.

Resolved that the above endorsement made by the Council at the foot of the Reports of the Committee of Accounts is unprecedented, and that this House look upon such endorsement as a Non Concurrence to the said Reports

Therefore it is ordered that the Treasurers have no regard to the said Accounts nor pay any Ballances which may thereby appear to be due; and that the said Report remain in the Office of the Clerk of this House till next Session of Assembly

Resolved that to expedite his Majesty's Service in raising men to form the Regiment directed by the Act of Assembly passed this Session of Assembly, for Granting an Aid to his Majesty &c^a so much of the Public Money now in the Treasury belonging to any fund be borrowed and applyed towards the Service aforesaid and that the same be replaced by the money to be emitted by the aforesaid Act, and that the above resolve be sent to his Majesty's Council for Concurrence by Mr. Baker and Mr. Corbin

Then the House adjourned till 3 °Clock.

P. M. The House met according to Adjournment.

Received from the Council the Resolve this House, of this day

sent to them Endorsed, 23^d April 1761. In the Upper House Con-
 curred with JAMES HASELL P. C.

Mr. Baker informed the House that Mr. John Ferges hath been guilty of a Contempt and breach of the Privileges of this House by saying he was a scoundrel that moved the House against Mr. Cogdell for a contempt of which he was guilty, and that if it was in his place he would not put up with it until he had given Mr. Robinson (one of the Members of this House) a genteel flogging

Resolved, that the said John Ferges be taken into Custody of the Sergeant at Arms and brought to the Bar of this House, to answer for the said Contempt and Breach of Privileges.

Pursuant to the above Resolve the Serjeant at Arms brought the said John Ferges to the Bar of this House and it appearing that the said John Ferges did say that he was a scoundrel that moved the House against Mr. Cogdell for the afore mentioned contempt by him Committed

It is therefore Ordered that the said John Ferges appear at the Bar of this House and ask forgiveness of the House in General and Mr. Ashe in Particular on his knees, and that he remain in Custody of the Serjeant at Arms until he shall pay the fees.

Mr. John Ferges was brought to the Bar of the House and on his knees asked forgiveness of the House in General and of Mr. Ashe in Particular for his contempt and breach of Privileges, and was remanded to the Custody of the Serjeant at Arms until his fees are paid.

Then the House adjourned till tomorrow morning 9 o'Clock

[The Assembly was then prorogued by proclamation from the Governor until 19th November next.]

1762.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

WHITEHALL, January 7th 1762.

SIR, [GOVERNOR DOBBS]

His Majesty, having found it necessary to declare War against the King of Spain, was pleased, in a Council, held, on Saturday last, at S^t James's for that purpose, to sign the inclosed Declaration, and to

order that the same should be published on Monday, the 4th Instant, by the Heralds at Arms, in the usual Places, and with the accustomed Formalities, which has been accordingly done, You will find the just and indispensable Reasons, which have forced The King to take this Measure, so fully set forth in the above Declaration of War, that I am only to signify to you His Majesty's Pleasure, that you do cause the same to be proclaimed in the Province of North Carolina, under your Government, in order that the King's Subjects, having this Notice, may take Care to prevent any Mischief, which, otherwise, They might suffer from the Enemy, and do their Duty, in their several Stations, to distress and annoy the Subjects of Spain; and his Majesty would have you be very rigorous and severe in preventing any Provisions, Ammunition, or Stores, of any kind, from being carried to them, And you are to use all proper Methods that may be most effectual for that Purpose.

I am Sir &c

EGREMONT

P. S. His Majesty has been pleased to order Letters of Marque, or Commissions to Privateers, to be granted in the usual Manner.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

GEORGE R.

Trusty and well beloved We greet you well. Whereas we have taken into our Royal consideration the Loyalty Integrity and ability of our Trusty and well beloved Benjamin Heron Esq^r, We have thought fit hereby to authorize and require you forthwith to Cause Letters patent to be passed under our Seal of That our province of North Carolina for constituting and appointing him the said Benjamin Heron Clerk of the Pleas of our said Province, To have, hold use and exercise during our pleasure the Office of Clerk of the Pleas of and in our said Province of North Carolina, and to Inroll and Record the Pleas and all proceedings at Law to be inrolled and recorded within Our said Province, And to take receive and enjoy the Fees Privileges and Emoluments thereto belonging; and to do and perform every lawfull Act and thing whatsoever which to the duty and execution of the Office of the Clerk of the Pleas aforesaid shall and may appertain; And you are also to take Effectual care that a Clause be inserted in the said Letters patent revoking and annulling all former appointments to the said Office of Clerk of the Pleas

by any person acting under our Authority; And for so doing this shall be your Warrant.

Given at Our Court at S^t James's the twenty seventh day of January 1762 in the Second year of our Reign.

By his Majesty's Command

EGREMONT

To Governor Dobbs

[B. P. R. O. AM. & W. IND. VOL. 214.]

Governor Dobbs to Secretary Lord Egremont

BRUNSWICK 8 Feb. 1762.

MY LORD,

I had the Honor of yours of the 9th Oct. the 3rd inst. acquainting me that at Mr. Pitt's request to retire from business His Maj. had accepted of his resignation and that he had been 'graciously pleased to appoint Your Lordship Secretary of State for the Southern Department and to inform me that this change will not occasion any alterations in His Maj. measures in vigorously prosecuting the War.

I sincerely congratulate your Lord^{sh} upon this distinguishing mark of His Maj. favour and confidence in you at this most critical juncture and dont doubt but Your Lordship will concur in prosecuting this glorious and necessary war with the same laudable zeal of your predecessor and by the Divine Providence will be attended with the same glorious success as his administration though loaded with the additional War with Spain which I am confident if pursued will end in driving the French from this part of the Globe and if the Spaniards persist will also end in the conquest of Havanna which alone would make His Maj. Master of the Spanish trade and by offering a free trade and protection to the Spanish American Provinces would make them throw off their confined dependance upon Spain and effectually humble the House of Bourbon. I hope Your Lordship will pardon this enthusiastic fire since the Divine Providence has so remarkably declared His Majesty Christ's Vice Regent to protect the Protestant Apostolic Church and cause of liberty.

I shall take care to address all my letters to you and inform you of every thing I shall think necessary for His Maj. service and the good of this and the adjoining Colonies.

I have herewith addressed a duplicate of my last letter to Mr. Secretary Pitt lest the first should miscarry and have only since my

last to acknowledge a letter from Mr. Pitt of the 11th Sept. acquainting me with His Maj. happy marriage and one of the 28th giving me an account of His Maj. Coronation and an Order of Council of the 29th Sept^r with the alteration of the form of prayer by including Her Majesty and have ordered a Proclamation accordingly

I wish you all happiness and success in your administration and am with great respect

My Lord yours, &c.,

ARTHUR DOBBS.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

To the King's most Excellent Majesty.

MAY IT PLEASE YOUR MAJESTY.

We have had under our Consideration three Acts passed in Your Majesty's Province of North Carolina in April 1761 which said Acts We humbly beg leave to lay before Your Majesty together with such Observations as have recurred to Us thereupon; The first of these Acts is entituled

An Act to amend and improve the Navigation from Currituck Inlet through the District in Currituck County to Albemarle Sound

This Act alters and repeals (in so far as regards the Port of Currituck) an Act passed in this Province in 1754, by which a Tonnage duty of Powder and Lead was imposed on every Vessel arriving in any of the Ports of that Colony, for its defence and Security, it being directed in the Act now in question that so much of the Powder and Lead as shall have been received from Vessels arriving in that Port, shall be sold and the product thereof applied to the Purposes of this Act, and that for the future a Tonnage duty of 2.6 £ Ton shall be substituted in the place of the Duty of Powder and Lead required to be paid by the Act of 1754.

This alteration, We humbly apprehend is not only improper and impolitic in itself, but is also inconsistent with those Instructions, which have been given from time to time to the Governors of the several Colonies in America, directing and requiring them, to endeavour to procure Laws to be passed in their several Governments, for imposing upon all Vessels trading to the said Colonies, a Tonnage duty on Powder payable in kind without any Commutation.

The other Two Acts are entituled

An Act for altering the times of holding the Superior Courts of

Pleas and Grand Sessions, for the District of New Bern and also the Inferior Courts of Pleas and Quarter Sessions in the Counties of Orange and Carteret and for other purposes.—And an Act Entituled,

An Act to empower the several Superior and Inferior Courts within this Province to admit a Copy of the last Will and Testament of any Person deceased to be given in Evidence

Both these Acts being additional to and explanatory of the Acts passed in this Province in 1760, for establishing the Superior and Inferior Courts of Judicature, which Acts have been repealed in Your Majesty's Order in Council, of the 14th day of Decem^r 1761, they must necessarily share the same fate; But independent of this Circumstance, the last mentioned of these Acts, appears to Us liable to another very material Objection, in as much as it is to the same purport and Effect, as an Act passed in the Province of South Carolina in April 1759, which Act has been repealed by Your Majesty's Order in Council the 25th of June 1761 for the reasons set forth in Our humble Representation to Your Majesty of the 29th of May preceding an Extract of which Representation so far as regards the Law now in question; We humbly beg leave to annex, and to propose, that these three several aforementioned Laws passed in North Carolina, in 1761 may be repealed.

All which is most humbly Submitted

Signed

SANDYS

E^d BACON

GEO. RICE

EDMOND THOMAS

JOHN ROBERTS

WHITEHALL, Feb^{ry} 17, 1762

Extract of a Representation from the Board of Trade to His Majesty Dated May 29th 1761.

An Act to supply the Defects in Evidence where original Wills, cannot be produced, and to make the Proceedings upon Questions arising upon such Wills more easy and Effectual; and for repealing so much of the Second Clause of an Act for making more effectual last Wills and Testaments, as contradicts or repeals the Ninth Clause of the Act against Bastardy.

Upon which S^r Mathew Lamb has reported to Us in the following Words

This Act is for establishing a method in regard to the proof of Wills concerning real Estates, which is not allowed of by the practice

of the Courts of Law in England. The Acts of Parliament and the Practice of the Courts of Law have established a method for the Execution of such Wills and for the Proofs thereof, which has been done to prevent Frauds and Injuries to Heirs at Law and this Province has hitherto as well as the other Provinces, proceeded in the same method, and altho' it might be convenient to have some way less tedious and expensive than is at present, to make Wills concerning real Estates to be Evidence in Courts of Law, yet as this Province has the same way of proving Wills concerning real Estates in Chancery (per Testes) and exemplifying the same so as to make them Evidence as is usually practiced here; I am of Opinion there should be no Distinction for this Province, but that the Law should remain there as it is at present, agreeable to the Law and Practice of England, to prevent Inconveniencies that may arise by such alteration as is intended.

Besides this Objection stated by S^r Mathew Lamb, this Act appears to Us liable to another, which We conceive to be of great Weight, For it repeals part of a just and reasonable Law passed in 1734, founded on the Act of the 29th of King Charles the Second *for preventing Frauds and Perjuries* and against which no Complaint in the course of so many Years, has ever been made, and by such repeal, restores and revives a Clause in an Act against Bastardy whereby Persons having legitimate and illegitimate Children, are restrained from making by their last Wills any Provision for the illegitimate, how considerable so ever their Estates may be further than to the Amount of one Hundred Pounds Currency of that Province.

[FROM MSS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

WHITEHALL Feb^y 17th 1762.

SIR

Since our Letter to You dated the 22^d of December last, a Duplicate of which is inclosed We have had under Our Consideration the several Acts passed by You in April last.

It was a great concern to Us to observe, that the Lower House of Assembly of North Carolina, had availed themselves of the Necessity of raising Money for the Publick service, to tack the appointment of an Agent to the Law passed for that purpose.

The irregularity of this Practice and the many Evils and Inconveniencies which must necessarily flow from it are too obvious to need

any Animadversion upon them and it is Our Duty to desire that when the time of Mr. Jouvencel's Appointment shall expire, You will recommend it to both Houses of Assembly to pass a separate Law, for the Appointment of an Agent, and that You will not upon any pretence whatever consent to an appointment made in any other manner.

We have likewise observed with some concern, that there is amongst these Laws, one for making provision for amending the Navigation of New River in Onslow County by Lottery, which is a mode of raising Money that in Our Opinion ought never to be countenanced or admitted into practice in the British Colonies, where the nature of the Constitution will not admit of those regulations and Checks, necessary to prevent fraud and abuse in a matter so peculiarly liable to them. But as the purpose for which the Act was passed has been carried into Execution and it has had its full Effect and Operation it would be useless and might be inconvenient to propose its repeal and therefore it only remains for Us to desire that You will not give Your Assent to a Law of the like nature for the future.

We are Sir your most &c.

SANDYS
SOAME JENYNS
ED: ELIOT
E^d BACON

To ARTHUR DOBBS Esq^r
Governor of North Carolina.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

To All to whom these Presents shall come Benjamin Turner of Downing Street Westminster in the County of Middlesex Esquire sendeth Greeting whereas his present majesty King George the Third by his Letters Patent passed the Great Seal of the Province of North Carolina bearing date the first day of July in the year of our Lord One thousand Seven hundred and sixty one and in the first year of his Reign did constitute and appoint him the said Benjamin Turner Clerk of the Naval or navy office of the province of North Carolina aforesaid To have hold exercise and enjoy the said Office by himself or his sufficient Deputy or Deputies during his said Majestys Pleasure with all and singular the Fees Profits Privileges and Advantages thereunto belonging as in and by the said Letters Patent

may more fully and at large appear Now Know Ye that to the Intent that the Business of the said Office may not be interrupted for the want of one or more sufficient Deputy or Deputies of him the said Benjamin Turner for the due execution of the same he the said Benjamin Turner reposing great trust and Confidence in the Faithfullness Experience and Ability of Benjamin Heron of North Carolina aforesaid Gentleman Hath Constituted deputed and made & by these presents Doth Constitute Depute and make the said Benjamin Heron his true and lawfull Deputy in and for executing by himself or his sufficient deputies the said Office of Clerk of the Naval or navy office at North Carolina and all other the premises in and by the said recited Letters Patent granted and thereby intended to be granted to him the said Benjamin Turner and every of them To have hold exercise execute and enjoy the said office and other the Premises unto the said Benjamin Heron his said Deputy or Deputies together with all fees Rights Profits Privileges and Advantages thereto belonging or which are or shall be established used or allowed for in respect of the exercise or execution of the said office in as full and ample manner to all Intents and purposes as he himself being present may have or of right ought to have for and during the term of Five years to commence and be computed from the tenth day of May next ensuing the date of these presents if the said Benjamin Turner shall so long live and shall so long continue to hold and enjoy the said Office and the said Benjamin Heron shall also so long live And furthermore the said Benjamin Turner hath and hereby Doth name make and in his stead and place put & Constitute the said Benjamin Heron his True and lawfull Attorney for him and in his name, but to and for his own use, to ask claim recover and receive of and from all and every person and persons who have been or who hereafter During the said Term of Five years shall be employed or concerned in the Execution of the said Office all and singular such salary wages Fees Perquisites and Profits and all other sum and sums of money whatsoever which have been or shall or may be received or due and payable or belonging unto him for his own or any other persons Service or otherwise for Executing the said Office Giving and hereby Granting to his said Attorney Benjamin Heron his Deputy or deputies all his the said Benjamin Turner's Authority and lawfull Power Right and Title for Recovering Compounding Receiving and Discharging the same as fully and effectually to all Intents and Purposes as he himself might or could do was he personally present hereby ratifying

confirming and declaring good and stable in the law all and whatsoever his said Attorney Benjamin Heron his Deputy or Deputies shall lawfully do or cause to be done in and about [the] Premises In Witness whereof the said Benjamin Turner hath hereunto set his hand and Seal the twentieth day of February in the year of our Lord one thousand seven hundred and sixty two and in the Second year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth.

BENJAMIN TURNER (Seal)

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from General Amherst to Governor Dobbs

NEW YORK 21. Feby. 1762.

Sir—As I had acquainted you in my Letter of the 9th instant that I had been honoured with his Majesty's Commands for compleating the regular Corps serving in N^o America, by Recruits to be raised by the several Provinces, on such Terms and Conditions as I sho^d propose, In Consequence of these Commands & in Obedience thereto, I have duly considered not only the Numbers that will be necessary to be furnished by the respective Colonies, but the Encouragement to be given to induce the Men voluntarily to enter into the Service, w^{ch} I am persuaded will, if properly backed by the Provinces, have the desired Effect.

The Number of Men expected from your Province for this Service with the Method proposed for raising them, I shall now lay before you, and the Earl of Egremont's Letter, which I herewth enclose to you, will shew you how much the King has this Measure at heart, and how disagreeable any failure or Disappointment therein wo^d be to his Majesty.

The Quota to be furnished by your Province agreeable to the Proportions from the other Colonies is One hundred and thirty four Men. I must therefore most earnestly request you will use your utmost Influence with the Assembly to raise that Number over and above those already demanded by my Letter of the 9th instant, by paying them the same Levy Money as to the others, and as an Encouragement to induce the Men to enter into the Regular Service, I propose to allow five pounds New York Currency Bounty Money to each Man not under 18 nor above 40 years of Age who shall enlist to serve during this War, or until the Regiments return to Europe:

They shall be cloathed and enter into immediate pay without any further Expence to your Province, than their first levyng; And at the Expiration of their time, as above mentiond, shall be sent back to their respective homes: And In order to encourage the Provincial Officers to forward this essential Service, I leave it to you to appoint any Officer or Officers, you shall think proper, to persuade the Men to enter into the Regular Service on the above Conditions, for every one of which that he shall so enlist, and that is approved of by a regular Officer whom I shall appoint for that purpose, the s^d Provincial Officer shall receive a Reward of 40 Shillings New York Currency; It will therefore be necessary that I have the earliest Notice of the Time when you think the Men will be raised, that I may send an Officer to approve of them, receive them, and to pay the Bounty and reward as already promised.

I have only to add that to render the Service effectual, and prevent Desertion, I shall expect the Province will provide for replacing such Men as do desert, which, when known, I am persuaded will prevent any of them from leaving their Corps, since they cannot expect Protection in the Colonies.

You will please to observe that the Execution of this Measure must by no Means retard or interfere with the Requisition made by His Majesty for the Provincial Service: The King ever mindful of the Ease and Welfare of his faithful Subjects demands only such Assistance as may be granted without subjecting them to any heavy Burthen; & therefore has been pleased to make his Requisitions agreeable thereto. And I trust from your known Zeal for His Majesty's Honour and the good of the Service, you will enforce the Necessity of both Measures, when you meet your Assembly, in such a Manner, that, as these Measures are calculated for the Prosecution of a War, in which the immediate Security & future Interests of the Provinces are so essentially concerned, they will chearfully and readily comply with his Majesty's Commands; and thereby approve themselves faithful and obedient Subjects to the best of Kings.

I am, with great Regard Sir &c

JEFF: AMHERST

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

At the Court at St James's the 11th March 1762.

Present—The King's most Excellent Majesty
Lord Chamberlain Earl of Egremont
Duke of Queensberry Lord Berkeley of Stratton
Earl of Cholmondeley Lord Grantham.
 Earl of Bute.

Whereas by Commission under the Great Seal of Great Britain the Governor Council and Assembly of His Majesty's Province of North Carolina are authorized and impowered to make constitute and ordain Laws, Statutes and Ordinances for the Public Peace Welfare and good Government of the said Province, which Laws Statutes and Ordinances are to be as near as conveniently may be agreeable to the Laws and Statutes of this Kingdom and to be transmitted for His Majesty's Royal approbation or Disallowance—And whereas in pursuance of the said Powers three Acts were passed in the said Province in April 1761 and transmitted intituled as follows Viz^t An Act to amend and improve the Navigation from Curretuck Inlet through the District in Curretuck County to Albemarle Sound. An Act for altering the times of holding the Superior Court of Pleas and Grand Sessions for the District of New Bern, and also the inferior Courts of Pleas and Quarter Sessions in the Counties of Orange and Carteret and for other purposes. An Act to empower the several Superior and inferior Courts within the Province to admit a Copy of the last Will and Testament of any Person deceased to be given in Evidence Which Acts having been perused and considered by the Lords Commissioners for Trade and Plantations, and by them presented to His Majesty at this Board for His Disallowance His Majesty was this day pleased with the Advice of His Privy Council to declare His Disallowance of the said Acts.—And pursuant to His Majesty's Royal Pleasure thereupon expressed the said Acts are hereby repealed, declared void and of none Effect Whereof the Governor or Commander in Chief of His Majesty's Province of North Carolina for the time being, and all others whom it may concern, are to take Notice and Govern themselves accordingly.

W. SHARPE

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from General Amherst

NEW YORK 25 March 1762

SIR, [GOVERNOR DOBBS]

An Officer arrived here last night with Letters from Maj^r Gen^l Monckton giving me an Account of the signal Success of His Majesty's Arms under his Command in the entire Reduction of the Island of Martinique, on which great and glorious News I most heartily congratulate you.

The Citadel of Fort Royal surrendered by Capitulation (the Garrison becoming Prisoners of War) on the 4th Feb^r in Consequence of two Defeats the Enemy received on the 24th & 27th Jan^y in their outposts, where it seems they had every Advantage of Situation they wou^d wish for; but our Troops with the most irresistable Impetuosity carried every thing before them - Immediately on the Surrender of Fort Royal Deputies from a Majority of the Quarters of the Island came in, and submitted to Terms of Capitulation, whereby they became Subjects of Great Britain; And on the 13th Febr^y Mr. De LaTouche the French Governor, sent Proposals of Capitulation, which having been agreed upon, Gen^l Monckton took Possession of St Pusses and the whole Island on the 16th

What adds greatly to this Conquest is that it has been accomplished with the loss of very few Men, among whom there is not one officer of Distinction.

By a Letter I rec^d last night from Mr. Hancock at Boston he assures me that a Vessel arrived at Marblehead had brought certain Accounts of a Spanish War having been declared in England the 5th Jan^y Altho I have not this from any Authority I can't help mentioning it that you may make what use you think proper of it, to rouse your Assembly to exert themselves with a becoming Spirit, at a time when His Majesty's Arms, in humbling the Pride of one Enemy, is threatened by another power no less formidable.

I am with great Regard Sir &c

JEFF: AMHERST

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Governor Dobbs to the Secretary,

BRUNSWICK Mar 30th 1762.

REV^d SIR.

Finding by the public papers that Dr. Bearcroft, Sec^y to the Society for propagating the Gospel in Foreign parts is dead I must tho' unknown to you, direct this to you who succeeds him as being a corresponding member, not having had a letter from him for above 2 years. I imagine that a long letter that I wrote to him to be laid before the board miscarried, in which I stated the affairs of the Apostolic Church in this Province since which time notwithstanding the Laws, I got enacted & amended for the support of the established clergy, the number of clergymen are diminished instead of increasing & the inhabitants are rather becoming more dissolute & sectaries & Idleness increasing for want of clergymen & proper schoolmasters to educate youth there being not even a Parish Clerk in the Province to serve as a Schoolmaster or reader upon occasions where clergymen are wanting or when attending the out chapels, as most counties contain only one Parish; this Province therefore demands a further supply of Missionaries or clergymen to be sent over. The provision made at present for them by Law is £100 ^{per} annum this currency and £20 in Lieu of a house & glebe until they can be provided, besides which in most Parishes, they may receive near £50 by marriages & when they are allowed to make excursions to neighboring counties, who want clergymen, they are allowed handsomely for it. however as our currency at present is much depreciated by issuing notes to raise Supplies, for our necessary defence, it makes a considerable abatement & what is a further discouragement is, that the several parishes provide only annually for their incumbents & therefore I cant properly induct them & ascertain their residence, & the reason the vestry gives for this practice is, that they oblige the clergy to do his duty & attend properly, which, as there is no Bishop or superior with Episcopal jurisdiction over them, they will be apt to neglect their duty—I therefore think it of infinite consequence & the duty of the Society to address his Majesty, that he would appoint 2 Bishops at least for this continent or clergymen with Episcopal Powers to visit the clergymen, confirm & ordain, proper persons within these colonies (as a sufficient number can't be obtained or procured to come from Europe) with a power of

suspension & degradation of the clergy, for immoralities or Heresies or for neglect of their cures, with a power of inflicting mild censure & discipline upon the laity, by depriving them of church communion where dissolute & profligate, this, with a provision for parish schools to educate youth in christian principles would soon improve the Province, get rid of sectaries & encourage the inhabitants to become industrious, in my former letter I proposed sending over a schoolmaster with a proper appointment to 'civilize & convert the Catawbas Indians & that I would add to it, during my residence, that nation consisted then of 300 warriors in strict friendship with us, since that time by the small pox getting among them they are reduced to 60 warriors, with a proportionate number of old men women & children & have quit their Town in this Province & have removed into So. Carolina, where they have laid them out a township.

I propose at the assembly which meets next week to recommend their making a Law, to empower each vestry to raise a small tax, for a clerk & Schoolmaster in every Parish, the town of Wilmington & Parish is now without a clergyman, Parson Smith having been refused to be restored to his mission has been made a chaplain in a man of war, and our Parson here talks of leaving us as he expected to be made a missionary, but has heard nothing of it I beg leave therefore to recommend it to the board that they would if Possible appoint more missionaries to this unfortunate Province, where sectaries are increasing & corruption of manners, where we have but 7 clergymen to near 30 Parishes, most of them counties & one of them Mr. Moyer an abandoned missionary who does little or no duty, without a Parish & totally neglects his mission.

I heartily pray for success to the Society in their laudable design of propagating & spreading the Gospel particularly in this extensive continent

I am Rev^d Sir &c

ARTHUR DOBBS.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Earl to the Secretary (Ext^t)

N^o CAROLINA, EDENTON 2nd April 1762

REV^d SIR

Since my letter to you of 21st Nov^r last, I have baptized in this Parish 70 Infants & administered the Sacrament of the Lord's Supper to 36 Communicants. I have preached to 4 several congrega-

tions, in society Parish who are destitute of a settled minister & baptized there 125 white & 18 black infants & 15 black adults I likewise made a visit to S^t Barnabas' Parish & baptized there 15 white infants I intended (with Gods assistance) to visit them again on Easter next, and administer the sacrament of the Lord's supper there being thereto requested by some of the inhabitants who have been grievously afflicted this last winter with uncommon disorders & frequent sudden deaths, from which no part of the Province has been clear; I have not had the pleasure of hearing from the society for more than two years which probably is owing to various accidents in this time of war.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

To the Hon^{ble} Richard Spaight Esquire Greeting. By Virtue of His Majestys Royal Commission under the Great Seal of Great Britain constituting me Captain General and Governor in Chief in and Over this Province with full power and authority to appoint all Officers both Civil and Military within the same, I being well assured of the Loyalty Integrity and Ability of you the said Richard Spaight Do by these presents Constitute and Appoint you Secretary and Clerk of the Crown for the aforesaid Province To Have Hold Exercise and Enjoy the said Offices According to the Laws Statutes and Acts of Assembly In the said Province together with all and Singular the Powers and Authorities Salaries Rights Profits, Privileges, Fees Perquisites and Emoluments Whatsoever which to the said Offices doth belong or in any wise appertain, And Whereas Letters under the Seal of the said province were issued heretofore that is to say on or about the Twenty Seventh day of November In the year of our Lord 1755 During the Reign of his late Majesty of glorious Memory whereby you the said Richard Spaight was Appointed Secretary and Clerk of the Crown of the said province Know ye that the said Letters be and they are Hereby declared from hence fourth to be Revoked & Determined. In Witness Whereof I have hereunto set my hand and Caused the Seal of the Province to be hereunto Affixed at Wilmington the Twenty fourth day April In the Second year of His Majestys Reign Anno Domini 1762

ARTHUR DOBBS

[Endorsement.]

These are to Certify that the within mentioned Richard Spaight

Esq^r Duly Qualified before me by Taken the Oath of Supremacy & Allegiance Subscribed the Test and took Oath of Office

ARTHUR DOBBS

Wilmington 1 May 1762

[B. P. R. O. AM. & W. IND. VOL. 214.]

Governor Dobbs to Secretary Lord Egremont

BRUNSWICK 30 April 1762.

MY LORD,

I have only to acknowledge since my last your Lordship's requisitional letter of the 12th of December which I rec^d the 15th inst. after the Meeting of the Assembly which I had appointed to meet upon Sir J. Amherst's letter of the 9th of February acquainting me that your letter was upon the way.

It is with the greatest concern that I am obliged to inform your Lordship of the obstinacy and disregard the lower House of Assembly have shown by denying the aid His Majesty required and the resentment which I was obliged to show by dissolving them after repeated solicitations and short prorogations to reconsider and reflect upon their proceedings and to show the several steps I had taken I have inclosed with this the several speeches addresses and answers and their last pitiful resolution of giving a handful of men with very indifferent appointments as our currency is near 200 for 100 Sterling and would not give Bounty Money to raise the recruits desired. I therefore immediately upon the dissolution summoned the Council who unanimously concurred with me, that the men allowed were not sufficient to defend the Forts and that it would be necessary for His Majesty's service that I should augment the garrisons by completing them to 65 men upon which I have added a Captain and Ensign to the Garrisons and added 15 more men so as to make the garrison of Fort Johnston 40 men too few for a Fort which holds our only Magazine and 30 Guns 18 and 12 Pounders besides Swivels they also thought it would be of service to raise the quota of recruits demanded. As we have no fund to pay these except the money lodged in our Agents hands in London paid by His Majesty from the 'Treasury by order of Parliam^t' and that regularly cant be drawn for but by the Governor Council and Assembly and the Assembly having been called upon to apply it having neglected the same upon the concurrence of the Council that it would

be expedient to raise the recruits and complete the Company to garrison the Forts I have advanced my own money to expedite the raising the recruits and men for the Forts not doubting but my Bills will be paid by the Agents though their obligations to the Lords of the Treasury be not fully complied with and if any objection should be made to it I hope for Your Lordship's approbation of my doing it for His Majesty's service and the safety of the Province.

I hope you will see by the papers inclosed that I have done my utmost for His Maj. service and the safety of the American Colonies and acquisitions.

If the recommendation of the Members of Council for the American Colonies be within your appointment and dont continue in the Board of Trade as we have three Vacancies in the Council I beg leave to recommend William Dry, Robert Palmer and Hugh Waddell Esq^{rs} as proper persons to fill up the Vacancies.

I am My Lord, &c.,

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 59.]

Letter from Governor Dobbs, dated 30th April 1762.

MY LORDS, [OF THE BOARD OF TRADE]

I have not had the honour of any Letter from your Lordships since my last to you, but by a letter from Mr. Juvencel to the Committee of Correspondence here am told that His Majesty has been pleased to repeal the Court Bills, but no Letters upon it are yet come to my hands.

I have had a strong struggle with the Assembly to obtain an Aid to his Majesty upon L^d Egremonts Letter but to no purpose, they were as obstinate as mules, so that after two short prorogations to give them time to reconsider and reflect upon their Proceedings, which you will see by the Speeches, Addresses and Answers I made, which I herewith send your Lordsp^s I with some resentment dissolved the Assembly and have appealed to their Constituents for their Behaviour. I have also upon the Resolution the Assembly agreed to of a Pitiful and scanty allowance of a few men to garrison the forts, have sent you the unanimous resolution of the Council upon it, as also upon their denial of raising 134 Recruits for the regulars, the Quota fixed upon this Province by Gen^l Amherst by His Majesty's Orders, and as no money has been raised by the As-

sembly, I have upon their Resolutions advanced my own money to raise the recruits with Expedition, and as the Assembly would not apply the money in the Agents hands in England, I have drawn for the value upon the Agents in London which I hope His Majesty will approve of and direct them to pay. I have also upon these resolutions given out Commissions to raise a Company under proper Officers to garrison the forts, and have added 15 Men to the Garrison of Fort Johnston, where His Majestys horses and artillery are kept & mounted with proper clothing and Bounty money to raise the Company without loss of time, which I propose drawing for, as it shall become necessary to advance it. I shall send you the Journals of the no Session, since they passed no Bills, as soon as I can get them from the Clerks, but have only time to send what I have now ready by the Express I send with my Dispatches to Lord Egremont and Sir Jeff Amherst which I send by Express to New York to be sent by the Packet.

In my last I recommended three gentlemen to your Lordships to be made Councillors upon their being three Vacancies by the death of two of the Members Mr. Swann and Dawson but as George Moore one of those I mentioned declines being appointed I do now add Col^o Hugh Waddell who has behaved exceeding well in our Expeditions upon the Ohio and against the Cherokees having had the Command of our Provincials and is settled in this Colony to be added to Colonel William Dry and Robert Palmer Esq^{re} our Surveyor General whom I before recommended.

I am with great respect My Lords &c

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 51.]

Letter from the Bishop of London.

MY LORDS.

I have by Mr. Pownal your Lordships Secretary two of the [Acts of] Assembly passed in the province of North Carolina in May 1760. for establishing Vestrys and making provision for an Orthodox Clergy with your desires to have my sentiments upon the same, so far as they regard the Establishment of the Church of England there the Right of Presentations given to the Vestrys, and the Jurisdiction set up for the punishment of Ministers guilty of Immorality.

These Acts seem to me to be connected in one scheme to establish

Vestrys and give powers to Vestrymen as they regard the different points referred to me

I observe 1st that the Act for establishing Vestrys does not require from each person elected to be a Vestryman, to give Testimony of his Faith other than he is, or intends to continue a Member of the Church of England. The Act says that each person so chosen shall take the Oath of Abjuration and subscribe the Test and shall declare—I will not oppose the Doctrine and Discipline of the Church of England as by Law established—which Declaration may be made by Presbyterian Anabaptist Independent Quaker Jew or pagan. If persons retaining any of these Tenets be elected into such Office and are to preside in Ecclesiastical Affairs can it be supposed but they will incline to favour such as are of their own Opinions rather than the Ministers and people in Communion with the Church of England? who it is to be feared, will frequently suffer by the partialities and prejudices of Vestry men who do not conform to their Doctrines, or are Strangers to their Faith. To avoid those Evils, the proper Remedy will be to make it a necessary Qualification for each and every person to make the following Declaration, viz: I A. B. do declare that I will conform to the Liturgy of the Church of England, as by Law established, as it is required by a former Act in 1755 in the said Colony.

The second Act for making provision for an Orthodox Clergy is an agreeable Title and sounds well; and if it provided sufficiently for them, no reasonable Objection could be made against it; but if on the contrary it renders their Maintenance uncertain and precarious by placing them in a dependent state, upon the Humours and Tempers of Vestrymen chosen as before mentioned, it will rather hurt than help them. This Act says that every Minister to be preferred or received into any parish within that province shall receive One hundred pounds proclamation Money from the Church wardens annually; but if they refuse to pay the same, there is no penalty mentioned in the Act which they shall be subject to nor power given to the Minister, how or from whom he shall recover the same. The like or rather greater difficulty lies upon the Minister how or from whom he shall recover the Fees for marrying by Licence, as the Marriage License is frequently directed to a Justice of peace to execute; and when that is the Case how or from whom shall the Orthodox Minister recover the Fees specified? The same difficulties attend the Recovery of all other Fees the Allotment of Two hundred Acres of Glebe Land and Building a Mansion-house for the

Ministers Use: whenever these are refused to be paid allotted or built, as directed, the Minister has no Method to compel the parties neglecting or refusing to fulfil the Act Besides after a Mansion house is built the Minister is under the Hardship of being subject to the Will and Humours of the Church wardens to repair the same as they direct or to be harrassed by them with vexatious Law suits.

The next point in this Act, is vesting the Right of Presentation of every parish for twelve months after a Vacancy in the respective Vestry belonging to it; but should that Term expire and no Minister be presented there is no mention made of the Lapse of that Term to the Crown or Ordinary: By this Means a Power is acquired by the Vestrys never granted to the Builder or Endower of any Church by the Laws of England nor should be as it is so injurious to the prerogative of the Crown and the Welfare of the Church of England.

The last part of the Act for punishing Ministers guilty of Immoralities, sets up a new Jurisdiction for prosecuting Offenders by exhibiting Articles of Complaint against them in Temporal Courts, which have an undoubted Right to judge in temporal Matters; but Immoralities being spiritual Crimes whether in the Minister or people, wherever the Church of England has been established these have always been censured in the Ecclesiastical Courts by the Bishop or his Commissarys. To set up any other authority for this purpose is taking away the little Remains of Ecclesiastical Jurisdiction if any is left in that province and reducing the Bishop of London by the Act only to certify as a public Notary, that the Minister is duly ordained. This part of the Act is contrary to the common principles of Justice, to punish spiritual Crimes in temporal Courts. It is likewise contrary to an express Law in North Carolina, which enacts that all Statutes made in England for the Establishment of the Church shall be in force there. Is it reasonable then that those Laws which have so wisely regulated presentations to Livings in those Kingdoms for Ages past, and in a proper Manner have punished Ministers guilty of Immoralities should be totally set aside and repealed in a Colony in Exchange for others no way consistent with the English Constitution

I have the Honor to be My Lords your &c

RIC LONDON

Frith Street

May 3: 1762.

[FROM MSS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

Know all men by these presents that I Paul Whitehead of Twickenham in the County of Midd^x Gentleman one of the Testamentary Guardians appointed by the Will of George Burrington Esq^r late Governor of North Carolina deceased for the Use and Benefit of George Burrington his Son & Admin^rtor with the will of George Burrington dec^d annexed Have made Ordained Constituted and Appointed and in my place and Stead put In and by these presents Do make Ordain Constitute & Appoint and in my place and stead put John Rutherford of Wilmington in North Carolina aforesaid Esq^r my true and Lawfull Attorney for me and in my Name to ask Demand Sue for Recover and Receive as Administrator with the will of the said George Burrington Esq^r Annexed of and from Frederick Gregg of Wilmington in North Carolina aforesaid Esq^r all moneys whatsoever now due or to grow to me as Administrator with the Will of George Burrington Sen^r Annexed abovesaid from him on any Account whatsoever and also to Receive & Take possession of all the Estate or Estates real or personal late of or belonging to the said late Governor George Burrington for me and in my Name as well as all the Slaves & Utensils upon or Concerning the plantation or Plantations or otherwise at North Carolina aforesaid and on not paying the said Moneys or Debts & every part and on not delivering possession of the said Estates at North Carolina aforesaid & every of them for me and in my Name to Sue Arrest implead imprison and prosecute the said Frederick Gregg Esq^r and all other persons concerned herein and pretend any Claim thereto either at Law or in Equity and in such Suit or Suits to proceed to Judgment Sentence & Execution or decree Respectively & on paying the same & delivering possession of the said Estate or Estates with all costs of such suit or suits the s^d Frederick Gregg Esq^r and all other persons concerned therein forth of prison & discharge and also Account with all and every person or persons whatsoever in any Respect relating to the said premises and all manner of Acquittances Releases and discharges either general or Special for me and in my name to make give Seal and deliver thereupon And also to do perform and Execute all and every other Lawfull & Reasonable Act and Acts Thing & things whatsoever both for Obtaining & discharging of the said premises above mentioned and every part thereof as shall be Reasonable and necessary to be done Giving and by these presents granting Unto my said Attorney my full and absolute power in all and Singular the said premises

Ratifying & holding firm all and whatsoever my said Attorney shall Lawfully do or Cause to be done in and about all the said premises by Virtue or means of these presents

In Witness whereof I have hereunto Set my Hand & Seal this 14th day of May in the Second Year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith & so forth and in the Year of Our Lord 1762

PAUL WHITEHEAD [Seal]

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 55.]

Letter from Governor Dobbs to the Board of Trade

BRUNSWICK 17th May 1762.

MY LORDS,

Since I got my Instructions I have given Notice to the Associates of Murray Crymble and Huey to give me in upon oath a Return of the number of Persons who are seated upon their Lands in order to know how to proceed according to my Instructions that such Lands as the Associates have not seated and don't choose to pay the Quit Rents for may be surrendered to the Crown which when I get properly returned I shall transmit to your Lordships and receive your further Instructions how to proceed for as they are all patented by several Baronies or 12,500 Acre Tracts and are now the property of many different people and all the Choice Lands are settled if the Crown should take possession of all the worth of the Lands the Refuse wou'd yield but a Trifle and great part wo'd not sell and then the Quit Rents wo'd be lost Wou'd it not then be better for the Crown if we sho'd oblige the Occupants to pay the Quit Rents for the refuse Lands adjoining their own and not resume them for no other person will settle them and then the adjoining Planters wo'd have them as a Common without any Quit Rent or Acknowledgement and when His Majesty will consider what Difficulties the Associates have lain under who have had all the Planters forced off their Lands by the Indians in the Cherokee war and dispersed through the inner parts of the Province and that they are but this moment returning to resettle their Lands and the great confusion occasioned in those Tracts adjoining to the Boundary Line upon account of the Limits not being fixed who submit to no Law nor pay any Taxes to either Colony & threaten even the Sheriffs to carry them

down prisoners to Charles Town if they destrain them Alleging that they belong to that province and to create Confusion go down and take out Warrants of Survey and procure patents upon the Lands granted to the Associates that it has put the Associates and Settlers to great Difficulties, and has prevented them from settling great part of their Lands, or in this time of War and Confusion we can't get the Laws executed and when it is considered that until this day the patentee Associates have not received one farthing from the settlers who were indulged in not having taken out Titles for the Lands they have occupied upon account of the Confusion of the Times from the Cherokee War and not having had the Boundary Line ascertained together with the Taxes they were charged with at the South Government informs them that all the Lands South of Lord Granvilles Line is within their Bounds by the former Instructions.

It was therefore upon these Accounts that I apprehend that His Majesty graciously condescended to relax the Associates from paying the Quit Rents until Lady day 1760, as it wo^d have been of the utmost ill consequence to have attempted to oblige them to pay Quit Rents when they co^d not improve or till their Land being always under Arms to prevent being scalped and had all their Horses and Cattle drove off or destroyed. I submit it therefore to your Lordships whether you will have me immediately inforce the Instructions before the Planters are again settled on their farms or indulge them for a little time for if they sho^d be pushed now during the war all the Lands except the choice parts wo^d be thrown up by the Associates and those to whom they have been sold and the Quit Rents wo^d be lost, and the Refuse Lands wo^d not be taken up nor be sold at any price while any other Lands can be taken in the Colony for only paying the Quit Rents I am therefore humbly of Opinion that His Majesty wo^d obtain more Quit Rents and have more Land taken up by not charging the Associates with the Quit Rents but as they desposed or settled the Lands for then they wo^d oblige the occupants to take the bad with the good for their own sakes and pay Quit Rent for the whole but if His Majesty shou^d re-enter upon the Refuse Lands by Escheit or forfeiture or by surrender no Offer wo^d be made or Warrants be taken out for such Lands for ages to come and thus fewer Quit Rents be paid After your Lordships have considered these things I shall obey whatever orders you shall send me.

I have transmitted to our Agent Mr. Jouvencal a Petition to His

Majesty in Council from the members of the Council here for an Allowance out of His Majestys Quit Rents for their attendance at the Court of Chancery & Claims & extraordinary attendance at Councils as well as at the several Sessions of Assembly which as His Majestys Quit rents are greatly increased since I came over to above £3000 Sterl I think is very reasonable, as they are so dispersed in the province and have from 50 to near 200 miles to travel to do their duty without any allowance and when your Lordships will consider that it was in great measure thrown aside before by false Facts and sophistical reasoning alledged by Mr. Child then attorney General by infering that it wo'd be precedent for other Provincial Councillors to desire the same since no other Province in the Kings Government has the like cause and Mr. Child has since boasted that he appeared against it because the Council refused making him the Provincial Agent and did not employ him to solicit it otherwise he would have had the Petition approved of. I think it therefore for His Majesties and the Public service if you think proper to recommend it to his Majesty as Gentlemen of small fortune can't attend at their own expense & fatigue and neglect their private business for an empty title and when they attend at assemblies for the scanty allowance of 3.9 English p diem This occasions many to refuse being of the Council having wrote fully to you lately via New York I have nothing to add but am with due respect

My Lords, &c.,

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA B. T. VOL. 23. p. 201.]

Report of Lords of Trade to the King

WHITEHALL 3rd Jan 1762

To the King's most Excellent Majesty.

MAY IT PLEASE YOUR MAJESTY.

We have had under our consideration two Acts passed in your Majesty's Province of North Carolina in May 1760. Entitled An Act for establishing Vestries and An Act for making Provision for an Orthodox Clergy and having also referred these Acts to the consideration of the Lord Bishop of London (as has been usual in Cases of the like nature) We beg leave humbly to lay before Your Majesty the annexed Copy of the Letter in which his Lordship has been

pleased to give us his observations and Opinion upon them And we humbly represent to your Majesty

That in the year 1755 an Act comprising the Purposes of the present Two was passed in North Carolina, which being found in many of its Provisions to affect Your Majesty's Rights of Patronage and Presentation to Benefices and to interfere with the Ecclesiastical Jurisdiction belonging to the Crown was for the reasons set forth in our humble Representation of the 27th of Feb^{ry} 1759. repealed by his late Majesty's Order in Council dated the 3rd March following The present two Acts do not only revive several of the exceptionable Provisions of that repealed Law, but in some of their Clauses do also contain matter of new and greater Objection. We therefore think it Our Duty humbly to state to your Majesty such observations as have occurred to us upon each of the said Acts

And first with respect to the Act for Establishing Vestries, the Clause which ascertains the Qualification of Vestry Men does not require that they should be (as undoubtedly they ought to be) members of the Church of England. It enacts that it shall be sufficient for each person elected to that Office to declare that he will not oppose the Doctrine and discipline of that Church This is an instance of new Objection to which the repealed Law of 1755 was not liable it being by that Act required as a necessary qualification, that each Vestry man should declare his conformity in the most express words

2. By the 85th Article of your Majesty's Instructions (an instruction which was founded on an application of the Bishop of London to the Lords of the Council for Trade in the year 1677 and has ever since been universally given to the Governors of all the Colonies in America) Your Majesty's Governor is directed to take care that every Orthodox Minister be one of the Vestry in his respective Parish. By the Letter of this Act it is not provided that the Minister shall be of the Vestry and by the Spirit and general construction of it, we should rather incline to think it means to exclude him.

With regard to the 2^d Act for making provision for an Orthodox Clergy, we observe

1st that although it settles a salary (more ample than was provided by the former Law) and establishes the Fees of the Clergy yet it does not effectually secure to them the enjoyment of such Salary and Fees, there being no penalty inflicted on the persons who shall refuse or neglect to pay them, nor any power of recovery given to the Minister.

2. This Act vests the Right of Presentation of every Parish in its respective Vestry, for twelve months after a vacancy, but should that term expire and no Minister be presented the Lapse of that Turn is not reserved to your Majesty in which instance this Act of 1760, is still more objectionable than the repealed law of 1755.

3. The latter part of this Act concerning the punishment of Ministers guilty of immoralities appears to us unnecessary, as the matter is already provided for by the laws of this Kingdom and improper as it may be construed to interfere with the Ecclesiastical Jurisdiction belonging to your Majesty.

For these reasons we are humbly of opinion that the said two Acts should receive your Majesty's disallowance.

But before we conclude we must humbly beg leave to take notice of two other Objections with respect to the conduct of your Majesty's Governor in passing the said two Acts, which our duty will not permit to pass over.

1. That there being in each of these Acts a Clause repealing all other Acts and every Clause and Article thereof for so much as relates to any matter or thing within the purview of the present, Mr. Dobbs in assenting to such Clauses was regardless of the directions of the 18th Article of your Majesty's instructions which require him "more especially to take care that no Act whatever be suspended, altered continued, revived or repealed in general words, but that the Title and date of such Act so suspended altered, continued, revived or repealed be particularly mentioned and expressed in the enacting part."

2. That although these Acts are in effect only revivals of a Law repealed by his late Majesty liable not only to most of the Objections upon which that Law was annulled but to others from which it was exempt, Your Majesty's Governor in contradiction to the direction of the 19th and 20th Articles of your Majesty's instructions, has given his Assent to them without any Clause of suspension and has suffered them to have immediate operation before your Majesty's Pleasure could be Known. In our humble Representation to your Majesty of the 3^d of Decembrr last upon some Acts of North-Carolina for *establishing Courts of Justice* we fully stated to your Majesty how essential it is to the constitution of the Colonies and the just Government of the Mother Country, that those Instructions should be strictly observed and we are sorry to have occasion so soon to take

notice of another instance of Mr. Dobbs's inattention to those instructions.

All which is most humbly submitted

SANDYS
SOAME JENYNS
ED. BACON
JOHN YORKE
EDMOND THOMAS
GEO. RICE
JOHN ROBERTS

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

At a Court at St. James's 3rd June 1762.

Present—The Kings most Excellent Majesty

Lord Steward

Viscount Falmouth

Earl of Cholmondeley

Lord Berkeley of Stratton

Earl of Egremont

Lord Grantham

Whereas by commission under the Great Seal of Great Britain the Gov^r Council & Assembly of his Majesty's province of N^o Carolina are authorized and empowered to make constitute and ordain laws statutes & ordinances for the public peace welfare & good governm^t of the said province which laws statutes & ordinances are to be as near as conveniently may be agreeable to the laws & statutes of this Kingdom & to be transmitted for his Majesty's royal approbation or disallowance & whereas in pursuance of the said powers two acts were passed in the s^d province in May 1760 & transmitted entitled as follows viz:

“An Act for establishing vestries”

“An Act for making provision for an Orthodox Clergy”

Which acts having been perused & considered by the Lords Commissioners for Trade & plantations & by them presented to his Majesty at the Board for his royal disallowance—His Majesty was this day pleased with the advice of his privy council to declare his disallowance of the s^d Acts and pursuant to his Majesty's Royal pleasure thereupon expressed the said acts are hereby repealed declared void & of none effect—whereof the Governor or Commander in Chief of his Majesty's s^d province of North Carolina for the time being & all others whom it may concern are to take notice and govern themselves accordingly.

W. SHARPE.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23. P. 209.]

Lords of Trade to Governor Dobbs

WHITEHALL 10 June 1762

SIR,

We have received your letter to us dated in December last inclosing your answer to several of our general heads of Enquiry concerning the present state of the Province under your Government and we hope that when the proper Offices shall have furnished you with the information you have required of them, you will send us a full and complete return to those Questions which remain unanswered.

The enclosed Copy of Our Letter to you of the 14th of April 1761, (the Original of which we fear may have miscarried) will fully inform you of our sentiments upon the Claims of the lower House of Assembly that Quorum should consist of a majority of the whole House and upon the irregular Method of passing and auditing the Publick accounts, but as we find by your last letter that the Assembly still persist in their unreasonable pretensions and have also unjustly and unconstitutionally admitted persons to sit amongst them who have been chosen Representatives of Towns and Counties without the King's writs issued for that purpose and have refused to pass Acts for incorporating Townships upon Petitions from the Inhabitants setting forth their Qualifications, We have thought it our Duty to communicate our sentiments and resolutions upon those points to their Agents and Representative here, hoping that they will by this gentle and moderate method of proceeding be led to a proper consideration of their errors and of the ill consequences that must result from their undutifull conduct and from such indecent and unreasonable Opposition to the just Authority of the Crown.

The inclosed extract of the Minutes of Our proceedings upon this Business will shew you what has passed upon the Occasion and therefore it only remains for us to take notice of those parts of your Letter which regard the mode of remitting and applying the money received from the Treasury by the Agent as the Share of your Province in the Sums granted by Parliament for making a compensation to the Colonies for the expences they have been at in the general service and the hardships which you say are suffered by yourself and the rest of the Publick Officers from the Act passed in 1748, for establishing Fees of Office

Before we enter however into any observations upon these points,

it is necessary for us to mention the great Difficulty and embarrassment which has attended the consideration of every point to which all your letters to us have reference from the very incorrect vague and incoherent manner in which they are expressed, in so much that in many cases it is almost impossible for us to discover your meaning or to apply any consistent construction to what you propose, we likewise find upon having recourse to your correspondence with the late Lords Commissioners of Trade, that your letters to us contain little more than Repetitions of Propositions made to them upon which you had received their sentiments and Opinion very fully and clearly expressed in their letters to you.

This is more particularly the case with respect to the two points we have just stated and therefore we should have contented ourselves with referring you to their Lordships Letters upon these subjects had not what you now say upon them been intermixed with new matter that seems to require some remarks. We entirely agree with you in Opinion, that the Parliamentary Grant cannot be applied to a more reasonable and necessary service than the sinking that paper currency which was created for the services that the grant is intended to compensate for, But we cannot be of Opinion that the doing this by buying up the paper currency with Bills drawn upon the Agent here, will be a more beneficial Method than the remitting the money in specie which being substituted in the place of paper notes, will occasion a Circulation of Cash, the want whereof has ever been the plea for a paper currency, that having no intrinsic value in itself has constantly depreciated to the great prejudice and loss of the British merchant, nor does it appear to us that the Method you propose will be less liable to fraud than the other since the Treasurer in the buying up the paper currency by Bills upon the Agent, may undoubtedly if such Fraud is connived at, make the same unjust Advantage of the difference between the nominal and depreciated Value of the Paper Currency as you state they would do in the exchanging Cash for them and in this Case the fraud will not be confined to them alone but others will be sharers in it, who cannot be so easily checked or punished as persons in Office who by the Laws of the Province and the nature of their appointments are liable to account.

We do not however state this opinion to you as meaning to convey any direction or authority to you in what way to act in a matter which is entirely within the Province and Department of the Lords of the Treasury and in which if their Lordships do not think proper

to give any directions, it must be left to your own discretion to act as you shall think best, for the Publick Interest and advantage upon full consideration of such Facts as it is impossible for us, at this distance to be apprized of.

We must not however omit taking some notice of what you say concerning that part of this money appropriated for building a City upon Neuse River, upon which point you have expressed your sentiments so confusedly, that we are totally at a loss to guess what you mean by supposing that unless this Act is repealed or confirmed the money will be locked up in the Treasurer's hands, had this Act been passed, as it certainly ought to have been, with a Clause suspending its execution until the King's Pleasure had been known your meaning would have been obvious but as there is no such Clause and as the Share of your Province of the £50,000 allowed to the Southern Colonies has, we suppose been long since received by the Agent, we know of nothing that can prevent the Act from being carried into execution unless his Majesty should repeal it which we shall not take upon us to advise, so long as the Reasons that induced the passing it and which appear from your Letters to the late Board to be so well founded in reason and good Policy stand unimpeached.

If any new circumstances had occurred to Alter your former sentiments upon this measure it would have been your duty to have stated them to us but as you have not mentioned any such, we cannot conceive upon what ground it is that you suggest the necessity of repealing it.

It was matter of great surprise to us, that after the late commissioners of Trade had so clearly expressed their Opinion of the propriety of settling the Fees of Office by provincial Laws you should still continue to state the Law passed for that purpose in North Carolina as an encroachment upon the Prerogative of the Crown, We do entirely agree with them that it does in no case come within such a description but on the contrary is not only justified by the example of like laws in every other Colony but is also in itself the most reasonable, effectual and constitutional Method of settling Fees that can be followed.

It is true indeed that some Laws of this kind have been repealed, but not upon any Objection to the Principles of them but only, when it has appeared that the Fees settled have not been in proportion to the Service to which they were applied or were considerably less than what reason allowed and usage had established.

This Objection however does not materially apply itself to the

Provisions of the Act in Question, no complaints of it in this respect have ever been made, during the long continuance of its Operation by any publick Officer whatever except yourself.

Had your Predecessors in the administration of the Government apprehended themselves to be aggrieved or their Interests affected by this Law, either with respect to the Fees established for Grants of Land (the only case in which you represent it to be injurious to you) or in any other respect, they would doubtless have complained and their complaint would have had the greater weight from their being in that disadvantageous situation which you are happily freed from of having no allowance whatever from the Crown for their support.

As to the disadvantage which you say attends the Officers entitled to Fees under the Authority of this Act, from the depreciated Value of the Paper Currency, it is certainly a general inconvenience resulting from the present State and circumstances of the Province in reference to its Credit and Currency operating equally upon all persons in all cases of Payments whatever and is in no degree a partial prejudice arising from the Provisions of a particular Law and therefore it does not appear to us that it can be reasonably urged as an Objection to the Fee Bill, the Repeal of which would not only in our Opinion be unreasonable and unjust but highly prejudicial to the Officers concerned in it, who would in such case find it extremely difficult in cases of Refusal of Payment to recover Fees established by any other Authority which considering the propriety of the thing in general and what has ever been the practise might reasonably be disputed.

But were the reasons urged for the Repeal of this Law as cogent as they are weak and futile, we should have just ground to doubt the propriety of such a measure when we consider that it will expire by its own limitation in the next year and therefore if there had been any reasonable Cause of complaint the proper way to seek redress would have been to have stated the Objections when the making a new Law came under consideration and in case the Legislature refused redress, to have appealed to his Majesty's Justice and solicited the Repeal of the Law.

We are sorry to find that you apprehend you have reason to complain of the conduct of the Deputy Auditor, but as he is an Officer appointed by and entirely subordinate to the Auditor General it is impossible for us to interfere in this matter and all we could do was to communicate your complaint to him who will we doubt not take

proper measures to check and prevent any abuse or neglect of his Officer.

Mr. Berry the Chief Justice of North Carolina having applied to us by his Agent here to be reinstated in the Council upon the first Vacancy we have thought it advisable upon a consideration of the peculiar hardships of his case, in being set aside after he had sat and acted in the Council under your appointment to propose that he should be appointed in the place of Mr. Swan, but shall nevertheless have a due regard to your recommendation of Colonel Dry upon the next vacancy.

The death of the late Bishop of London happening before we had received any Report from him upon the Laws *for establishing Vestries and making provision for an Orthodox Clergy* we thought it our Duty to refer them to the present Bishop, who having favored us with his Opinion and Sentiments upon them, we have made Our Representation to his Majesty and shall not fail to transmit to you such Orders as his Majesty shall think proper to give in consequence thereof.

We are, Sir, etc

SANDYS
SOAME JENYNS
ED. BACON
EDMOND THOMAS
GEO. RICE
JOHN ROBERTS

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Macdowell to the Secretary (Ext^d)

BRUNSWICK June 15, 1762

REV^d SIR

Your Kind favor of 22 Dec^r last, came to hand Via Charlestown, the 8th instant giving me the agreeable account of my appointment to a mission at Brunswick for which I beg leave to return my sincere & hearty thanks to the venerable Society; and to you sir for your goodness in acquainting me of it—And I hope by the blessing of God, I shall more & more deserve the good opinion, of the venerable Society, by applying myself in every respect to perform the duty of a faithful & wise servant in that weighty & important charge. I have all along Kept a correspondence, with the good old Dr. Bearcroft (whose death I lament) giving the venerable Society

an account of my ministry & the situation of affairs here Since my first coming to America, & had the particular honor of receiving a present, of £20 Sterl & some books, from them some years ago. For which reason it will be needless to go further back, Than the commencement of my appointment to a mission, viz 1760.

In that year besides the immediate duty of my own Parish I visited the Parishes of St Martins, Bladen & St John's, Onslow; and in these 2 counties I baptized 55 Children whereof 9 were negroes & I baptized 2 adults, 1 white & 1 black by immersion. In my own Parish, I baptized 9 white & 4 Mulatto Children, 1 Adult Mulatto woman belonging to Collⁿ Dry, & 4 Adult Negro women, belonging to the Hon^{ble} Mr. Hasell. In the year 1761, I baptized in my own Parish in Bladen & in St James' Wilmington 35 Children & 1 adult negro man. In this Current year 1762 I have already baptized 33 Children & 2 Adults; 1 a free negro man, who after proper instructions, is since become a constant communicant; the other a Captain of a vessel who died here, & on his death bed acquainted me, that he had never been baptized & prayed he might then receive that Sacrament.

-The reason I have already baptized so many this current year is this, I was out the 9th of May at the boundary line, which divides North & South Carolina, and as my parish joins the South Province I had the largest congregation from both Provinces, I ever saw since I have been in America & baptized 23 Children on that occasion.

My Parish of St Phillip's runs from the mouth of Cape Fear River along the sea side about 40 miles to little river which divides this from S^c Carolina; then about 45 miles along the South Line; then joining Bladen County; runs about 45 miles to the Northwest branch of Cape Fear River; then down S^d. Northwest branch, to the Ferry opposite Wilmington, about twenty miles and from that down to the river's mouth about thirty miles. Brunswick is situated on the West Bank of the River, about half way between Wilmington and the River's mouth, where we have a fort. Wilmington stands on the East bank of the River, But I intend to send a map of my Parish, which will give a better Idea of it, than this description; We have about 800 taxables in this Parish, Taxables here are males White and black and mixed blood, from 12 years of age and upward, and Female Blacks or mixed blood from the same age We have but few families in this Parish, but of the Best in the Province, viz: his excellency the Gov^r, his honor the President, some of the honble the Council, Co^{ll} Dry the Collector, and about 20 other good families,

who have each of them great gangs of Slaves We have in all about 200 families; and are about to have our Parish made into a County. We have no dissenters of any sort, excepting a few Poor families of Fishermen, who came in from Cape May at the mouth of the River Delaware and are settled by the Sea side, between the mouths of the Rivers Lockwood's folly and Shallot, they call themselves new light Anabaptists; but we hope this frolic will soon dwindle away and disappear among them, as it has already done in many Places in this and the neighboring Provinces. We have this Spring repaired our old Chapel at Brunswick in a decent manner, and the timber for the roof of our New Church is provided; and Mr. Dick a Carpenter, who wrought at his excellency the Governor's has undertaken the roofing of it; I have but 15 actual communicants as yet, whereof 2 are black, but I hope the number will soon increase.

I have not presumed to draw or negotiate any bill of Exchange for my salary, till I have your order for so doing or till I inform myself how to proceed lest I should give offence ——— I received a letter from Dr. Bearcroft wrote with his own hand at the time he sent me the Present of Books from the venerable Society, which I think it my duty to mention here; as did I neglect it, it might seem like my disregarding their kind intentions towards me, viz^t that they will consider me for what extraordinary services, I do in my visits to the Several Parishes in No. Carolina. Now though I own myself by the honor they have lately conferr'd on me, very amply rewarded for all my Poor Services, yet if they have a mind to make me a complement for what service I have done from my coming in to the date of my mission, I shall be ready to acknowledge it, for I have not Even a boy of my own to ride with me, all the slaves I have in the world are an old woman that attends my dear little son at his aunt's in Bladen, and a child of 5 years old, the boy that waits on me is one that a friend of mine is so good to lend me—whereas some who have not been much longer in this Province than I, have a gang of 20 Slaves and houses and Plantations. But they had a mission from their first coming in, and I am only at lodgings. But none of these things move me, nor am I careful for anything; any farther than for the sake of my Poor, helpless infant; I only take the liberty to mention my circumstances to the venerable Society, but I leave it entirely to them to judge of my merit; and what degree of encouragement they think I deserve; In which the papers sent home in my favor, two years ago by his Excellency Gov^r

Dobbs, and by the vestries of St James's and St Philip's will enable them to judge.

I am, with Profoundest submission and duty,
their most devoted, humble Servant

JOHN MACDOWELL.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

To all Christian People to whom these Presents Shall come the Honourable & Reverend Robert Cholmondeley Surveyor and Auditor General of all his majesties Revenues arising [in] America Sendeth Greeting Whereas his late Majesty by his Letters patent Under the Great Seal of Great Britain bearing date the twentieth day of November in the twenty fifth year of his reign was graciously pleased to give and grant unto him the said Robert Cholmondeley the office of Surveyor and Auditor General of all his said Late Majestys Revenues arising in America to Have and to hold the Same from and immediately after the death or other determination of the estate and Interest of Horatio Walpole Esq^r afterwards Lord Walpole &c. And Whereas the said Horatio Lord Walpole departed this life on the fifth day of February 1757 whereby the said Office became vested in the said Robert Cholmondeley his heirs Executors or Administrators during the term aforesaid Now Know y^e that the said Robert Cholmondeley for the more effectual execution &c Hath constituted and appointed Benjamin Heron Esq^r to be his Deputy within his Majesties province of North Carolina &c To have and to hold the Office of Surveyor and Auditor unto the said Benjamin Heron so long as by him the said Robert Cholmondeley shall be thought fitt And the said Robert Cholmondeley doth hereby require from the said Benjamin Heron and the said Benjamin Heron doth by his acceptance of this present Grant agree to &c once in every six months or once in every year at least &c transmit and send over to him the said Robert Cholmondeley with duplicates thereof to the Lord High Treasurer or Lord Commissioners of the Treasury for the time being fairly written and by the said Benjamin Heron under his hand attested all such accounts of the Rents Revenues prizes Fines Escheats Seizures Forfeitures dutys & profitts aforesaid as he the said Benjamin Heron shall from time to time have inspected examined and stated and also Duplicates thereof by the next Conveyance, and shall at the same time certify and make known unto the said Robert Cholmondeley all such sum and sums of money if any such shall

be as he hath by the ways and means aforesaid caused to be recovered and paid to the proper officers to his Majestys use In Witness whereof the said Robert Cholmondeley hath hereunto put his hand and seal this fifteenth day of March 1762 &c

R^{bt} CHOLMONDELEY (Seal)

[Endorsement.]

Brunswick 6 August 1762 The within Deputed Benjamin Heron personally appeared before me and took the oaths and made and subscribed the declaration by Law appointed for his Qualification

ARTHUR DOBBS

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

George the Third &c Know ye that We reposing especial Trust &c in the Loyalty &c of our trusty and well beloved Benjamin Heron of Cape fear in our province of North Carolina Esquire &c Do, Constitute and appoint him Secretary and Clerk of the Crown of the said Province and each of them During our pleasure with all and singular the Fees &c thereunto belonging and to do and execute &c In Testimony whereof we have caused these our Letters to be made patent.

Witness our trusty and well beloved Arthur Dobbs Esquire &c at Brunswick the fifth day of August 1762 &c

ARTHUR DOBBS.

[Endorsement.]

Brunswick August 6 1762 The Within Named Benjamin Heron Esquire then personally appeared before me and took the oath and made and subscribed the Declaration by law appointed for his Qualification

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 73.]

Letter from Governor Dobbs to the Board of Trade

BRUNSWICK, 9th August 1762.

MY LORDS,

The Duplicate of your Letter of the 22nd December together with

the duplicate of His Majesty's order in Council for repealing the Superior and Inferior Court Bills & Orphan Bill I received not until yesterday by Captain Heron, the originals having never come to hand, tho' I understand from him they were sent by a Man of War which arrived safe to this Continent what the reasons can be of the Delays and Miscarriages of the Public Dispatches I can't find out, whether by Design or Carelessness in the Post office in having all their Letters exposed to any to take up where Post Houses are not continued, and the Post Masters were appointed take no Oath nor do I believe give any security to be faithful to their Trust, but many of my Northern Dispatches have been 3 or 4 months on the road from New York and sometimes near 12 months. I have also received your Lordships Letter of the 17th of February about the Agents Bill and about a fortnight ago I received your Letter of the 8th of April inclosing His Majesty's Order in Council of the 11th of March 1762 repealing the Bill for the Currituck Navigation, the altering the days of holding New Bern Superior Court, and that of admitting Copies of Wills to be given in Evidence. I am greatly concerned at having incurred His Majesty's displeasure in having passed the Superior and Inferior Court Bills, and hope I shall never give occasion for the like reprimand for the future, but in alleviation of my fault if your Lordships will consider that in the great ferment in the Province and Assembly occasioned by the management of Lord Granville's Agents and the unprecedented attack against me by Child the late Attorney General and Jones the present Attorney in passing severe resolutions upon false facts against me without any petition or Committee of Enquiry because I peremptorily refused to pass those Bills, and that my reason of propounding those questions to Child as Attorney General was not with any intention to concur with him in Opinion but only to show your Lordships how far he was embarked against the Crown instead of supporting it, and that after getting his Answers to the Queries I rejected the Superior Court Bill in the first Session, and in case I had at the same time rejected the Inferior Court Bill, the Colony would have been in distress by having no Courts of Justice until His Majesty's pleasure could be known and the Province then thrown into a ferment by Child's schemes, I thought it more prudent to pass it, and have it repealed by His Majesty than have the Colony without any Courts of Justice and when I had made a short Prorogation to try to get them to come to make some alteration in the Superior Court Bill, I thought it better to pass it for two years only, than to put the

Province into a greater ferment at so critical a juncture, and therefore hope you will believe it was an Error in Judgment without any Intention of infringing His Majesty's Prerogative, which I shall always support or of disobeying his Instructions.

I am with the greatest regard My Lords &c

ARTHUR DOBBS.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA

His Excellency Arthur Dobbs Esquire &c to Benjamin Heron Esquire Greeting Out of the Assurance I have of your Loyalty &c I do hereby Nominate, constitute, and Appoint you the said Benjamin Heron Naval Officer of the province of North Carolina To have hold Exercise and Enjoy the said Naval Office &c during my pleasure in as full and Ample a manner as any Naval Officer of the said Province hath heretofore held exercised and enjoyed the same &c

In Testimony whereof I have hereunto Caused the Seal of the Province aforesaid to be fixed at Brunswick this thirty first day of August 1762 &c

ARTHUR DOBBS.

By His Excellencys Command

JOHN ANCRUM Dep Sec.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Stewart to the Secretary (Extract)

N^o CAROLINA, BATH, Oc^r 6th 1762.

REV^d SIR:

I informed the Society some time ago that Pitt was taken off from this County of Beaufort, and that my Parish was by that means reduced to about 1000. Souls, Black and White, but the natural situation of it, notwithstanding the smallness of its number of inhabitants, will ever render it the most difficult Parish in this Government, for other Parishes are either between River and River or upon the narrows of the Rivers, but this, even after the division is about 70 miles long on the So. side and 30 miles on the North side of the River Pamlico, which the missionary is obliged to Cross all weather at least once a week, and you must imagine that a River which is from 4 to 7 miles wide, must often be very difficult to pass——But

tho my Parish is reduced in its numbers, yet I have the Pleasure, to inform the Society that it is well attached to the Church of England, the Parishioners have not only finished their Church in the best manner they are able, but have now likewise a neat glebe house (the first ever built in this Province) with other outhouses almost finished, on a Glebe of 300 Acres of good land contiguous to the Church, so that I expect to move to it, if it please God that I live to Easter next.——

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Moir to the Secretary (Ext.)

NORTHAMPTON, 10. Nov^r 1762

REV^d SIR:

Since my last of 15 April, I have officiated in Northampton County for the most part, and in that and some other Counties have baptized 340 white children, and upwards of 50 Black. The Communicants are generally from 20 to 40; Summer and Fall having been much hotter than usual, the intermitting fevers with which I was so much pestered at Cape fear attacked me with such violence at the begining of Sept^r that for the space of 5 weeks my life was despaired of, But (thank God) I am much recruited, since the weather begun to grow cold, Physicians assure me it would mightily restore and strengthen my constitution, were I to spend a summer in the northern Colonies, but I should choose (would the Ven^{ble} Society permit) to do it at London, where I might point out the real causes of the unhappy state of this Province in a much clearer light than I can think it would be expedient for me to do in a letter.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

Know all men by these presents that We Robert Lenox Cullen Pollock of Chowan County and William Mackey of Tyrrell County in the Province aforesaid are held and firmly bound unto John Campbell of Bertie County in the said province In the Sum of Five hundred pounds Sterling Money to be paid to the said John Campbell his Heirs, Executors, Administrators, and Assigns to which payment well and truly to be made and done we Bind Ourselves and each of us Our Heirs, Executors and Administrators firmly Jointly and Severally Sealed with Our Seals the 19th day November 1762.

Whereas the above Bound Robert Lenox hath prayed an Appeal to His Majesty In Council from the Judgment of the Superior Court of Pleas and Grand Sessions for the District of Edenton which Judgment hath been Affirmed by His Excellency In Council. Now the Condition of the above Obligation is such that if the above Bound Robert Lenox His Heirs Exors or Adm^s do well and truly pay to the said John Campbell His Heirs Exors or Ad^{rs} all such Costs and Damages as shall be Awarded by His Majesty In Council in Case the above Judgment shall be Affirmed by His Majesty In Council then the above obligation to be Void otherwise to Remain in full foree power and Virtue

RO LENOX (Seal.)

CULLEN POLLOK (Seal.)

W^m MACKEY (Seal.)

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from Secretary Lord Egremont to Governor Dobbs

WHITEHALL 27 November 1762

SIR

The Pacquet Boat which sailed from New York in June last, having been obliged to throw the Mail overboard to prevent its falling into the hands of the Enemy, Your Letter to Me, referr'd to in One You wrote on the 30th April to S^r Jeff^{ry} Amherst, has never come to hand, and I did not receive a Copy of that abovementioned to Sir Jeffery Amherst 'till the 27th past, with the Duplicate of His Dispatch of the 15th June This Circumstance will account for my not having sooner communicated to You His Majesty's Sentiments on the undutiful Behavior of the Assembly of your Province, in obstinately persisting to refuse any aid to His Majesty, either by a Levy of Provincials, or by raising Men for that necessary Service of recruiting the regular Forces, which last was a Measure so strongly recommended to them by the King; You will therefore express to the Assembly of North Carolina, in such manner as You shall judge most proper, His Majesty's high Disapprobation of their Conduct, by which they have justly incurred the King's Displeasure; At the same time I have the Satisfaction to assure You that His Majesty is sensible of the Zeal you exerted in order to bring your Assembly to a due Sense of their Duty, & the King very much approves your Resolution to endeavour to raise the 134 Recruits, required by Sir

Jeff. Amherst, notwithstanding the Assembly had refused to concur in any Measure for that Purpose.

I am with great Truth Sir &c

EGREMONT

[FROM MSS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

NORTH CAROLINA—SS

Mr. Thomas Howe being Sworn on the Holy Evangelists of Almighty God before His Excellency the Governor In Council Deposeth and saith that some time about the Seventh Day of June In the year of Our Lord One thousand Seven hundred and Sixty-two he this Deponent being at the Lodge of William Cumming Attorney at Law in Edenton Saw a paper wrote in the Hand Writing of the said William Cumming which the said William Cumming told this Deponent that he was the Author of, and this Deponent further saith and Deposeth that the paper hereunto annexed is a True Copy of the said paper which he this Deponent saw in the possession of the said William Cumming and heard the said William Cumming say he had been the Author and that he had sent a Copy of it into Maryland to his Sister. And further this Deponent saith not.

THO^s C. HOWE

Sworn to before His Excellency In Council the 30th Day of November 1762.

BEN. HERON Sec.

An Abstract of a Letter from a Gentleman in N^o Carolina to his friend in Maryland dated June the 7th 1762

DR BETTY

A letter in these times of Bustle without News looses half its merit I cant give you the marches of a Broglio or the remarches of the Rus: These appertain to the Tragic Muse what I relate is Domestic; purely of the comic cast It will not only give action to your Philosophic vein, but to every Gelastic muscle of your Face—Our Old Silenus of the Envigored age of Seventy Eight who still Damns this Province with his Baneful Influence grew stupidly Enamored with Miss Davis a Lovely Lady of sprightly fifteen of a good Family and some Fortune After much doting parade, Young Miss (for surely parents know best) is persuaded to be a Governor's Lady altho she loved and was beloved by Dear Eighteen Y—g

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M—r Q—n—ce The day is fixed the nuptial feast provided when Lo! a Discovery is made which surpasses in Villainy the Description of the most envenomed Satyrist It is much above my power I'll humbly therefore attempt the Tale in Common Homespun phrase The Catastrophe was truly Poetic Justice. When the Antedeluvian had agreed, the Old Fellow old in every human characteristic but sense and virtue sends for his Secretary a man of motly cast They form a conveyance of his whole Estate to his son (not even leaving a reversion of his Potatoe Lands near Carrick Fergus) which he enters into and Dispatches a Messenger with it to one of the Sup^r Court Judges Its proved *secundem Legem* How was this scheme marred! Some secret power blows the matter Some friendly Sylph protects the Lady The Deed's discovered Her friends warm with indignation send for the youth, the Pensive & Dejected Lover—relate the Injury, propose immediately to consummate the marriage Hymen attends Venus & Apollo add Ringlets and ten thousand Charms to adorn the Lovely pair Assist me some poet or assist me Dr Betty with your Fancy They are married! The Leecher waits, 10, 11, 12 past, the Day wakes, Accursed jealousy takes place, his old Teeth of Enormous length that for many years despised to be clothed with Gums shake in his jaws with Rage He orders his horses to the chariot and feebly in his course would Emulate a Youthful passion he enters her parents house demands the Lady, is conducted into the apartment of Youth Love and Virtue Here I stop! for no pen can describe the Rage and Ridicule

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

Reports of the Committee of Public Claims held at New Bern on Saturday the 13th day of Nov^r Anno Dom. 1762.

Present

| | | | |
|------------------------|-----------------------------------|----------------------------|---|
| The Hon ^{ble} | { Lewis Henry DeRosset | } | Esq ^{rs} Memb ^{rs} of |
| | { John Sampson | } | the Council |
| | { John Starkey | John Barrow | { Esq ^{rs} Memb ^{rs} |
| | { Anth ^y T. Armistead | Edm ^d Smithwick | |
| | { Alexand ^r Lillington | Cullen Pollock | |
| | { William Bartram | and | |
| | { William Mackey | John Frohock | |
| | | } | of the Assem- bly. |

The Committee of the Assembly being met at the House of Mr. Sitgraves, proceeded to make choice of a Chairman. Mr. John

Starkey was chose accordingly, & at the same time Mr. Fred^k Jones was appointed Clerk to the said Committee.

Ordered by the Committee that the said Fred^k Jones set up advertisem^t giving Notice to all persons having any business with the said Committee to give their Attendance at the house of Mr. Sitgraves, where the said Committee will attend to do business every Evening during the Session.

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|--|----|----|---|
| Thomas Jones was allowed his Claim of Sixty pounds, being the valuation Money, of a negro man called Jimmy, to him belonging, who was tried by the Special Court in New Hanover County and executed for Felony at Wilmington, being the Second Offence as P Certificate filed | 60 | — | — |
| William Powell was allowed his Claim of twenty four pounds, eighteen Shillings & eight pence in full for Seals to the 22 ^d day of Octob ^r last as P Acc ^t filed | 24 | 18 | 8 |
| William Powell was allowed his Claim of three pounds four Shillings and eight pence for that Sum payd George Ormsby for carrying the Arms from New Bern to Wilmington as P Rec ^t | 3 | 4 | 8 |
| William Bryan Sheriff of Johnston County was allowed his Claim of ten pounds for his Salary as Sheriff for the year 1761 having fully accounted with the Treasurer for that year | 10 | — | — |
| Robert Read Sheriff of Carteret County was allowed his Claim of ten pounds for his Salary as Sheriff for the year 1761 having fully accounted with the Treasurer for that year | 10 | — | — |
| John Walker Sheriff of New Hanover County was allowed his Claim of ten pounds for his Salary as Sheriff for the year 1760, having accounted for the whole List with the Treasurer for that year | 10 | — | — |
| Frederick Gregg was allowed his Claim of Twenty one pounds Six Shillings & eight pence for Storages, half year's Salary, & extra Services to the 25 th day of October 1762 as P Acc ^t filed | 21 | 6 | 8 |
| John Burgwin Att ^y for Alexander M ^c Keithen late Sheriff of Bladen County, was allowed Twenty pounds as his Salary for the years 1756 & 1757, | | | |

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| having fully accounted with the Treasurer for those Years | 20 | — | — |
| Lemuel Sawyer Sheriff of Pasquotank was allowed his Claim of four pounds for castrating and curing a Negro called Sambo belonging to Edward Williams as p Certificate filed | 4 | — | — |
| Mr. John Campbell, Exor to Peter Henley Esq ^r late Chief Justice deceased, was allowed his Claim of nine pounds fourteen shillings, and nine pence for so much paid by him for Powder & Lead for the Catawba Indians as p Rob ^t Gillispies Receipt filed | 9 | 14 | 9 |
| Capt ⁿ Walter Lindsay was allowed his Claim of twenty seven pounds for horse hire, & other Services for the Use of the Mohawk Indians, Sent by Sir William Johnston to the Cherokee Indians, In the year 1760, which was not allowed before for want of vouchers | 27 | — | — |
| Hector McNeill Sheriff of Cumberland County, was allowed his claim of ten pounds for his salary as Sheriff for the year 1758, having fully accounted with the Treasurer for that Year, | 10 | — | — |
| Jarvis Jones Sheriff of Pasquotank County was allowed his Claim of ten pounds for his Salary as Sheriff for the year 1758—having fully accounted with the Treasurer for that year | 10 | — | — |
| Edward Rasor Sheriff of Bertie County was allowed his claim of ten pounds for his Salary as Sheriff for the year 1759. Having fully accounted with the Treasurer for that year | 10 | — | — |
| William Bray Sheriff of Currituck County—was allowed his Claim of ten pounds for his Salary as Sheriff for the year 1761—having fully accounted with the Treasurer for that year | 10 | — | — |
| John Burgwin was allowed his Claim of ten pounds for attending the Court of Oyer and Terminer at Wilmington in the year 1760, as Att ^y General for the Trial of Tyson. As p Acc ^t Filed | 10 | — | — |
| Joseph Mott produced a Claim for ferrying over at Mount Misery Ferry on the N ^o West River of Cape | | | |

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| Fear, the Soldiers under Col ^o James Moore, & was allowed three pounds: The Opinion of your Committee it should be paid by Col ^o Moore, referred to the House | 3 | — | — |
| William Branch Deputy Sheriff of Halifax County was allowed his Claim of Six pounds thirteen Shillings and four pence for keeping a Guard over five Felons, who burnt the Goal of Halifax County & made their Escape | 6 | 13 | 4 |
| James Martin Goaler of Halifax County was allowed his Claim of eight pounds, two shillings & ten pence, for maintaining five Criminals in the aforesaid Goal of Halifax, as p^{d} Acc ^t filed | 8 | 2 | 10 |
| The Estate of James Parker was allowed twenty pounds for a Negro Man named Cesar, who was executed for the Murder of his Master, as p^{d} Certificate filed | 20 | — | — |
| Edward Razor Sheriff of Bertie County was allowed three pounds for his trouble on the Trial and Execution of Cesar, a Negro Man belonging to the Estate of James Parker who was executed for the Murder of his Master | 3 | — | — |
| Benjamin Hart Coroner in Edgcomb County was allowed two pounds and eight pence for holding an Inquest over the body of John Hammond, who died drunk, & left no Estate | 2 | — | 8 |
| Samuel Farguson was allowed his Claim of nineteen pounds ten Shillings for Waggon hire, against the Cherokees, by order of Col ^o Waddell, as p^{d} Acc ^t filed | 19 | 10 | — |
| It appears to your Committee, that in the year 1754 a Negro Man called Dublin belonging to the Estate of Mr. Thomas Corprew, was executed for Murder, and valued at forty five pounds, which was never before claimed or allowed as p^{d} Certificate of Mr. Charles Blount | 45 | — | — |
| Upon Reading the Petition of Capt ⁿ John Campbell, referred to us from the House it appears to your Committee, That Capt ⁿ John Campbell has charged for two Guns Six pounders (which he bought and placed at Fort Granville) the Sum of | | | |

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| forty three pounds twelve Shillings Sterling; for which we are of Opinion he ought to be allowed fifty eight pounds two Shillings and eight pence Proclamation Money, it being 33 & $\frac{1}{3}$ advance on the Sterling, to be paid out of the Powder Money, raised for that Fort | 58 | 2 | 8 |
| Thomas Newby was allowed five Shillings & four pence Proclamation Mony, for forty Shillings old Tenor paid in to the Comittee and burnt | | 5 | 4 |
| Capt ⁿ John Hamer was allowed his Claim of Seventy four pounds eighteen Shillings and nine pence for himself & Company ranging in April 1760, delayed & not before allowed for want of proper Vouchers | 74 | 18 | 9 |
| Capt ⁿ John Mc Gee was allowed his Claim of eighteen pounds for himself and Company ranging in April 1760, delayed & not before allowed for want of Sufficient Vouchers | 18 | — | — |
| Capt ⁿ Joseph Boggs was allowed his Claim of fifty nine pounds nine Shillings & four pence for himself and Company ranging in April 1760, delayed & not allowed before for want of proper Vouchers | 59 | 9 | 4 |
| Thomas Pace Coroner of Northampton County was allowed his Claim of eight pounds nineteen Shillings and four pence for four Inquests, one on the body of a person unknown, another on the body of Samuel Elliot, and another on the body of Petticord Earp, having left no Estate, as p Acc ^t filed | 8 | 19 | 4 |
| Richard Spaight Esq ^r late Secretary was allowed his Claim of thirty one pounds eleven Shillings for Services done in the Secretary's Office, Since the last Assembly to the 13 th of May 1762. As p Acc ^t Filed | 31 | 11 | — |
| John Walker Sheriff of New Hanover County was allowed his Claim of five pounds one Shilling and four pence, for castrating & executing a Negro Man named Jimmy belonging to Mr. Tho ^s Jones, & his fees due on the same, as p Acc ^t filed | 5 | 1 | 4 |

| | £ | s | d |
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| Richard Cogdell was allowed his Claim of Seven pounds, for finding benches for the Assembly, a bible damaged by them, Wood and Candles, also for the Chains & handcuffs carried off by one Mitchel a Murderer who made his Escape out of Goal | 7 | — | — |
| Col ^o Alexander produced to your Committee five Claims, which were referred to the House Disallowed by the House and the Accounts filed, | | | |
| It is the Opinion of your Committee that The Sheriffs for the future on their fully accounting with the Treasurers, shall be allowed to retain their yearly Salaries of ten pounds, to save the Trouble of so many claims. Referred to the House for their Concurrence | 621 | 2 | 4 |
| Concurred with by the House | | | |
| Samuel Suttan Sheriff of Perquimons County was allowed his Claim of ten pounds for his Salary as Sheriff for the year 1760, having fully accounted with the Treasurer for that year; to be paid to Andrew Knox as p Order | 10 | — | — |
| Rich ^d Daves produced a Claim for a black Walnut Table of the Value of twenty five Shillings, which William Herriage borrowed for the use of the Assembly in the year 1760 & was allowed by the House | 1 | 5 | 0 |
| John Rice Coroner of Craven County was allowed his Claim of five pounds Six Shillings and nine pence for holding two Inquisitions one on the body of John Hervin and another on the body of John Seymore being burnt on board a Vessel having left no Estate as p Acc ^t filed | 5 | 6 | 9 |
| It is the Opinion of your Committee that Tho ^s Sitgreaves be allowed four Pounds for Comittee Room, Fire and Candles for this present Session of Assembly | 4 | — | — |
| | £631 | 13 | 1 |

It is the Opinion of your Committee that a proper Allowance be made for the Clerk which is referred to the House.

LEWIS DEROSSET Chairman
 JOHN SAMPSON
 JOHN STARKEY
 W^m MACKEY
 WILL^m BARTRAM
 ALEX^d LILLINGTON
 J. BARROW
 JOHN FROHOCK
 EDMUND SMITHWICK

William Branch was allowed an Additional Sum of Four Pounds Six Shillings and Eight Pence to his Claim in his Account produced for Paying, for apprehending a Horse Stealer and providing Irons for confining Criminals in Halifax Goal.

Cap^t John Campbell was allowed an Additional Sum of Forty Nine Pounds Nineteen Shillings and Eight pence to his Claim for Two Guns Six Pounders which he provided for Fort Granville for four Years Interest and the difference of Exchange for the Sterling Money which he had paid.

Ordered That Frederic Jones Clerk of the Committee of Claims be allowed Thirty Pounds for his Services &c as Clerk of the afore-said Committee

Col Robert Harris of Anson County was allowed Two Pounds Ten Shillings in Part of His Claim for going to Pee Dee by Order of Col. Waddell and the rest of his Claim Rejected.

IN THE ASSEMBLY, 9th Dec^r 1762.

GENTⁿ OF HIS MAJESTYS HON^{ble} COUNCIL

The Foregoing Report was Read Approved of and allowed by the House. To which desire your Honor's Concurrence as well as to those reported by the Committee the 26th April 1762 hereunto annexed.

JOHN ASHE Speaker

By Order. W^m HERRITAGE Clk

9th DEC^r 1762

In the Upper House the foregoing Reports were Read & Concurred with.

JA^s HASELL P. C

By Order JN^o BURGWIN Clk

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Reed to the Secretary (Ext)

NO CAROLINA, NEW BERN, Dec^r 27 1762

REV^d SIR;

The hardships we labor under in this Province are so great that were it not for the benevolence of the Society, we could not subsist with the least decency, Every Clergyman that has attempted to settle in this Province, for these 10 years past, upon the sole dependence of the legal stipend, have been obliged to leave it, and 'tis our misfortune at Present to have no legal Stipend at all; or rather there is no law at present by which any stipend can be recovered. At an Assembly held at New Bern in Nov^r last a bill for the encouragement of an Orthodox Clergy and a bill for the establishment of Vestries, were presented to his excellency the Governor for his assent, the latter of which was rejected on account of some exceptional Clauses, and as the 2 bills depended on each other in such a manner, that the one cannot operate without the other, we are therefore at present without any legal encouragement. Very probably something may be done in our favor at the next Assembly, especially if it should please God to prolong the life of our present worthy Gov^r. But we cannot expect his abode with us much longer, for he is far advanced in years and has lately had a slight stroke of the Palsy; so that I every day expect to hear the disagreeable news of his death, in whom the Clergy will lose a faithful friend, and the Christian Religion an able advocate.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 56.]

TO THE RIGHT HONOURABLE THE LORDS COMMISSIONERS FOR TRADE
AND PLANTATION

The Humble Memorial of Cuchet Jouvencal in behalf of Blake
Baker

SHEWETH

That Mary Hurst and John Lane severally sold sundry Tracts of Land lying and being in the County of Halifax in North Carolina to Blake Baker Esq^r, in order to enable them to support and educate their children, to purchase Slaves (without which Lands are of little Value) and to put Stock upon such other Lands as belonged to them

That the said Mary Hurst and John Lane (each of them respectively) petitioned the Governor Council and Assembly in North Carolina to pass an Act to confirm the sale of the said Lands, and that other Lands should be settled in lieu thereof to the same Uses.

That after the said Petitions were referred to the said Governor Council and Assembly the said Mary Hurst and John Lane (agreeable to the course prescribed by the Laws of said Colony) gave notice in writing in all the Churches & Chapels in the Parish of Edgcombe or County of Halifax setting forth their intention of applying to the said Governor, Council and Assembly for an Act to Authorize them in the Disposal of the Lands therein mentioned that if any Person had just Cause to object to the same they might be at Liberty to offer their Reasons against passing the said Act:

That the said Advertisements were for three Sundays successively read in all the said Churches or Chapels or Places of Public worship, and that during the time the said Petitions were under the consideration of the said Governor, Council and Assembly there was not the least objection made to the said Mary Hurst or to the said John Lane's having an Act passed to authorize them in the disposal of the Lands they were entitled to under the will of Barnaby McKinnie late of said Province.

The Complainants being silent during the time that Mary Hurst and John Lane applied to the Assembly for an Act to authorize them in the Disposal of the said Lands, and also till the said Blake Baker paid his money for the purchase of the same, gives a very unfavourable Opinion of his Conduct and his afterwards applying to the said John Lane, to join with him in opposing the Royal Assent being given to the said Act of Assembly, plainly shews that he acted from bad Principles, and that if he had any Right or Title to the said Lands in remainder he would have applied to the Assembly before the passing of the said Act. About a year after passing the said Act of Assembly, the said Claimant got some Neighbours of his who were then in the Commission of the Peace to View Lands which he told them were assigned as an Equivalent for the Lands Mary Hurst and John Lane sold to the said Blake Baker and upon his information, they gave it as their Opinion that the Lands shewed to them were not equal in Value to those that were sold to the said Baker, and that those in remainder would be much injured thereby, but as this was a private Transaction, without Notice and contrary to the Rules prescribed by Law, and by the usage of the Colony, as conceived, nothing of this nature ought to be permitted to be read in Evidence,

and that as the whole of the Complainant's proceeding, seems to Arise from motives of resentment, that he ought previous to his being heard on this Subject to shew how he derives any Title or Interest in the said Lands, under the Will of the said Barnaby McKinnie.

The respective Governments in the Colonies, have always discouraged the Intail of Lands which were not improved as the Quit rents and Provincial Taxes could not be properly collected from such Lands, and also that the Owners of such Lands could enjoy little or no benefit from them, and in North Carolina there is a Law, entitled an Act for cutting or Docking the Intail of small Estates, which empowers such Persons as have small Estates in Fee Tail, to obtain a Writt from the Secretary's office, directed to the Sheriff of the County, where the Lands lye, commanding him to summons twelve men to enquire the Value of the Land, and if it should be found not to exceed £50 Sterl. in value, then the Intail may be barred by pursuing the method therein prescribed.

In England by Law there is a power of Docking the Intail of Lands, but in Carolina there is not any Law (except as above) for Docking of Intails, but in all Cases of this nature, application must be made to the Governor, Council and Assembly.

Therefore your Memorialist (in behalf of the said Blake Baker) humbly prays your Lordships will be pleased to take the Premises into Consideration, that the said Complainant be required to lay before your Lordships the Papers or Records upon which he grounds His Title, under the Will of the said Barnaby McKinnie, and if he fails in this Particular, that his complaint may be dismissed. That as the steps the said Complainant took with respect to the valuation of the Lands which were assigned by the said Mary Hurst and John Lane as an Equivalent for the Lands sold to the said Blake Baker, were irregular, without Notice, and contrary to the Usage of the Colony, your Memorialist prays, that what was done therein may not be permitted to be read in Evidence, and as the said Mary Hurst and John Lane, and also the said Blake Baker, have in all Respects acted agreeable to the Customs and Usage of the said Colony, in cases of the like nature, and that the said Governor, Council and Assembly have acted upon full Information, and agreeable to the Rules of Justice, and the Usage of the said Colony, your Memorialist further prays that your Lordships will be pleased to recommend it to His Majesty to Grant the Royal Assent to the said Act of Assembly.

And your Memorialist will ever pray etc.

[B. P. R. O. JOURNALS B. T. VOL. 70.]

BOARD OF TRADE JOURNALS.

At a Meeting of His Majesty's Commrs for Trade and Plantations

Present

Lord Sandys

Mr. Jenyns

Mr. Bacon

Sir Edm^d Thomas

Mr. Rice

Wednesday Feb^{ry} 10th 1762.

The Secretary laid before the Board fifteen Acts passed in the Province of North Carolina in 1761 together with Sir Matthew Lamb's Report thereupon and the said Report and Acts were read which Acts are entitled as follows Viz :

An Act for granting to His Majesty an aid of twenty thousand pounds Proclamation money for raising clothing and paying five hundred effective men exclusive of Officers to be employed as the General or Commander in Chief of His Maj. Forces in America or His Excellency the Governor or Commander in Chief of this Province shall direct or appoint and subsisting fifty men and Officers now in garrison And for appointing an Agent to represent to His Majesty and his Ministers the loyalty & dutiful behaviour of the inhabitants of this Province and their Zeal for His Majesty's service and also to lay before His Majesty and his Ministers proper documents of the charges and expences this Province hath been or shall be at in His Maj. service during the present war and to solicit the affairs of this Province at the several Boards in England and for other purposes.

It appearing to their Lordships that the tacking the appointment of an Agent to an Act the principal object of which is to provide for a temporary service by a grant of money to the Crown is irregular and unprecedented it was ordered that the Draught of a letter to Gov. Dobbs should be prepared signifying to him their Lordships sense of the impropriety of such a practice and directing him to use his endeavours to procure a separate Law to be passed for that purpose

An Act to empower the inhabitants of several Parishes within this Province that have no legal Vestry within their respective Parishes to meet & elect Vestries.

This Act appearing to have reference and to be additional and

explanatory of the Act passed in April 1760 for establishing Vestries which Act has been referred to the late Bishop of London for his opinion upon it, it was Ordered that it should lye by for further consideration at another opportunity.

An Act to appoint Commiss^{rs} to further improve and amend the navigation of New River in Onslow County to raise a fund by way of lottery to pay the expence thereof

Ordered that in the Draught of the letter to Governor Dobbs to be prepared pursuant to the preceding resolution notice be taken of the irregularity and impropriety of raising money by lottery.

An Act to amend and improve the navigation from Currotuck inlet through the district in Currotuck County to Albemarle Sound.

This act appeared upon examination in part to repeal and alter an Act passed in this Province in 1754 for providing for the defence of the Colony by imposing a duty of powder and lead to be paid in kind by all ships and vessels coming into that Province inasmuch as it does allow of a commutation in money for the said duty so far as regards the particular port of Currotuck and this alteration appearing to their Lordships to be improper in itself and inconsistent with Instructions given from time to time to the Governors of His Majesty's Colonies and Plantations in America directing Laws to be passed for imposing a duty of powder for the defence of the said Colonies and that no Commutation shall be allowed it was resolved to lay the said Act before His Majesty for his Royal disapprobation.

An Act for altering the times for holding the Superior Court of Pleas and Grand Sessions for the district of New Bern and also the inferior Court of Pleas and Quarter Sessions in the Counties of Orange and Carteret and for other purposes.

This Act appearing to be additional to and explanatory of the Acts passed in 1760 for establishing Superior and inferior Courts of Pleas which Acts have been declared void by His Maj. Order in Council it was resolved to lay the said Act before His Majesty for his Royal disapprobation.

An Act to empower the several Superior and Inferior Courts within this Province to admit a copy of the last will and testament of any person deceased to be given in evidence

This Act appearing to be to the same effect as an Act passed in the Province of South Carolina in April 1759 for the same purpose which had been declared void by an Order of His Majesty in Council it was resolved to lay the said Act before His Majesty for his Royal disapprobation:

Ordered that the Draught of a Representation to His Majesty be prepared pursuant to the three last mentioned resolutions.

An Act for an additional Act to an Act entitled an Act to make provision for paying the Chief Justice and Attorney General's salaries and defraying the contingent charges of government.

An Act to empower the Inferior Court of Pleas and Quarter Sessions for the County of Northampton to lay a tax to pay sundry persons who have suffered by the burning of Pace's Warehouse in the said County and other purposes.

An Act for building a Court House in the Town of New Bern for the County of Craven for raising a tax and for appointing Commiss^{rs} for building the same and for repealing an Act passed at Wilmington the 20th day of Nov. 1759 entitled an Act for appointing Commiss^{rs} for finishing the Court House already begun in the Town of New Bern and for other purposes.

An Act to prevent the exacting of illegal and exorbitant fees in levying executions by Sheriffs and other Officers.

An Act to amend an Act entitled an Act for dividing the Parish of St. Johns in Granville County.

An Act for adding part of Orange County to Johnston County and for ascertaining the dividing line between the said Counties

An Act for enlarging the time for inspection of tobacco at the public warehouse at the Town of Tarborough in the County of Edgecumbe and for increasing the salaries of the Inspectors thereof.

An Act to appoint Commiss^{rs} of the roads for a certain District in Bladen County.

The foregoing eight Acts appearing not to be liable to any particular objections it was Ordered that such of them as have not expired or have not had their full effect and operation should lye by until the further effect of them shall have been known.

An Act to dock the intail of certain lands therein mentioned vesting the fee simple thereof in Blake Baker and for settling other lands in lieu thereof to the same uses.

This Act appearing to be of a private nature and to have a clause inserted in it suspending its execution until His Maj. pleasure should be known it was ordered to lye by until the parties concerned in it should apply.

Tuesday February 16. 1762.

The Draught of a Representation to His Maj. proposing the repeal of three Acts passed in North Carolina in April 1761 having been

prepared pursuant to the Minutes of the 10th inst. was approved and ordered to be transcribed as was also the Draught of a letter to Gov. Dobbs ordered to be prepared at same time—and were signed Feb^{ry} 17th

Thursday March 18th 1762.

The Secretary acquainted the Board that the executors of the late Bishop of London had delivered to him two Laws passed in North Carolina in 1760 for establishing Vestries and making provision for an orthodox Clergy which Laws had been referred to his Lordship by an Order of the Board of 25th Nov. last Whereupon it was Ordered that the Secretary should transmit copies of the said Laws to the present Lord Bishop of London and desire the favour of his Lordship's sentiments upon them in so far as they regard the establishment of the Church of England in that Colony the right of patronage to livings and the method established for the suspension or removal of Ministers guilty of immorality.

Wednesday April 7th 1762.

The Secretary laid before the Board two Orders of His Maj. in Council dated 11th March last repealing three Acts lately passed in North Carolina & one Act passed in New York.

Ordered that the Secretary do transmit the said Orders of Repeal to the Respective Governors of New York and North Carolina together with copies of their Lordships Representations to His Majesty in Council upon the said Acts.

Thursday May 27th 1762.

Their Lordships then took into consideration two Acts passed in the Province of North Carolina in December 1760 for establishing Vestries and making provision for an Orthodox Clergy together with a Report thereupon made to their Lordships by the Bishop of London and the said Acts and Report having been read and considered it was Ordered that the Draught of a Representation to His Majesty should be prepared proposing that the Acts may be repealed—signed 3^d June.

Friday May 28th 1762.

Read a letter from Arthur Dobbs Esq. Gov^r of North Carolina dated December 1761 giving an account of some extraordinary claims and pretensions of the Lower House of Assembly in that

Province and of other matters relative to the state of it and inclosing Answer to the Board's General Heads of Enquiry concerning the present state of North Carolina.

Their Lordships took the said letter into consideration & having made some progress therein agreed further to consider of it on Wednesday next the 2^d of June.

Ordered that the Secretary do transmit to the Auditor General of His Maj. Revenue in America an extract of so much of the said letter as relates to the conduct of his Deputy.

Wednesday June 2nd 1762.

Their Lordships then took into further consideration the letter from Gov. Dobbs mentioned in the Minutes of 28th May and after full deliberation thereupon agreed in opinion 1st. That the refusal of the Lower House of Assembly to meet and do business unless a majority of the whole House are present contrary to His Maj. Royal Will and Pleasure upon that head expressed in His Majesty's Instructions to the Governor after the most impartial and open examination of every circumstance that could be offered in support of that proposition considering it either as a matter of right or of general policy and convenience is such an indecent opposition to the just authority of the Crown & such an undutiful return to the great favors and indulgence which that Province has received as justly deserves the severest censure.

That the admission into the Assembly of persons chosen Representatives for any Towns or Counties without writs from His Majesty for that purpose, as is alleged by the Governor to have been the case of the Member for the Town of Halifax in 1760 is unconstitutional and not warranted by any authority whatever and that the Clause passed in the Act in 1715 for erecting the Town of Bath for which the Governor alleges that the Assembly found this unreasonable pretence cannot by any construction whatever give any other power to any Town which shall consist of sixty families than that of demanding a writ upon proper proof of such qualification.

That the refusal of the Assembly to pass Acts for incorporating any settlement into a Township or County upon petition of the inhabitants setting forth their qualification as alleged in the Governor's letter is unjust and subversive of the rights and liberties of the subject and an undutiful & ungrateful return to His Maj. grace and favor who in the repealed laws was pleased upon considerations of

local convenience urged by the Assembly to depart from His just authority of constituting Towns by Royal charters.

Resolved that their Lordships sentiments upon the foregoing points be communicated to the Agent of the Province and that he be directed to signify to his Constituents that if the Lower House of Assembly shall continue to persist in such undutiful & unreasonable claims and proceedings their Lordships shall think it their duty to lay a state of their conduct before His Majesty to the end that a Representation thereof may be made to Parliament and shall likewise humbly propose to His Majesty that the Act erecting the Town of Bath may be repealed and that the Governor be directed to exercise the authority vested in him by the 15th Article of his late Maj. Instructions of erecting Towns by Royal Charter.

Ordered that the Secretary do give notice to the Agent to attend tomorrow morning

Thursday June 3^d 1762

Present

Lord Sandys.

Mr. Jenyns

Mr. Bacon

Mr. Yorke

Sir Edm^d Thomas

Mr. Rice

Mr. Roberts.

Mr. Jouvencel Agent for the Province of North Carolina attending without pursuant to Order was called in and the Minutes of their Lordships proceedings in reference to the matters of complaint against the Assembly of North Carolina contained in the Governor's letter having been read to him he acquainted the Board that he had no instruction or information from his Constituents respecting these matters but should not fail to communicate to them their Lordships sentiments and resolution praying at the same time that he might be permitted for the greater exactness and precision to have copy of what had been read to him.

Mr. Jouvencel being withdrawn their Lordships took his request into consideration and it was ordered that a copy of the Minute should be made and delivered to him

Their Lordships then proceeded to take into consideration the other parts of Mr. Dobbs letter to the Board and after some time spent thereon it was Ordered that the Draught of a letter to Mr. Dobbs in answer to his should be prepared—signed 9th June

Ordered that the Draught of a Representation to His Majesty be prepared proposing that Charles Berry may be appointed of the

Council of North Carolina in the room of Mr. Swann one of the said Council lately deceased—signed 9th June.

Thursday December 16th 1762.

Their Lordships took into consideration the letters and papers received from the Governor of South Carolina and had some conversation thereon with Mr. Abercrombie who had been a Commiss^r on the part of South Carolina for running the Boundary Line between the said Provinces in 1734 [N B. This has reference to letters rec^d from Gov. Boone of 9th and 16th Oct 1762 concerning a dispute between North & South Carolina concerning the Boundary Line]

Mr. Abercrombie being withdrawn their Lordships were of opinion that it would be necessary for the sake of the peace and quiet of both Provinces that there should be a temporary line of jurisdiction established until the propositions of both Provinces in respect to a final line of division can be fully considered and determined and that the line agreed upon and in part marked out between the said Provinces in 1735 should be the said temporary line of jurisdiction whereupon the agents of the said Provinces who attended pursuant to Order were called in & acquainted with their Lordships resolution and then they withdrew and it was ordered that the Draught of a Representation to His Majesty upon this subject should be prepared.

Monday December 20th 1762

The Draught of a Representation to His Majesty containing proposals for establishing a temporary line of jurisdiction between the Provinces of North & South Carolina having been prepared pursuant to Order was agreed to—and signed 22^d Dec.

The Hon. & Rev. Mr. Cholmondeley Auditor General of His Maj. Revenues in America attended and laid before the Board a paper containing the Answer of Mr. Lucas late Deputy Auditor of North Carolina to the complaints made against him by Gov. Dobbs in his letter to this Board of December 1761.

The said paper was read and ordered to be entered upon the Books of the Office.

Read a letter from Gov. Dobbs dated 17th May 1762 containing his Observations upon the 74th Article of his Instructions respecting the resumption of such parts of the lands granted to James Huey

and Murray Crimble & their Associates as had not been settled according to the terms of the Grants.

Friday December 24. 1762

Draught of a Representation to His Majesty with a copy of Gov. Dobbs letter abovement^d was agreed to and signed

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington 8th day of March 1762

Present—His Excellency the Governor.

The Hon^{ble} { James Hasell Lewis DeRossett & } Esq^{rs}
 { John Rutherford John Sampson }

It was Ordered that His Excellency's Commission be read as Governor and Commander in Chief in and over this Province of N^o Carolina under his Present Majesty George the third, as also his Excellency's Commission as Vice Admiral of the same which was done accordingly

His Excellency took the Oaths of Supreamacy and Allegiance subscribed the Test and the Oath as Governor. As also the Members present took the Oaths of Supreamacy and Allegiance Subscribed the Test and took the Oath as Councilors

John Rutherford Esq^r Produced to this Board his Commission as Receiver General of this Province under the Sign Manual of the Present Majesty when he again took the Oaths of Supreamacy and allegiance Subscribed the Test and took the Oath of Office he having given Bond with sufficient security for the due performance of the said Office.

Ordered that the said Commission for Receiver General be Entered in this days Journal which is as follows—

King's Commission to John Rutherford Esq^r Receiver General of Quit Rents in North Carolina Office Renewed

GEORGE R.

George the Third by the Grace of God, King of Great Britain France and Ireland, Defender of the faith and so forth To all to whom these Presents shall come Greeting Whereas the King our late Royal Grandfather of Glorious and happy Memory did by his Com-

mission under his Royal Sign Manual bearing date the 13th day of November 1750 Constitute and Appoint John Rutherford Esq^r to be the Receiver General of all his said late Majesty's Quit Rents, Revenues, Fines, Forfeitures or other Incomes (His Revenue of Customs only excepted) Arising within the Province of North Carolina in America. To Hold to the said John Rutherford, During his said late Majesty's Pleasure with several Powers to the said John Rutherford in the said Commission contained and with an allowance for the execution of the said office of Ten Pounds per Centum upon all moneys or value of moneys to be Received by him as Receiver aforesaid, And whereas by the occasion of the Demise of our said late Royal Grandfather the Office so Granted to the said John Rutherford is or soon will be determined. Now Know Ye that we reposing especial Trust and Confidence in the abilities, experience, care and Fidelity of the said John Rutherford in and for the Execution of the said office and graciously intending to continue him therein with the like Powers in the like manner, and with the like allowances as he held and enjoyed the same at the time of the Demise of his said late Majesty by or under his Commission afore recited, Have Constituted and appointed and do by these presents Constitute and appoint him the said John Rutherford to be our Receiver General of all our Quit Rents, Rents, Revenues, Fines, Forfeitures or other Income whatsoever (our Revenue of Customs only excepted) arising and becoming due and Payable unto us within our Province of North Carolina in America, To hold the said office unto him the said John Rutherford during our Pleasure and we do hereby give unto him full Power and Authority to give Receipts or Acquittances for all sums of Money or Value of Moneys which shall by virtue hereof be had Received and taken by him for our use which the said Receipts or acquittances shall be good and sufficient discharges against us Our Heirs and successors and in case of non payment of any of the said Quit Rents, Rents, Revenues, Fines and Forfeitures Sum or Sums of Money, the said John Rutherford is hereby required and impowered to levy secure and Recover the same by distress and by sale of such distress rendering the overplus (if any) to the owner or by any other ways and means Established or allowed to be Established or allowed by the Laws of our Kingdom of Great Britain or of our Province aforesaid and to the end the said John Rutherford may be encouraged diligently to attend the said office and duly execute the same and that we may be acquitted of all cravings, demands, charges and expences whatsoever incident to or

attending the execution thereof. We are graciously pleased to Grant unto him the said John Rutherford an allowance of the sum of Ten pounds in every one hundred Pounds upon and for all moneys or value of monies which shall be received taken and collected by him by virtue of or under this our Commission And we do hereby give likewise full power and authority to the said John Rutherford to retain and keep to his own use out of the Produce of his said Receipt, the said Allowance of Ten pounds in every one hundred Pounds, accordingly And we do charge and require the said John Rutherford to account unto us upon Oath yearly and every year for the monies of his said Receipt before the Auditor General of our Revenues in America for the time being or his Deputy And that the said John Rutherford do answer and pay from time to time the monies that shall be and remain in his hands in such manner as we shall direct by any Warrant or Warrants under our Royal Sign Manuel Countersigned by the Commissioners of our Treasury or High Treasury for the time being and not otherwise And that he the said John Rutherford do forthwith or as soon as may be give good and sufficient security in our said Province for his due Performance and execution of the said office which said security is to be to the good liking of our Governor and Council there and we do hereby charge and require all our Governors Lieutenant Governors, Commanders in Chief and other Our Officers and Ministers whatsoever as well in our said Province as elsewhere to take notice hereof and to be aiding and assisting unto the said John Rutherford in the just and due execution of his said office of Receiver General as our Service may Require.

These Presents being first Entered with the said Auditor and Entered or Inrolled with our Governor and Council in our said Province Given at our Court at Saint James this second day of April One Thousand seven hundred and sixty one in the First year of Our Reign

By His Majestys Command

HOLLES NEWCASTLE
BARRINGTON
NORTH

Entered in the Auditor Generals Office the 28th July 1761.

DAVID BALFOUR

Several Warrants and Patents for Land were read and Granted as per Warrant and Patent Books

Ordered That all Disputes and Caveats about Lands be heard on Tuesday the Twentieth Instant and that publick Notice be given thereof

At a Council held at Wilmington the 20th day of April 1762

Present—His Excellency the Governor

| | | | | |
|------------------------|---|------------------|--|---------------------|
| The Hon ^{ble} | { | James Hasell | Richard Spaight | } Esq ^{rs} |
| | | John Rutherford | John Sampson & | |
| | | Lewis De Rossett | Henry Eus ^t M ^c Culloh | |

Several Warrants for Land were Read and Granted as per Warrant Book

| | | |
|---|------------------------|----------|
| Nicholas Long | Mary his wife & others | } Caveat |
| | against | |
| Robert Hicks, | Seth Prior & his wife | |
| Exors. of Barnabe M ^c Kinney | | |

Robert Jones Esq^r appeared for Complainants and moved that the said Caveat be Dismissed which was Granted.

At a Council held at Wilmington the 21st day of April 1762

Present—His Excellency the Governor

| | | | | |
|------------------------|---|------------------|-------------------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Richard Spaight | } Esq ^{rs} |
| | | John Rutherford | John Sampson & | |
| | | Lewis De Rossett | Henry Eustace M ^c Culloh | |

On hearing the Caveat William Bourke against William Mace, It is Ordered that Administration issue to William Mace on the Estate of William Mace Deceased with a Copy of his Will annexed.

Upon Reading the Petition of James Linn setting forth That Andrew Linn in his Life time and at the time of his Decease was possessed of a Tract of Two hundred and sixty Acres of Land in the County of Anson by a Patent Dated the 17th day of May 1754 the said Land lying in the Waxaw settlement joining the East side of the Catawba River and Henry Whites Line and that in comparing the courses of the said Patent with the marked Lines on the Land there is a manifest Error in the patent and plann by the mistake of the Deputy Surveyor therefore the Petitioner prays that the true Courses may be incerted in the Record as the Land was originally Run And on Francis Beatys making oath to the same

Ordered that the Record of Andrew Linns Patent 260 Acres in Anson County be altered accordingly.

- Several Warrants for Land were Read and Granted as per Warrant Book

At a Council held at Wilmington the 22^d April 1762.

Present—His Excellency the Governor.

The Hon^{ble} { James Hasell and
 { John Sampson Henry Eu^s M^cCulloh } Esq^{rs}

The Honorable John Rieusset Esquire appeared at the Board and took the Oaths of Supremacy and Allegiance subscribed the Test, took the Oath of a Councillor and his Seat at the Board accordingly.

At a Council held at Wilmington the 23rd April 1762

Present—His Excellency the Governor

The Hon^{ble} { James Hasell John Rieusset
 { John Rutherford John Sampson &
 { Lewis De Rossett Henry E. M^cCulloh } Esq^{rs}

On Motion of William Powell in behalf of Isaac Clark

Ordered that the Warrant issued In April 1761, in the name of Christopher Clark be altered to Isaac Clark and that a Patent issue on the same to Isaac Clark

Several Warrants and patents for Land were read and granted as p Warrant and patent Books

At a Council held at Wilmington the 24th day of April 1762

Present—His Excellency the Governor

The Hon^{ble} { James Hasell John Sampson
 { Lewis De Rossett and
 { Richard Spaight Henry E. M^cCulloh } Esq^{rs}

Several Patents and Warrants for Land were Read and Granted as p Warrant and Patent Books

At a Council held at Wilmington the 28th day of April 1762

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Richard Spaight
 { John Rutherford John Sampson
 { Lewis De Rossett and
 { John Rieusset Henry Eustace M^cCulloh } Esq^{rs}

On Reading the Petition of Robert Palmer Praying a Warrant of Resurvey upon the Lands of Charles Smith and John Smith lying on the East side of Matchapungo so as to ascertain their Lines that

the Surveyor may know how to lay off the Petitioners Warrant Entered this Court Bounding on their Lines, which was Granted

On Reading the Petition of Robert Palmer Praying a Warrant of resurvey upon the Lands of Samuel Slade and John Slade said to be Two hundred and fifty Acres, so as to ascertain their Lines that the Surveyor may know how to lay off the Petitioners Warrant bounding and Joining their Lines which was Granted

On Reading the Petition of James Robeson setting forth that he obtained a Patent for two hundred Acres of Land in New Hanover County which patent thro' a Mistake mentions Dupplin County the Petitioner therefore prays that the Said Patent and Record thereof be altered from Dupplin County to New Hanover County which was Granted.

On hearing the Caveat John Weston ag^t Samuel and William Sylvia It is Ordered that the said Caveat stand Confirmed and that a Warrant issue to John Weston.

On hearing the Caveat William Asheley against Thomas Cooper, It is ordered that in Case there is no Return of Thomas Coopers Warrant to the Court that the Caveat be confirmed and that a patent issue to William Asheley.

On hearing the Caveat William McKinney ag^t Andrew Bass Junior. It is Ordered that a patent issue to the said Bass for the Land Caveated.

On hearing the Caveat Charles Smith against William Dickson It is Ordered that a Warrant issue to the said Charles Smith for the Land Caveated

On hearing the Caveat George Smith against Jacob Lawhon, It is Ordered that a Warrant issue to the said Jacob Lawhon for the Land Caveated.

On motion Samuel Swann in behalf of Stockly Bishop, It is ordered that a Warrant of resurvey issue to the Surveyor General to resurvey a Patent of George Bishop deceased on Topsail in New Hanover County as also to resurvey Tapley Oldhams Patent on Topsail in the said County of New Hanover and that he make Plots of the same and Return them to His Excellency in Council at their next meeting

Several Warrants and Patents for Land were Read and Granted as p Warrant and patent Books.

Ordered That a New Commission of the Peace and *Dedimus* issue for the County of Orange.

Ordered that all Commissions of the Peace for the future be for

holding the Courts at such times and Places as by Law appointed and directed.

At a Council held at Wilmington the 30th day April 1762.

Present—His Excellency the Governor
 The Hon^{ble} { James Hasell Richard Spaight
 { John Rutherford John Sampson
 { Lewis De Rossett and
 { John Rieusset Henry E McCulloh } Esq^{rs}

Ordered that a New Commission of the Peace and *Dedimus* issue for the County of Dupplin and William Huston and Francis Brice be restored to their Rank in the said Commission and that William Barns and John Williams be added thereto and that Daniel Heron and James Hollinsworth be left out.

Ordered that a new Commission of the Peace and *Dedimus* issue for the County of Craven and that William Dry Esquire be added thereto and that he be placed in the said Commission before Joseph Leech and also that Carraway be added to said Commission.

Ordered that a New Commission of the Peace and *Dedimus* issue for the County of Bladen and that Hugh Waddell and John Burgwin be added thereto.

Ordered that a new Commission of the Peace and *Dedimus* issue for the County of New Hanover and that William Purviance be added thereto.

Ordered that a New Commission of the Peace and *Dedimus* issue for the County of Halifax and that Benjamin Crooker John Elbank, Peter Coupland and Benjamin Dickens be added thereto and that John Wiggins and Richard Browning be left out.

Ordered that a New Commission of the Peace and *Dedimus* issue for the County of Chowan and that Richard Browning be added thereto and that Robert Lennox, Robert Hardee and Joseph Heron be left out of said Commission.

Ordered that a New Commission of the peace and *Dedimus* issue for the County of Hertford and that Robert Hardie be added thereto

Ordered that New Commissions of the peace and *Dedimus* issue for the several Counties in this Province not before mentioned.

Upon Reading the Resolve of the two houses of Assembly to Garrison Forts Johnston and Granville as follows:

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House have Resolved that His Excellency the Governor have

power to raise Twenty five men including one Commissioned Officer, One Serjeant, One Corporal, One Gunner, One Drummer to Garrison Fort Johnston on Cape Fear River and also Twenty five men including Officers as aforesaid to Garrison Fort Granville at Occacock Inlet which said Officers and remaining forty men shall be allowed the following pay, to wit, the Commissioned Officers five shillings per Diem each, the Serjeants two Shillings per day each, The Gunners two shillings per day each, the Corporal one shilling and six pence per day each, the Drummers one shilling and six pence per day each, and each private man one shilling per day and each man that shall Inlist himself shall have and receive as a Bounty Twenty shillings Proclamation money on his Inlisting. And the Commanding Officer of each fort shall be allowed for subsisting each man eight pence per day, and also that His Excellency The Governor have power by his Warrant on the Treasurers to Draw for the paying, Inlisting and Subsisting the said men and likewise all such sums of Money as shall be necessary for the cloathing the said Forces not exceeding forty shillings for each man out of the money appropriated for founding Schools, And that the same be replaced by a Tax to be laid for that purpose which said men shall be kept in pay six months from the first day of May next and no longer to which desire your Honours Concurrence

JOHN ASHE Speaker

By Order W^m HERRITAGE Clk
28th April 1762.

In the upper House—Concurred with

J. H.—P. C.

By Order JN^o BURGWIN Clk.
29th April 1762.

Upon which His Excellency put the following Question

Whether the Garrisons provided by the above Resolve are sufficient for the Defence of those Forts the Protection of Trade and Safety of the province?

And the Question being put it was unanimously agreed that such provision was insufficient

Then His Excellency proposed the following Question,

Whether as the Necessity is so great it will not be expedient for His Majestys Service and Safety of the province that His Excellency

should make such addition of men and Officers as he shall Judge sufficient for the Defence of the Forts?

And the Question being put, It was unanimously agreed that such a Measure, under the present circumstances of affairs is highly Expedient and Necessary

His Excellency further proposed the following Question

Whether it would not have been a measure highly Expedient for his Majestys Service in the Assembly to have complied with His Excellency General Amhersts request for raising one hundred and thirty four men to recruit the Regular Troops

And the Question being put It was unanimously agreed that such a Measure would have been highly expedient

Ordered that James Rutherford be added to the Commission of the Peace and *Dedimus* for the County of Cumberland and that he take his rank in said Commission and that Walter Gibson be added to the said Commission.

Several Warrants and Patents for Land were Read and Granted as per Warrant and patent Books.

The Hon^{ble} John Rieusset Esquire Qualified as Collector of Port Roanoke by taking the Oaths of Supremacy and Allegiance subscribed the Test and took the Oath of Office

At a Council held at Wilmington 19th October 1762

Present—His Excellency the Governor

The Hon^{ble} { John Rutherford and
 { Lewis De Rossett John Sampson } Esq^{rs}

Several Warrants for Land were Read and Granted as p Warrant Book.

At a Council held at Wilmington 20th day October 1762

Present—His Excellency the Governor

The Hon^{ble} { James Hasell and
 { John Rutherford John Sampson } Esq^{rs}

Several patents for Land were Read and Granted as p Patent Book.

On motion of Samuel Swann Esq^r in behalf of William Hees,

Ordered That a Warrant of Resurvey issue to the Surveyor General to cause to be resurveyed a Tract of Land belonging to Henry Atkinson lying in Bladen County

Read the Petition of Hugh Waddell setting forth he is possessed in right of his Wife Mary Waddell formerly Mary Haines of a Plan-

tation containing 640 Acres of Land in New Hanover precinct on the North side of the North West Branch of Cape Fear River formerly surveyed for Richard Shelby Millwright and opposite an Entry made by John Porter prays a Warrant of Resurvey in Order to ascertain the real boundaries thereof Granted.

Read the Petition of Hugh Waddell setting forth that he is possessed in the Right of his Wife Mary Waddell formerly Mary Haines of a Tract of Land containing 640 Acres in New Hanover precinct on the South side of the North West Branch of Cape Fear River formerly surveyed for Richard Shelby Millwright. Your petitioner prays a Warrant of resurvey to ascertain the true Boundaries thereof Granted

At at Council held at Wilmington on the 21st October 1762

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Lewis DeRossett & } Esq^{rs}
 { John Rutherford John Sampson }

Ordered that the patent of Henry Gerral, Granted in the Year 1745 be Enrolled in the Auditors office he having made it appear that he hath duly paid his Majestys Quit Rents to the Year 1756

Elizabeth C. DeRosset }
 ag^t } Caveat
Thomas Woodley }

On hearing the Caveat

Ordered that at the Instance of Eliz^a Cath. DeRosset, Thomas Woodly, Solomon Ogdon, Richard Ogdon and James Moore a Resurvey be made of a Tract of Land of 2500 Acres on the Sound granted to Samuel Swann on the 15th day of July in the year 1725 and of one other of the 1st November 1729 for 1000 Acres to Maurice Moore on the Sound and that the said parties be at Liberty to send a person to attend such survey.

Thomas Walter, & Mary Gibson by their }
next friend Richard Quince }
 ag^t }
The Exor^s of Thomas Gibson }

Adjourned till the next Council to be held at Wilmington.

Ordered That the Record of a Patent granted to Malcom Smith on the 31st day of March 1743 for Two hundred Acres of Land in Bladen County on the South West side of the North West Branch of Cape Fear River on Lords Creek be erased both in the Secretarys

and Auditors Offices he having surrendered the same and paid up his Majestys Quit Rents to this day.

Ordered that the Record of a Patent Granted to Hugh Brown on the 13th October 1749 for 100 Acres of Land in Bladen County on the So side of Cape Fear River Joining Matthew Rowans Line be Erased both in the Secretarys and Auditors Offices he having surrendered the same and paid up his Majestys Quit Rents to this day

On motion of Thomas M^cGuire Esq^r in behalf of Hugh Waddell

Ordered that a Warrant of Resurvey issue to the Surveyor General to cause to have resurveyed a Tract of Land Granted to Roger Haynes for 640 Acres in Bladen County on the North East side of the North West river and that it be returned to His Excellency in Council at their next meeting with a Plot of the Same.

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| James Larkins | } | Caveat |
| Against | | |
| Solomon Huet and | | |
| Nicholas Tourtell | | |

On hearing the Caveat Ordered that a Warrant issue to Huet and Tourtell but that Larkins have his Complement of Land before they can lay their Warrant.

At a Council held at Wilmington 22^d October 1762.

Present—His Excellency the Governor

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|------------------------|---|-----------------|------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | and | } | Esq ^{rs} |
| | | John Rutherford | Lewis De Rossett | | |

Several Warrants and patents for Land were read and Granted as ^{per} Warrant and Patent Books.

Read the Petition of William Powell and Alexander Duncan setting forth that they in December 1760 obtained his Excelency's Warrants for four parcels of Land to be surveyed for them jointly on or near Richardson's Creek in Anson County that they have agreed to solicit separate Grants on the said Warrants therefore prays two of the said Grants issue in the name of the Petitioner Alexander Duncan and the other two in the name of the petitioner William Powell.

At a Council held at New Bern 4th day November 1762

Present—His Excellency the Governor

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|------------------------|---|------------------|------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Lewis De Rossett | } | Esq ^{rs} |
| | | and John Sampson | | | |

Alexander M^cCulloh Esquire appeared at the Board and took the

Oaths of Supremacy and Allegiance subscribed the Test, took the Oath of Councillor and his Seat at the Board accordingly.

At a Council held at New Bern 6th November 1762

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Richard Spaight }
 { John Rutherford and } Esq^{rs}
 { Lewis De Rossett John Sampson }

Robert Lenox Appellant }
 ag^t }
 John Campbell Appellee }

The Transcript of the Record in the Case having been brought from the Supreme Court of Edenton District by Writ

And it having been ordered that the appeal should be heard this day

The Parties by the Attorneys appeared and the matter being solemnly argued on both sides upon consideration of the premises and mature deliberation had thereupon, It is Decreed that the said Judgment obtained by the said John Campbell against the said Robert Lenox in the said Superior Court of Edenton be in all things affirmed.

At a Council held at New Bern 15th November 1762

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Henry Eustace M^cCulloh }
 { John Rutherford and } Esq^{rs}
 { Lewis De Rossett Alexander M^cCulloh }

Several Patents and Warrants for Land were granted as p Warrant and patent Books

Ordered that all Caveats and disputes about Land be heard on Monday the 22^d Instant and that publick Notice be given thereof.

At a Council held at New Bern the 18th November 1762.

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Richard Spaight }
 { John Rutherford John Sampson & } Esq^{rs}
 { Lewis De Rossett Henry M^cCulloh }

Read the Petition of Benjamin Heron Secretary setting forth that there are several Records and papers belonging to the Secretary's Office in this province lodged in the Towns of Halifax and New Bern and that the said office is now held by the direction of His

Excellency the Governor at the Town of Wilmington on Cape Fear and as great Inconvenience must arise to those persons who have Business to Transact in the said Office from part of the Records being Lodged in several parts of this province the petitioner therefore prays an Order of the Board to impower him to send for the said Records in order to their being collected and lodged in the Town of Wilmington where the Secretarys Office is now held, and

Ordered that he send for and collect together all papers and Books of Record belonging to the Secretary's office of this province wheresoever in this province to be found and have them lodged in the Secretarys office now kept at Wilmington

Read the Petition of Benone Lofton setting forth that John Dillahunty is possessed of a patent for 160 Acres of land lying in Craven County on Strawberry Branch near the South West Creek and your petitioner being apprehensive that the said John Dillahunty claims more Land than is contained in his patent and refuses to have the same resurveyed by your petitioner therefore the petitioner prays a resurvey on said 160 Acres of Land—Granted.

Robert Lenox Appellant }
 ag^t
 John Campbell Appellee }

The Petition of Robert Lenox setting fourth the state of his Case and praying an appeal to his Majesty in Council from the Decree of His Excellency in Council confirming the judgments below being Read, On Argument

Ordered that the said petition be rejected the same being irregular

At a Council held at New Bern the 19th day November 1762

Present—His Excellency the Governor

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| The Hon ^{ble} | } | James Hasell | Richard Spaight | } | Esq ^{rs} |
| | | John Rutherford | John Sampson | | |
| | | Lewis De Rossett | Henry E. M ^c Culloh | | |

Robert Lenox Appellant }
 ag^t
 John Campbell Appellee }

His Majesty's 43^d Instruction relative to Appeals having been read The appellee in person made his Election to have the Execution issue from the Court below, and tendered himself with John Harvey and Blake Baker Esquires as his Securities to be Bound in the sum of £2,600 proclamation Money to make ample Restitution of all that the appellant shall have lost by means of such Judgment or Decree

in case upon the determination of such appeal such Judgment or Decree shall be reserved and Restitution awarded to the Appellant

Ordered also upon Motion of Mr. Swann in behalf of the Appellant, for an appeal to His Majesty in Council from the Judgment below affirmed here that such Appeal be Granted on the Appellants giving Security in the Sum of five hundred pounds Sterling that he will effectually prosecute the same, and also pay such Costs and Damages as shall be Awarded by His Majesty In Council, in case the Judgment below confirmed here shall be affirmed by His said Majesty in Council

Present in the Afternoon—His Excellency the Governor

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| The Hon ^{ble} | { | James Hasell | Richard Spaight | } Esquires |
| | | John Rutherford | John Sampson & | |
| | | Lewis De Rossett | Henry E. McCulloh | |

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|------------------------|---|
| Robert Lenox Appellant | } |
| ag ^t | |
| John Campbell Appellee | |

The said John Campbell having appeared with his Securities and executed his Bond

Ordered that a Transcript of the proceedings here be transmitted to the Court below that execution may issue

The said Robert Lenox having also appeared with his Securities and entered into Bond in the manner directed by the Instruction

Ordered that the Appeal prayed for by him be granted and that transcripts of the record in this case in the court below and the entries or proceedings of this Board should be transmitted him properly Exemplified under the Colony Seal.

Ordered also that the Bonds taken be Enrolled and remain in the Secretarys Office for the Benefit of the Respective parties

At a Council held at New Bern the 22^d November 1762

Present—His Excellency the Governor

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|------------------------|---|------------------|---------------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } Esq ^{rs} |
| | | John Rutherford | Henry E. M ^c Culloh | |
| | | Lewis De Rossett | and | |
| | | Richard Spaight | Alexander M ^c Culloh | |

On hearing the Caveat Richard Bass against Andrew Bass Jun^r
It was Ordered that the said Caveat be dismissed and that a patent issue to Andrew Bass Jun^r for the Land Caveated.

James Adair
 ag^t
 Edward Scarbrough } Caveat

On hearing the Caveat—Ordered that it be dismissed and that a Warrant issue to Edward Scarborough

On hearing the Caveat William Jerral against Leven Rotten, Ordered that it lie over

On hearing the Caveat Benjamin Slade ag^t Daniel Tyson, Ordered that it lie over.

On hearing the Caveat Shadrack Allen ag^t Samuel Slade

Ordered that the said Caveat stand Confirmed and that a patent issue to Shadrack Allen on the Land in dispute

Ordered that a Warrant of Resurvey issue to the Surveyor General to resurvey one hundeed Acres of Land Patented by Abraham Sheppard Jun^r on the North side of Great Contentny Creek, joining Andrew Allen's Line in Dobbs County.

Ordered That a Warrant of Resurvey issue to the surveyor General to resurvey a Patent granted to Shadrack for 640 Acres of Land in Dobbs County on the North side of Great Contentny Creek.

Ordered That an Act of the General Assembly of this province confirmed by His Majesty In Council Intituled an Act to Dock the Intail of certain Lands now in possession of Harding Jones under a Devise in the Will of Frederick Jones Esq^r his Grandfather deceased by whom the same were intailed be recorded in the Secretary's office

At a Council held at New Bern 25th November 1762

Present—His Excellency the Governor

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| The Hon ^{ble} | { | James Hasell | John Sampson | } Esq ^{rs} |
| | | John Rutherford | Henry E. M ^c Culloh | |
| | | Lewis De Rossett | and | |
| | | Richard Spaight | Alexander M ^c Culloh | |

Several Letters passed between His Excellency and Thomas Boone Esq^r Governor of South Carolina relative to the disputes concerning the Boundary Line of the two Provinces being read

Ordered That The Hon^{ble} John Rutherford and Henry Eustace M^cCulloh prepare a Representation on this head and lay the same before this Board for their consideration

At a Council held at New Bern the 27th November 1762

Present—His Excellency the Governor

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| The Hon ^{ble} | { | James Hasell | John Sampson | } | Esq ^{rs} |
| | | John Rutherford | Henry E. McCulloh | | |
| | | Lewis De Rossett | and | | |
| | | Richard Spaight | Alexander McCulloh | | |

On hearing the Caveat Elizabeth Martin against Adam Ferguson or any other person

Ordered That Administration issue to Elizabeth Martin but if she dont administer on or before Saturday next and give sufficient security to amount to four thousand Pounds Administration to issue to Adam Ferguson

Complaint preferred against Abraham Skippard Sheriff of Dobbs County by Sam^l Swann and Thomas M^cGuire and fully proved.

Ordered that he be removed from Executing the said office

On hearing the Caveat William Jerral against Leven Rotten

Ordered That the Caveat stand confirmed and that a patent issue to William Jerral for the Land in dispute.

Complaint being made against Samuel Smith and Needham Bryan Justices assigned to keep the Peace for the County of Johnston

Ordered That they appear before His Excellency In Council at Wilmington on the sixteenth day of April next to answer such Charges as may then be made against them.

Read the Petition of John Edmundson setting forth that he is possessed with two patents Viz^t One for one hundred Acres granted in the Administration of Governor Johnston to his mother Prucella Edmundson, being dated the 20th of April 1745 the other for 300 Acres granted in the Administration of the late President Rowan to your petitioner and dated the 27th of March 1754 both Situate in Craven County and on the North side of Neuse River, and on Cashaw Creek as by the said patents ready to be shewn may appear and that in your Petitioners Patent aforesaid is comprehended the said 100 Acres granted to his Mother the petitioner therefore prays that he may be at liberty to resign said 100 Acres patent involved in that of the petitioners for 300 Acres as aforesaid to the end he may not be chargeable for the Rents of more Land than he really holds and that the same may be struck off the Rent Roll and an Order made thereupon relative thereto.

Ordered that it lie over and that he prove the sundry Allegations therein set forth.

At a Council held at New Bern 27th November 1762

Present in the Afternoon—His Excellency the Governor.

The Hon^{ble} { James Hasell John Sampson
 { John Rutherford and
 { Lewis De Rossett Henry E. McCulloh } Esq^{rs}

On motion of Mr. McGuire Ordered that a Warrant of resurvey issue to resurvey a Tract of Land of five hundred Acres of Land granted to William Reed in the year 1711–12 on Cape Hatterass beginning at a small creek

Ordered that a Warrant of resurvey issue to resurvey a Tract of Two hundred Acres of Land granted to Joseph White in the year , lying on the North side of Pee Dee in Anson County made returnable to His Excellency in Council at their next Meeting

At a Council held at New Bern the 4th December 1762

Present—His Excellency the Governor.

The Hon^{ble} { James Hasell John Sampson
 { John Rutherford and
 { Lewis De Rossett Henry E. McCulloh } Esq^{rs}

Elizabeth Martin Administratrix on the personal Estates of Adam Ferguson Sen & Jun^r deceased appeared and tendered John Petman and Robert Wallis as her Securities which are deemed sufficient

On hearing the Caveat Benjamin Bunn against the Secretary's issuing a patent granted to John Weaver Jun^r

Ordered that the said Caveat lie over till the 16th April next and that the parties examine evidences before some Magistrate in the respective Counties they reside and that the patent be not compleated until said Caveat is determined

Ordered that a Warrant granted in the Name of John Durham for 200 Acres of Land in Dobbs County be altered to James Durham it having been made out in the name of John thro mistake.

At a Council held at New Bern 10th December 1762

Present—His Excellency the Governor

The Hon^{ble} { James Hasell Henry E. McCulloh
 { John Rutherford and
 { Richard Spaight Alexander McCulloh } Esq^{rs}

Ordered that a patent granted to William Wilkinson in the year 1729 be Recorded in the Secretary's Office it being Indorsed Recorded by J. Lovick Secretary but on examining the Records it is not to be found

Read the Petition of Sarah Bond setting forth that her late husband Vineyard Bond obtained his Excellencys Warrant for 640 Acres of Land in Beaufort County which has been duly executed and returned into the Secretary's Office and that the said Vineyard Bond by his late Will and Testament bequeathed the said Land to the petitioner the petition therefore prays a patent issue for the said Land in her own Name Granted

Ordered that a proclamation issue for Quelling the Riotous disorders in the Western frontiers of this Province

The Hon^{ble} Richard Spaight Esq^r signed for His Excellcy by order Thirty two blank Letters Testament three Military Commissions for Orange County, Nine Patents passed this day as p Patent Book Warrants from N^o 140 to 169 as p Warrant Book.

The Hon^{ble} Henry Eustace McCulloh Esq^r left his seat at the Board and presented the following Memorial Viz^t—That the Memorialist is intitled to 37,500 Acres of Land in Anson County by virtue of several Grants under the seal of this province bearing date the 3^d Day of March 1745 and passed in pursuance of His Late Majesty's Order in Council dated In May 1737 subject to the conditions of settling one white person for every 200 Acres and that all such parts as should not be so settled should revert and be surrendered to the Crown

That the Memost Father (for whom the Memo^{ls} is fully impowered to Act) is in like manner intitled by sundry Grants passed and dated as aforesaid in his own name and others in trust for him to 180,000 Acres of Land in Anson County aforesaid subject to the Conditions aforesaid

That the Memost said Father is also intitled to 71,160 Acres of Land in Duplin County by Virtue of a Grant passed as aforesaid under the Seal of this province and dated the third day of March 1745 subject to the condition of settling one white person for each 440 Acres and of forfeiting and surrendering all such parts thereof as should not be so settled

That the Mem^s Sister Penelope M^cCulloh is also entitled to 12,500 Acres of Land in Anson County aforesaid subject to the conditions of the Mem^s grants.

That John Campbell, of this province Esquire (for whom the Memst is fully impowered to Act) is likewise intitled to 12,500 Acres of Land in Anson County aforesaid and subject to the like conditions.

That Joseph Robson and Joseph Willcocks as Trustees to the

Estate of the late Joshua Willcocks of the City of Bristol Merch^t (for whom the Memst is fully impowered to act) are also intituled to 50,000 Acres of Land in Anson County aforesaid subject to the like conditions.

That in all and every of the before mentioned Grants is included an exemption of Quit rents for the Term of Ten Years from the date thereof

That in October 1756 His late Majesty by his Order in Council was graciously pleased in consideration of the heavy and unlooked for obstructions the patentees had met with and the Indian Warr to direct your Excellency to defer Carrying into execution the 84th Article of your Instruction relating to the taking possession of the unsettled Lands for the use of the Crown until the 25th Day of March 1760 and thereby graciously indulged the patentees in a further term of carrying the settlements of their Lands untill the 25th day of March 1760 and consequently with an Exemption of Quit Rents till that time

That His Excellency is directed by His Majesty's Instructions to maintain and support patentees in their just Rights and to resume for the use of the Crown all such parts of the Lands granted to the late Murry Crymble and James Huey and their Associates (of which the Lands mentioned in this Mem^o are part) which should not be Settled according to the conditions of the Respective grants on the said 25th day of March 1760 and as the Memo^{rs} and the rest of the patentees herein named are humbly desirous of Acting in such manner relative to the return of the Settlement and surrender as may best shew their readiness to comply with the conditions of their Grants and their duty to the Crown.

The Memst therefore as well in behalf of himself as of the other patentees herein mentioned Humbly prays that His Excellency in Council would be pleased to give them such Directions relative to the Mode of making a return of the settlements and effecting a surrender of the unsettled Lands as to your Excellency in Council shall seem meet, and the Memst likewise prays that he and the rest of the patentees herein named may meet with support from your Excellency in their Just Rights against any obstructions which may be given them and particularly against those riotous and alarming encroachments that have been made and are still making upon their property by persons acting or pretending to Act under the sanction and Authority of the Governor of South Carolina and for such fur-

ther and other relief in the premises as His Excel^r in Council shall seem meet And the Mem^t prays &c.

Which being taken into consideration

It is ordered that proper directions be issued by His Excellency to Col^o Nathaniel Alexander of Mecklenburgh County and John Frohock Esq^r of Rowan County to take an account of the number of White persons male and female young and old which were without Fraud resident upon each of the said Grants, particularly on or about the Twenty fifth day of March 1760 and that they do return the said account under their Hands and seals and certify the same unto His Excellency in Council upon their Oaths as soon as the Nature of the Affair will permit provided that such return be made before the 25th day of March 1764 and that the expence of taking such account and making the return should be paid by the Grantees—And it is further Ordered that upon such return made and certified the Grantees should by good and sufficient deeds in Law surrender their Several Grants to the Crown after properly excepting and reserving all such parts and proportion of the same as they may severally appear intitled to on such return.

Several Warrants and patents were Read and Granted as ¶ Warrant and patent Books.

The Hon^{ble} James Hasell, John Rutherford, Lewis De Rossett, Richard Spaight, John Sampson, Henry Eustace McCulloh and Alexander McCulloch Esq^{rs} Qualified to the General Commission by taking the Oaths by Law appointed for their Qualification and took the following Oath—Viz^t

You and each of you shall swear that you will well and truly Exercise the several powers vested in you as Conservators of the peace by His Majestys General Commission, and that you will in all things according to the best of your skill and ability act justly and impartially and according to Law in the said office So help you God.

Ordered that a Commission of the peace and *Dedimus* issue for the County of Pasquotank.

The Hon^{ble} John Rutherford and Henry Eustace M^cCulloh Esq^r the Committee appointed to prepare a Representation to His Majesty in Council in Relation to the Dispute with South Carolina presented a Representation on that Head which being Read was unanimously agreed to and stands as follows.

TO THE KINGS MOST EXCELLENT MAJESTY IN COUNCIL

The Humble Representation of the Council of the Province of

North Carolina now sitting for the dispatch of Public Business at New Bern.

Your Majesty's Governor for this province having laid before us a Letter from His Excellency Governor Boon wrote with the advice and Consent of the Council wherein he has Charged him with Creating disturbances between this province and that of South Carolina and declares that he shall immediately lay the same before your Majesty's Commissioners for Trade and Plantations which charge we apprehend arises only from Governor Dobbs legal endeavours to quiet the Associates of Huey and Crymble in their possessions in this province in Consequence of and obedience to the Instructions he has received from your Majesty and your late Royal Grand father, and likewise the several Letters which have passed between Governor Boon and him upon that Subject and a letter from Governor Littleton all which Letters are herewith annexed and to which we most humbly beg leave to Refere

We think it incumbent upon us as well in support of Government and the Rights of this province to the Lands in the County of Anson as in regard to the patents Granted in the Year 1745 in Consequence of his late Majesty's Order in Council dated in 1737 most humbly to represent to Your Majesty in Council the light in which these affairs appear to us as also the Causes of these disturbances which have of late been set on foot between the two provinces, and from thence most humbly to Observe upon the Necessity there will be of settling equatable Boundaries between your Majesties three provinces of North and South Carolina and Georgia as soon as a Glorious peace which we flatter ourselves is approaching will afford your Majesty leisure to give your Royal and paternal attention to these matters

We therefore in support of the Rights of this province with all Humility further represent to your Majesty.

That in the Year 1737 agreeable to his late Majesty's Instructions Robert Halton, Matthew Rowan and Edward Moseley Commissioners for this province and N. Skine, Jam. Abercrombie and William Walters, Commissioners for South Carolina appointed in pursuance of said Instructions to fix upon and run a dividing Line between the two provinces actually met and run the said Line from the Mouth of Little River a North West Course about the distance of forty five miles, when according to agreement the Course was altered and the dividing Line continued a due west Course to Little Pee Dee River to a Marked Pine.

That it appears upon the Council Journals of this province that Mr. Johnston your Majestys late Governor for this Province did by a Letter to the then Lords Commissioners for Trade and plantations dated 13th June 1738 press the Settling and adjusting of that Boundary Line and that their Lordships by their Letter in Answer thereto dated 12th September 1739 declared that no application had been made in behalf of South Carolina in Relation to that affair but when there was they should take the same unto their consideration and he should be acquainted with what was done in it

That nothing further appears since to have been done relative to this Boundary Line except that the same has been continued in a due west Course from the aforementioned marked pine about the distance of 20 miles to Pee Dee river by private persons acting without any authority from either Government which Boundary Line as far as it has been extended as before mentioned has remained till very lately as the undisturbed limits of the two provinces and as such observed by the adjacent inhabitants; and it is generally allowed that the said Boundary Line if continued a due west Course would run about 15 miles to the Southward of the Catawba Nation and Strike Savannah River in Georgia about 30 miles above Augusta.

That we apprehend the disturbances which at present subsist take their rise from a Lawless set of men who have forceably possessed themselves of Lands Patented in this province as long ago as the year 1745 and who avail themselves thereof to avoid the payment of their debts and Taxes in both provinces by alternately claiming the Bounds and protection of one or the other as best serves their Turn and we are sorry to be obliged to observe to your Majesty that we cannot imagine they would have persisted to insult and abuse your Majesty's Governor and maltreat the Officers of the Crown in the contemptuous and open manner they have done did they not meet with an undue support from some of your Majestys Officers in South Carolina and on this head we most humbly beg leave to refer your Majesty to the annexed information.

We further beg leave most humbly to represent to your Majesty in Council that upon Governor Dobbs appointment the then Lords of Trade observing that the late Governor Johnston had Instructions to have the Boundary between the two provinces run, beginning within 30 miles of the source of Cape Fear River to the sea it not having been considered that the source of that River was but a few miles from the Virginia line and consequently that such a di-

version would have cut off all the Western part of this Country and left it only a narrow slip along the said Line withdrew that unreasonable Instruction and directed him to consult his Council and to Transmit such a plan as they might think most expedient and reasonable and the like Instruction was afterwards given to Mr. Littleton Your Majestys then Governor of South Carolina in Consequence of which a Representation was sent home by the Governor and Council of this province to which we beg leave to refer in which they declare in their opinion that the two provinces should be divided by a due West line and that a few Miles to the Southward of 35° the then supposed Boundary so as to include Winyaw should be added to this province and the Reasons upon which they founded this request were that as Earl Granville had taken his whole right out of this province it would be the means of enlarging and rendering your Majestys proportion thereof upon a more equal footing that South Carolina might take an equivalent for the same from Georgia that province being an East and West Line much longer than either of the other two and that the Trade and Interest of this Colony would be in the greatest manner benefitted thereby without the least injury to the South Government as by our having one side of Winyaw we should have a free navigation to the Sea and enjoy the Benefit of the inland Navigation of the Yadkin, Rocky Great and Little Pee Dee Rivers, which tho they all run through the Heart of this province enter the Sea at Winyaw, and as there are heavy Dutys laid in South Carolina upon the produce of this province we are from that reason rendered totally useless to both provinces as the Boundary now Stands and in support of this Representation we further observe that the Lands which we pray may be added to the Southward of 35° are nothing but a sand Bank and will not take off 200 families or near from the S^o province and we have the greatest reason to hope this division may take place as there is the greatest probability of the Cession of Florida upon a peace on which Case the whole Lands within the Charter of the two Carolinas may be equally dividing between them and Georgia

We further beg leave most humbly to represent to your Majesty in Council excepting those Lawless people who are settled upon Sugar and Reedy Creeks and have been before mentioned as the Cause of those disturbances it would be far most easy and agreeable to all the North East side of the present Boundary Line to remain annex to this Government as by our Constitution they can have Justice administered at their doors whereas if they should be annex to that

of South Carolina they would be obliged to travel between two and three hundred miles to attend the Courts of Justice's at Charles Town

For these several Reasons and to put an end to these unhappy disturbances which at present subsist between the two provinces

We most humbly pray your sacred Majesty in Council that you would be pleased to approve of the plan set down in the representation above mentioned or that you would be graciously pleased to direct that the old Boundary line so far as it has been extended to the pine tree before mentioned may be fixed and remain the Boundâry between the two provinces and that the said Line be continued a due west Course in the Lat 34° 38' to Savannah River

All which we most humbly submit to your Majestys Royal Consideration

And (As in duty bound) shall ever pray and signed by Jas Hasell, Jno Rutherford, Lewis De Rossett, Rich^d Spaight, John Sampson, Henry E. McCulloch and Ale^x McCulloch.

SIR,

I have Received by my new Instructions from His Majesty, Orders to quiet the Associates of Murry Crymble and Huey in possession of so much of the Lands granted to them by the Crown in 1737 for which they took out patents from the Crown as lay in his Majestys District South of Lord Granvilles Line the whole consisting of 1,200,000 Acres 850,000 of these being within the Kings District, Mr. Selwyn and I had purchased four of these 100,000 Acres Tracts of the whole Survey and by the late Kings Order In Council the late Governor had them surveyed and patents of 12 500 Acres each were passed to us by the said Order in 1745 since which we have been in possession and many persons have been Seated on the said Lands, but as his Late Majesty indulged us in not paying Quit rents untill 1760 upon Account of the Wars on this Continent and particularly upon Account of the Cherokee Warr which made most of the settlers quit their Settlements, we Charged them nothing for their Lands nor insisted on their payments for the purchase of their Lands

Upon our sending up at this time to survey what had not been surveyed before I found Several of those pretend they belong to the South Government upon account that the Boundary Line has not been fixed and say they have lately taken out Grants from your Government, and have threatened the Surveyor whom I sent to

Survey the Lands violently to seize them and carry them down to Charles Town, if they offer to survey my Lands which they have unjustly entered upon.

As therefore these Lands have been granted to me by the Order of his late Majesty in Council surveyed and patented in this province in 1745 I have an undoubted right to them whatsoever province they shall be in when the Line is determined, and since they have always submitted to the Laws of this province till lately and had paid Taxes before these late Confusions in this province, as these late Years Persons whose names I give below, alledge that they have been done at Charles Town or some person delegated from them and give out that some of your Council support them in contesting my right

What I have to desire of your Excellency is that you will not countenance them in riotously contesting my private right which will be ascertained to me by His Majesty in whatsoever province they should be when the Boundary Line is fixed besides by supporting these rioters and elude the Laws and Taxes in each province by alledging as it answers their purpose that they belong to neither or either province

Your Compliance with this request can be no prejudice to your Province but may be of Consequence to Mr. Selwyn and me in our private rights and may preserve peace and harmony between the provinces and friendship between us which I shall be always desirous to Cultivate I am with due Esteem

Your Excellency's Most Obedient Humble Serv^t

(Signed)

ARTHUR DOBBS

May 17th 1762 N^o Carolina Brunswick

TO GOVERNOR BOONE [OF SOUTH CAROLINA]

The Names of the persons mentioned above are James Loost, David Adams, Andrew Logan, Patrick Gibson, Benjamin Patten, John Logan and Moses Shelly

SIR.

I wrote to your Excellency by a private hand Mr. Smith before I left Brunswick for this place but it might miscarry, I herewith send you a duplicate of it

Upon the Accounts I had received of the riotous behaviour and arrogant Speeches these men had expressed I thought it my duty in obedience to his Majestys Instructions of quieting the Associates

Huey and Crymble in their possessions as well as in surveying my own private property and rights, to come upon the spot to observe their behaviour and know what opposition they would make to ascertaining my Lines and property pursuant to his Majestys presents to me and Mr. Salwyn who were equally attached and gave them notice that I was going to ascertain the Lines of my Grants according to the marked Trees of the original Surveys. I took with me only Gentlemen who attended me and two servants along with the Surveyor and Chain Carrears and a Justice of peace of this County who was Lieutenant Colonel of the Militia who with three or four more who knew the Lines since the first survey upon which one James Loosh who says he is a Justice of the peace appointed for South Carolina who has no freehold or right from either province but a forceable possession and detainer of my Lands, and a Constable who also keeps a forceable possession of my Lands and Mr. Selwyns came in a riotous manner attended with about thirty men on horseback armed with muskets and rifled guns and upon my demanding whether they came as friends or Enemies Loosh answered as friends if they were treated as friends but if I came to survey their Lands they would oppose me with force I told them I came to ascertain the Lines and limits of my Lands granted to me by his Majesty's patents, that when I came to survey any particular Farms I would do it publicly, when this communing happened there were not above 10 or 12 Armed men with Loosh upon which thinking himself then not strong enough he said if I did not survey their Lands he would not oppose my running my Lines, but afterwards after being joined by the rest of his possee he pursued us with above thirty men armed on horse back, having told Col^o Harris before that he would take him prisoner tho a Justice of the Court, and carry him by force to Charles Town for assisting me in running my Lines and surveying my Lands in their possession upon which they appearing while we were sitting on the Ground at Breakfast Col^o Harris mounted his horse by the time they came up and expecting to be attacked desired the Gentleman with me to lend him one of his pistols to defend himself if attacked upon their coming up without more ado one White who acted as constable appointed from Charles Town seized upon him on horse back and Loosh who was on foot seeing the pistol in his hand, called out he has a pistol and laid hold of it and forced it from him, upon which I went up and asked him how he came in so riotous a manner to seize a Gentleman in my presence and Company employed in my

Service, and he said he took him by a power from your Government and would carry him to Charles Town a prisoner. I charged the Constable then to desist in His Majestys name and let him go, and seized the Bridle and pushed the Constable with the end of my cane, upon which he held up a pole over my head and said if any offered to oppose or strike him he would knock him down or whatsoever person he should be upon which finding such Insolence to me backed by such a body of Armed men assembled with a design to do mischief, and Justice Loosh ordering him to detain and carry off his prisoner; I thought it prudent to allow them to carry him off to another Justice one Wyly who had been also appointed a Justice under your Government who had so much sense as to keep out of this riot though he attended them on foot great part of the way and kept within sight at a distance and has since owned that they were advised and instigated by him in all their measures, and that the Constable was a brave fellow and was of his own *entering* and had been recommended by him. Mr. Harris charged him said Loosh to tell him what he had to lay to his Charge and to try him there and to Bail him or commit him immediately. He said in my hearing he had nothing to say against him but he should be tried before another Justice. I then asked him what power he had thus to oppose and insult me and he said he had a power from the Governor and Council of South Carolina. I said it was false and desired him to produce it he said he had it not about him but had the insolence to say if I would attend him to his house he would show it to me.

They went off in Triumph Carried off a Magistrate of Anson County in this province in his own County under pretence that it was part of the South province forcibly carried away the Gentleman's pistols and the Constable without any Warrant detained him prisoner 6 or 8 hours though Justice Wyly declared when he went to him that he had nothing against him nor ever heard of any thing he was ever charged with upon which he could be committed and said he would not concern himself with it *pro nor con* notwithstanding which the Constable still detained him and sent to Justice Loosh to bring his warrant against him which after several Hours he did and carried with him an old torn paper which he said was a Warrant which had been taken out some time ago wherein one M^eFerran (who had forcibly possessed a plantation I had promised to sell Col^o Harris) that 3 years before that time the woods had been set on fire which spread towards his house and frightened his Wife so that

she miscarried and that he suspected they had been set on fire by Col^o Harris to drive him out of the Land, And this appeared to be the only pretence they had for insulting and affronting me, and taking him prisoner and carry from my Company and Service, and after threatening him with a *mittimus* in hopes that he would promise to desist from any pretensions to that mans possessions unjustly detained from me, thus at last thought proper to dismiss him having as they thought gained their point by insulting and affronting me.

Upon the whole I find he is a head strong self conceited person of no property but the Lands he unjustly holds from Mr. Selwyn and me unjustly and violently under a pretence they belong to South Carolina, and that their whole power and opposition proceeds from Mr. Simpson who is Clerk of the Council of your province who is their Chief Supporter and adviser in taking out patents for our Lands and although they publickly to add to their party give out that they have publick encouragement from many in the Council and sometimes say from the Gov and Council to take out patents for our Lands, tho I am credibly informed that the whole proceeds from the false information they have received from these dispeccable rioters to gain their ends, and that the Warrants of Survey are only to be executed upon vacant Lands not before surveyed patented by his Majesty and to show how surreptitiously these Southern Surveys and patents have been procured it is evident that many Lands have been patented and possessed many years several miles to the Southward of our Lands and above 70 Miles to the Westward undisturbed and have always been reputed of this province and answered in all affairs Civil and Criminal in the County of Anson since divided from Bladen County and no disturbances given except to us on our patented Lands

It may therefore be proper to Inform your Excellency and the Gentlemen of your Council of the cause of these disturbances. Sometime after my coming over Governor, in the year 1755 I came up to this County to dispose of my Land upon which several Occupants were Settled without Titles and upon surveying and fixing the Lines of one of my large tracts before the 2^d Tract was finished Gen^l Braddocks defeat hurried me down from hence I had treated and agreed with several of the occupants and decided where disputes arose in favour of the first occupants and I decided one plantation in favour of one M^oHue against one Mr. Laverty upon this Laverty exasperated went down to Charles Town and applied to Governor

Glenn and Council to get out a Warrant and Patent for these Lands alledging as the limits had not been finally settled that they lay in South Carolina and probably disguised and concealed the Truth that the Lands he petitioned for had been granted to me by patents ten years before, or if he had acknowledged it Mr. Glenn granted it in opposition to me, as we had Sparred some time about the Virginia expedition, Upon his success he spirited up others to take out Grants, and got some of the lowest and weakest of the occupants to petition to have him made a Justice to protect them as Magistrate of South Carolina from paying taxes and other Services of North Carolina and forcibly contesting with Mr. Selwyn and me our rights to the Lands held by patent from his late Majesty, from this slight Beginning they became riotous, opposed the Laws of this Province Defeated and took prisoner The Sheriff of Anson when Levying the Taxes and Executing the Writts of the Courts of this province got another Justice and Constable made in your Province Quitt the Militia of this Province and took out South [Carolina] Commission, Yet in Civil Actions attended our Courts and took out Letters of Administration &c^a from this Province as all others did and do still, who are to southward and westward of our Lands. I will now shew the unreasonableness of supposing these lands in our Grants to belong to the South Province and that the line when divided by his Majesty will run considerably to the southward of this parallel it has been the Established maxim of his Majestys Council in England, that all the Collonies from the most Northern propriatory Governments should have their Limits fixed by parallels of Latitude or by Rivers which had a direct Eastern Course, Thus Pensilvania is separated from New York to its Western Limits Maryland from Pensilvania, Virginia from Maryland by the Potomack to its Spring Heads, Thus the Original and 2 Charter of the Carolinas were divided by a parallel of Latitude $36^{\circ} 30'$ and the S^o Boundary 29° in which St Augustine is included Thus Lord Granvilles District is divided from the Kings district in this province by a parallel of $35^{\circ} 34'$ N^o Latitude

Now the South Government would claim a North west Limit between these provinces upon account of a former Instruction to the late Governors Johnston and Glenn which was set aside by his Majesty upon a Representation of the Board of Trade setting forth that the Board of Trade had been mistaken being ignorant of the Course of the North West Branch of Cape Fear River apprehending that River had run a direct Course east as the Roanoke and

all the Virginia Rivers run that course, and that old Instruction was followed when Georgia was granted to the first proprietors, But Georgia being now in his Majestys hands its Boundary is now again to be fixed equitably between your province and Georgia by a Parallel of Latitude so that upon the Peace you may be assured that his Majesty will do equal Justice to the three Governments within the last Charter which extends beyond St Augustine and as we have reason from the manifest appearance of God Almighty in the favour of the protestant religion and cause of Liberty that the Havanna and Cuba will be soon in his Majestys possessions and consequently that all Florida with Mobile and Mississipi will be ceded to his Majesty by a peace even though for the sake of peace and a more beneficial Commerce with the Spanish Indies he should agree to give up Havanna to the Spaniards it therefore seems highly probable and reasonable to believe that St Augustine will be made the Capital of the Georgia Government and Consequently that part of Georgia even South of Savannah will be added to your Government instead of what will be given up to North Carolina for as Lord Granville has taken his eighth part intirely out of North Carolina, when he ought equitably to have taken a third from each of the three provinces by which means if our Southern Parallel were [not] run to the Southard of my Lands his Majesty's District in this province would not exceed 34° of Lat^d it seems highly reasonable that our Line should extend a degree further to the Southward as your Southern Line would then be extended into Georgia

I am therefore of opinion that as the Lands in our second Charter extends $2^{\circ} 30'$ will be granted to each Province Georgia from 29° to $31^{\circ} 30'$ South Carolina from $31^{\circ} 30'$ to 34° and North Carolina from 34° to $36^{\circ} 30'$ the Virginia Boundary Line this will probably soon be our fate when all shall be gainers why should we litigate for a trifle only to confound private property or why should the Letters that passed between Governor Lyttleton and me as Governors about not molesting the occupants upon account of Taxes and provincial rights while out upon the Cherokee expedition be interpreted by Mr. Simpson so as to molest and deprive me of my private property that I may not appear envious. I forbear to mention the vile methods they have used which can be supported by many affidavits to intimidate their peaceable Neighbours and enduce them to join in their party to oppose our title to our Lands by skreening their Associates from Debts and Taxes and Submission to our Courts and Laws and by their disobedience in not attending the Summons as

being extra judicial and by their intimidating them by sending them out of this province by force to Charlestown seizing and selling their Goods upon their non appearance and thus maintaining themselves by their unjust fees, for these reasons and for this insult to Government and personally to me as Governor, I have fully laid before you to lay before your Council. I desire and hope you will think it will be for His Majestys Service and the mutual peace of these provinces that these Commissions should be withdrawn from these who call themselves Southern Magistrates residing in the County of Anson exerting their power only on the Selwyns and my Lands, and that you will be pleased to let these deluded rioters know that you never intend to grant away our Lands by their false instructions that they were vacant, which we possess by patents Ordered by His Majesty in Council which His Majesty by his last Instructions sent to me dated in June 1761 having Ordered me to quiet all the associates in their possessions and by this we shall be enabled to live in peace, and harmony be preserved between both provinces.

I am with due regard,

Your Excellency's &c^a

A. DOBBS.

N^o CAROLINA July 5th 1762—Anson County.

To His Excellency Th^s BOONE Esq^r

SIR,

After writing my Letter of yesterdays date to your Excellency Mr. Samuel Wyley arrived here and informs me he had directions from Mr. Bull to run out Lines of the Lands allotted for the Catawba nation a tract of fifteen Miles square commencing at the Southward from 12 miles Creek to the Northward 15 miles from East to West 7 Miles and half on each side of Catawba River pursuant as he says to an agreement made with the Catawba Nation about a year ago between Mr. Atkins agent for Indian affairs with King Haglar, and Haglar with these Indians have arrived here the same day upon the same Account

It does not a little surprise me to find that Mr. Atkins should peremptorily have taken upon him to have fixed so large a Tract of Land to them without first acquainting me with it as there is the highest probability that all these Lands will be within this province by the paralleled Lines which will determine our Boundary without even shewing his power to me of determining it without His Maj-

esty's approbation or consulting the Government of this province, and still more so in having never communicated his agreement to me since he concluded it if it can be yet said to be concluded without his Majestys consent and approbation of which I never had the least intimation till yesterday from Mr. Wyley. And this Survey if perfected would ascertain the Catawba's claim hereafter would at present occasion much confusion among those who had taken Warrants and Patents upon these Lands, For upon the Indians removal from Sugar Creek Town to 12 Mile Creek many of the Lands Northward from Sugar town upon the Catawba River have been Surveyed and some patents issued as I apprehended upon their removal they had Chosen and accepted of other Lands more Southerly and more so as to their number of Warriors have been reduced in a few years by Haglars Confession from 300 to 50 and all their males dont exceed 100 old and young included so they are now scarce a Nation but a small village the Lands allotted to them since their reduction by Mr. Atkin is 144,000 Acres and the Tuskarorars who had and still have 300 Warriors were content to enjoy a Township of 40,000 Acres to the best of my remembrance having not the Law now here, as the Catawbaws have behaved well though their numbers are reduced I would agree to their having a larger Tract and proportion of Land and would not think it impudent to advise his Majesty to allow them a Tract of 12 Miles square which would contain 96,000 Acres a sufficient Quantity for so small a number and then their Bounds might be limited between 12 mile Creek and Sugar Creek on the East side of Catawba and as much more to the westward as shall make up the Complement till his Majestys approbation is obtained, and therefore at present should advise that the surrounding Lines should be suspended and only the distance run from 12 Mile Creek to Sugar Creek to ascertain that distance and in the mean time I shall suspend the issuing of any more patents within that Limit and think it reasonable that Captain Stewart who succeeds Mr. Atkins should send me a Copy of Mr. Atkins power by which he acting in fixing their Limits without his Majesty's Approbation or the Consent of this province and then when the Limits are ascertained no private purchase should be allowed though their numbers should diminish without the Approbation of the Government of the province in which the Lands may lay and the General Consent of the Catawba Nation.

These are my present thoughts as I have none of the Council to consult which I hope will meet with your approbation as

I have acquainted King Haglar that the agreement could not be Confirmed untill after the peace when we should have his Majestys pleasure known upon it and in the mean time I would endeavour to prevent any encroachments below Sugar Creek I am with truth and Esteem Sir

Your Excellencys &c^a

A. DOBBS

N^o Carolina Anson County July 6th 1762
To HIS EXCELLENCY TH^s BOONE ESQ^r

N^o Carolina Brunswick Aug 28th 1762

SIR.

I received your Excellencys Letter of the 23 July by Capt Ellis in Answer to my several Letters as I cant summon a Council upon it without sending Messengers near two hundred Miles to make a sufficient Number I can only Answer such parts of it until our next Council meets at next Superior Court and Court of Claims when they must attend, and therefore shall pass slightly near what Concerns the Catawbas Claim till we meet but think your Claim on Account of the Indians is much too extensive as almost all the Lands we possess in America ought to have been purchased from them, but I think no occupancy gives us a right to what they dont cultivate or inclose for if a Liberty of hunting upon unimproved Lands gives them a Title we ought to quit all our Lands to them for they hunt down to the Sea coast nor can I allow of Mr. Atkins Settlement of their Lands untill his Commission is produced and Registered in this province otherwise any one may pretend to have a Commission or exert powers never Granted to them which it is every Governors duty to disallow till produced, and therefore I have a right to see it before I can submit to it at the same time I am far from doing real prejudice to the Catawbas or entering upon their Burial Grounds which ought always be Excepted

As to what Concerns me as Governor for the Insult offered to me in this province upon the Frontiers had they been disputable I shall only say had your Excellency been so insulted in this province had you entered it I should upon your application immediately turned out such a Magistrate without any furthur enquiry and much more so when such Justice has no Lands in either province by any title from the Crown but what he holds by force in Lands patented by Order from the Crown to Convince you that your Council has been imposed upon by being made believe that an agreement had

been made between Governor Lyttleton and me as to their possessions I herewith send you the only paragraph sent to me from Mr. Lyttleton which I for the good of the Common Cause so far acquiesced in but he was never so unreasonable that I should give up the property of the Associates of Crymble and Huey in which Mr. Selwyn and I were concerned and by the Laws of this province the Associates would loose possession if they did not pursue their rights in seven years. I find also that your Council take no notice of my Instructions to Quiet these Associates in their Lands which is specified as granted for 1,200,000 Acres in 96 patents for so many of these Lands as are not within Lord Granvilles district in this province, I must also observe that your Council thinks that these Colonists have a right to enter without Titles upon Lands already patented by the Crown by particular Order, And that other Arbiters may be appointed to determine a point which His Majesty has already determined by his patents nor will be any way material in whatever province these Lands should lay his prior patents will be confirmed. I am equally desirous as your Excellency of having the Boundary Line determined and have often and very lately pressed it, and shall continue to do so, though I have been blamed for my importunity while such weighty affairs are upon the Tapis upon the whole I think neither you nor your Council can blame me from supporting my Rights in a Legal manner in this province though you seem to Justify your giving out patents upon Lands long before patented by express Order from his Majesty in Council

I am with due Esteem—Sir—Your Excellency^s &c^a
To Gov. TH^s BOONE Esq^r

SIR—

I received your Excellencys Letter of the fifth Inst. wrote to me by the Advise of the Council of your province with the Complaints you have made against my proceedings in support of his Majesty's instructions and of the laws of this province with great pleasure and satisfaction instead of Concern as your Council have avowedly Justified their having issued Warrants and patents on Lands patented by express orders from the Crown of at least ten years later date than his Majestys patents granted here, and that you have given Orders to support by force those unjust Claimants in the possessions of their Lands against the Legal Patentees of the Lands of this province and do assure you your proceedings shall no way intimidate me in quieting the Associates in their possessions under his Maj-

esty's Patents according to my Instructions and by supporting the Execution of the Laws of this province whether these Lands belong to Mr. Selwyn or to me or any other. I need say no more upon the Subject but that I shall lay the whole proceedings and the Letters which have before passed between us before the Lords of Trade and hope that at least it will have this good effect that it will expedite the fixing of the Boundary Line to prevent all further differences betwixt the provinces. I shall always on my part promote a good understanding between the provinces, and wish you success in your administration as far as is compatible with the good of this province.

I am with due regard Sir

Your Excellency—

CAMP AT 96—November 28th 1759.

SIR.

I had some time ago a letter from Major Waddell acquainting me with the Orders your Excellency had been pleased to give him for co-operating with the Forces of this Colony in Consequence whereof I informed him that if he could effect a Junction with me at the
it would be of the greatest advantage to His Majestys Service. I have since writ to him again to communicate to him some intelligence I received of an intention in the Cherokees to attack me on my March to that place and as the Express I sent is not returned I have not had Major Waddells answer. I shall march from hence tomorrow.

Two days ago a dispatch was brought to me from Charles Town containing among other Letters those which I inclose to your Excellency Viz^t One addressed to you in French and the other which was opened by mistake directed to the Vice Admiralty Court of your province Some few of the Troops I have with me come from those parts of the Frontier where the Limits between the two Governments have been divided, but they are only such as had Commissions from this province before the Commencement of the present disturbances with the Cherokees and the Officers have applied to me to intercede with you that their Families may not be molested in their Absence by any persons acting under your authority on account of their having engaged with me in the Service I am going

upon. I persuade myself your Excellency will not be averse from sending such Orders as may be necessary for that purpose.

I am with the greatest Truth and Esteem, Sir

Your Excellency^a most ob^t Hum Serv^t

W. H. LYTTLETON

To His Excellency ARTHUR DOBBS, Esq^r &c^a &c^a

CHARLES TOWN S^o CAROLINA July 23^d 1762

SIR

I duly received your favour by Mr. Smith a little before which the Catawbass had been down with me to complain of the encroachment made on their Lands by the Inhabitants of your province, and I waited to know how well grounded these Complaints were before I answered your Letter. I was two days ago favoured with your Letters of the 5th and 6th and have according to your request laid all of them before His Majestys Council of this province, and I shall now communicate to you the result of our deliberations on the several Subjects: With regard to the Catawbass, which we cannot help looking on as a matter of consequence it is our opinions that all foundation for their Complaints should be absolutely removed whether they are caused by the Inhabitants of this province or the next, they are certainly the original possessors of the soil and have not conveyed it away, they are very serious in claiming their Rights and deserve that Justice should be done them if they were disposed to be satisfied with what Mr. Atkins promised, who no doubt had authority for what he did, though none from either Government for he was independent of any, it is highly incumbent on both provinces to make them easy nor can it be said at whose expence their Tranquility will be purchased untill the Boundary Line is run; with regard to what might be sufficient for them as a Nation that is not what we are to determine but to do them Justice and leave the burying place of their ancestors undisturbed. I flatter myself therefore that you will prevent any further encroachments upon their Limits agreed upon with Mr. Atkin

I am extremely sorry you should have been insulted, Loosh I find is a Justice in this province but though he is highly blameable for his want of complaisance to you till the Boundaries is settled it is impossible to say he has been criminal. I am informed by the Council that there was an agreement between Mr. Lyttleton and you to let all these matters sleep till the Boundary was fixed nor is it possible till then to apply any remedy it is given in Charge to our Agent

earnestly to solicit the doing it, if you would use your influence also it might be taken into Consideration I hope Sir upon calmly reflecting on the inconveniency that must arise upon the Indians being disgusted, and the Colonists disturbed in their actual possessions without being able sufficiently to disprove their rights that you will concur with His Majesty's Council and me in thinking it unreasonable, possibly prejudicial, but certainly fruitless to enter into disputes upon a subject that must be determined by other arbiters.

I am with great regard and esteem

Your Excel^y most Ob^t Hum. Ser^t

THO^s BOONE

To His Excellency Gov. DOBBS.

CHARLES TOWN. October 5th—S^o Carolina 1762

SIR—

I was extremely surprised to day with an application from two men who have held Lands for several years by virtue of Grants from this Government to know how they should conduct themselves with regard to Ejectments that have been served upon them from North Carolina and in which you yourself are a party, a step of this sort which can tend to nothing but to throw both provinces into confusion taken precipitatedly and unseasonably by you sir to whom the tranquility of one is entrusted both Affects and astonishes me, but you have indeed relieved me from the pain of doubting or even of deliberating, one resolution only was left me to take, one General Order to issue, and that is already done, A principle of candour and sincere desire to prevent the mischiefs that must insue induce me to communicate to you by express, that I have strictly enjoined a Magistrate to employ every Lawfull means to protect and secure everybody in their properties and persons that are settled under the sanction of this Government I have ordered the persons concerned to treat the Ejectment with the contempt it deserves and in no respect to acknowledge the Jurisdiction of North Carolina. I was in great hopes Sir that you would have been Contented to have waited the decision of our Superiors upon a Subject which you and I are neither competent or impartial Judges of, But if you have too much impetuosity to wait this determination, I have too little Tameness to submit to yours, and really flatter myself that when I communicate to the Lords of Trade this Transaction which I shall do immediately that my proposals and requests which so plainly be

spoke an Inclination to preserve a Harmony between the Colonies will be full as acceptable to their Lordships as your manifest indifference to a matter of so much moment, because a few paultry Acres of your own are in Question.

I have the pleasure to Act upon this occasion with the Concurrence and advice of His Majesty's Council and have the Honor to be with great respect and regard Sir

Your Excellencys respec^t Obt & Hum. Ser^t

THOS. BOONE

To His Excellency Governor DOBBS.

P. S. Since writing the above I have been favoured with your Letter by Mr. Williams, and as the pilot Boat returning to day I declined sending an Express

T. B.

October 8

The Information of John Frohock, Anthony Hutchins, Nathaniel Alexander and Francis Mackelwean Esq^r in the Commission of the peace and Members of the Assembly in North Carolina

These Informants say that they are well acquainted with what is called the dividing Line between North and South Carolina, as the same was agreed upon and Settled (as these Informants have always understood and believed) in the year 1737, by the joint Commissioners of the two provinces which Commissioners were N. Skine, James Abercrombie and William Walters in behalf of S^c Carolina and Robert Halton Matthew Rowan and Edw^d Moseley on the part of this province; (who as they always understood and believe,) did in 1737 as aforesaid meet and run the said dividing Line a North West Course from Little River to Waggamaw Lake; where they stopt and after having agreed upon the Courses to be afterwards run appointed a time to meet again and continue the said dividing Line begun by them as aforementioned That in pursuance thereof of the said Commissioners for North Carolina having met and waited for the S^c Carolina Commissioners some days longer than the time appointed they without the assistance of the S^c Carolina Commissioners continued the said dividing Line, a North West Course to the distance of about 45 Miles from the Mouth of Little River, aforesaid to near to Little Pee-dee River where according to an agreement (as the Informants believes) between the joint Commissioners they altered the Courses and Continued the Line a due west Course crossing Little Pee dee

River to a pine which they Marked And these Informants further say that they have heard and believe that the Commissioners for S^c Carolina afterwards came and followed the others along the said Line, and never to their knowledge or belief of these Informants, did controvert what had been done but as has been generally believed were on the part of their Government well satisfied therewith. And these Informants further say that there might have been Orders formerly given to run the dividing Line within 30 Miles of Cape Fear River (the Country then being very little known) but that the Courses which by the said joint Commissioners being agreed to be run in the manner above mentioned, were in their humble opinions agreeable to the Intentions of the Crown and by far the most equitable division for both the provinces; and that as they are well acquainted with that part of the Country, they believe themselves well Warranted in concluding that the aforesaid Line if continued a due West Course from where the Commissioners left off, would run 20 or 25 miles to the S^c ward of the Catawba Indian Nation and would afterwards strike Savannah River, about 30 Miles above Augusta Town in Georgia. And these Informants further say that for these many years past the Inhabitants of both Provinces have deemed this supposed Line to be the dividing Line, and have demeaned themselves accordingly in the respective provinces, till within these few years past a number of private persons and their Families who settled without any right to the Lands granted to His Excellency Gov^r Dobbs, Col^o Selwyn and some others in consequence of an Order of his late Majesty in Council so long ago as the year 1737 in order (as these Informants have reason to believe) to evade the payment of any Consideration to the patentees for the Lands they had seated themselves on, raised objections to the said supposed Boundary Line and declared themselves to be within the Bounds of South Carolina tho these persons (whose Settlements on Sugar Creek and Reedy Creek) when there are any demands against them from either South or North Carolina, act so inconsistently as to disclaim the Jurisdiction of this or that Government (as the case may be) to screen themselves from the payment of their debts and Taxes, and the precepts of Justice in both of which many instances might be given.

And these Informants further say, that tho the Settlers on Sugar and Reedy Creeks live in the part of in this province, no officer of Justice from either Province dare meddle with them, their number rendering them formidable, there being near 150 of their Families set-

bled together, in General, and indeed almost altogether, people of desperate fortune, and without any property or possession but that of the said patentees Lands which they hold by force; who unite together to repel what they call an injury offered any one of them That two of their Number men void of property and possession save as aforesaid and altogether illiterate and tho these people formerly inrolled themselves in the Regiments of Militia constituted by this Government they have of late formed amongst themselves a Company of Militia as they pretend by Virtue of a Commission from the Government of South Carolina, And it is the opinion and belief of these Informants that their acting in this manner must be owing to the open and avowed Countenance they receive from the Government of S^c Carolina as they cannot believe they otherwise would presume (as they lately did) to Insult and abuse His Excellency Governor Dobbs on his own Lands to the great reproach of all Government, besides which Instance, they could mention many others in which these Lawless people have insulted the officers of the Crown, and otherwise behaved in an open and contemptuous defiance of all Law - To avoid publicity these informants mention only the following. Some time ago upon Complaint being made to the County Court of Anson by Townsend Robertson the then high Sheriff of that County, that he had been abused and Insulted by some of these settlers on Sugar and Reedy Creeks, in the Execution of the Duty of his office Orders were given to him to raise the *posse Comitatus* to apprehend them of which they having Notice collected themselves together and upon his and his Associates endeavouring to execute such orders and their beginning to behave in a riotous manner the said Sheriff in the Kings Name commanded the peace upon which they damned the King and his peace, and beat and wounded several of those whom the Sheriff had called to his Assistance; return of which having been made to said Court, the persons so beat and abused were summoned on his Majesty's behalf to the Superior Court of that District; and Indictments found against several of the rioters, and proper precepts issued for apprehending them, all which were returned not executed, by reason of the threats and frequent abuses committed upon the officers of Justice, and the protection they mett with from the South Carolina Government And these Informants further say that they believe that another reason why these people have been induced to keep possession of the Lands belonging to Governor Dobbs and Mr. Selwyn, and claim the sanction of the South Bounds without any other rights than what they may obtain

from the South Government, is the report industriously spread amongst them from South Carolina that His Majesty's Receiver General in that province or any claiming authority under him would make no demand for Quit rents due upon any Lands held above Crane Creek, which is above eight or ten miles below Waxaw Settlement in North Carolina and almost thirty miles from Sugar and Reedy Creeks.

Nathaniel Alexander (one of these Informants) further saith that he believes that five or six of these people may have Grants from South Carolina, and that some few more of them in September last had proposed going down to Charles Town to take out more Grants for the aforementioned Lands belonging to Governor Dobbs and Col^o Selwyn, and that it is only owing to these people (to the Number of about 150 families) settled upon Sugar and Reedy Creeks who in Order to possess themselves of the said Lands without paying any Consideration for the same and to avoid paying Taxes and Quit rents or other just demands against them in either Government that all those disputes have arose. And what makes their designs more evident is that Reedy and Sugar Creeks are about 25 miles from the aforesaid supposed Boundary Line and Waxaw settlement only five or six miles to the north of said Line and that the last mentioned Settlement is 20 miles to the Southward of the before mentioned Settlement on Sugar and Reedy Creeks they hold their Lands Quietly under rights from this province and duly pay their Taxes and Quit rents to it and on all matters acknowledge the Jurisdiction of this Government.

These Informants severally make Oath to the best of their Knowledge and Belief of the Truth of such particulars of the above information, as come within their particular Knowledge.

JOHN FROHOCK

NATH^l ALEXANDER

ANTH^o HUTCHINS

FRAN^s MACKILWEAN

Sworn before His Excellency the 10th December 1762.

JOHN ANCRUM Dep. Sec.

Ordered That the said Representation with the Letters and Information annexed be Certified under the Collony Seal in Order to be Transmitted home

At a Council held at Newbern the 11th December 1762.

Present—His Excellency the Governor

| | | | | | |
|------------------------|---|-----------------|-----------------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Henry E. M ^c Culloh | } | Esq ^{rs} |
| | | John Rutherford | Alexander M ^c Culloh & | | |
| | | Richard Spaight | John Sampson | | |

The Hon^{ble} Richard Spaight Esquire presented to the Board a Patent bearing date the Eleventh day of November 1719 for four hundred and fifty Acres of Land on the South side of Neuse River Beginning at his own Corner Tree on the South side of Battes Creek being a Spanish oak then S^o 10 E^t 100 Poles to a Red Oak then S^o 82 E^t 170 Poles to a white oak Then S^o 40 W^t 320 Poles then N^o 40 W^t 440 Poles to a red oak at the main run of the Creek, Then down the several Courses of the creek to the first Station.

Ordered That the Record of said Patent be Dated agreeable to the Patent itself

The Honorable Richard Spaight and Alex M^cCulloh Esquires left their seats at the Board and presented the following Memorial Viz^t That George Augustus Selwyn of the City of London Esquire (for whom the Memorialists are fully impowered to Act) is Intitled to 200,000 Acres of Land in Anson County by Virtue of several Grants under the seal of this Province bearing date the 3^d day of March 1745 and passed in Pursuance of His late Majestys Order in Council Dated May 1737, Subject to the condition of settling one white person for each 200 Acres and that all such parts as should not be so settled should revert and be surrendered to the Crown

That in all and every the before mentioned Grants is included an exemption of Quit Rents for the Term of Ten years from the date thereof

That in October 1756 His Late Majesty by his Order in Council was Graciously Pleased in consideration of the heavy and unlooked for Obstructions the Patentees had met with, and the Indian War, to direct His Excellency to defer carrying into Execution the 84th Article of His instructions Relative to the taking possession of the unsettled Lands for the use of the Crown untill the 25th of March 1760 and thereby graciously indulged the Patentees in a further term for carrying on the settlements of the Lands until the 25th March 1760 and consequently with an Exemption of Quit Rents till that Time

That As His Excellency is directed by his Majestys Instructions to maintain and support the Patentees in their just Rights and to resume for the use of the Crown all such parts of the Lands Granted

to the Late Murray Crymble and James Huey and their Associates (of which the Lands mentioned in this Memorial are part) which should not be settled according to the conditions of the respective Grants on the said 25th day of March 1760 And as the Memor^{ts} are humbly desirous of Acting on behalf of the said George Augustus Selwyn in such manner, Relative to the return of the settlement and surrender as may best show his readiness to comply with the conditions of his Grants and his duty to the Crown.

The Memor^{ts} therefore on behalf of the said George Augustus Selwyn Humbly Pray that His Excellency in Council would be Pleased to give them such direction relative to the mode of making a return of the settlement, and Effecting a surrender of the unsettled Lands As to His Excellency in Council shall seem meet. And the Memor^{ts} likewise Pray That the said George Augustus Selwyn may meet with support from His Excellency in his just rights against any obstructions which may be given to the Memor^{ts} in their Endeavours to support the same and particularly against those riotous and alarming Ineroachments that have been made, and still are making upon his Property, by Persons Acting or pretending to Act under the sanction and authority of the Government of South Carolina, And for such further and other relief in the Premises as to his Excellency in Council shall seem meet—And the Memo^{ts} Pray &c^a

Which being taken into consideration—

It is Ordered, That proper Directions be issued by His Excellency to Colonel Nathaniel Alexander of Mecklenburgh County and John Frohock Esq^r of Rowan County to take an Account of the Number of white persons Male and female young and old which were without fraud resident upon each of the said Grants particularly on or about the Twenty fifth day of March 1760 and that they do return the said account under their hands and seals and certify the same unto His Excellency in Council upon their Oaths as soon as the nature of the affair will permit provided that such return be made before the 25th day of March 1764. And that the Expence of taking such account, And making the Return should be paid by the Grantees And it is further Ordered that upon such Return made and Certified the Grantees should by good and sufficient Deeds in Law surrender their several Grants to the Crown after properly Excepting and reserving all such parts and Proportions of the same, As they may severally appear intituled to on such Return

The Honorable Richard Spaight Esquire signed for His Excel-

lency by His Order (His Excellency's hand being so affected as not to be able to sign himself) Sixteen Blank Military Commissions, Twelve Blank Letters Testamentary, Two Coroners Commissions for Orange County to William Nunn and Nathaniel Hart.

At a Council held at Brunswick the 31st day of December 1762.

Present—His Excellency the Governor

The Hon^{ble} { James Hasell John Rutherford and } Esquires
Lewis DeRossett

James Murray Esquire presented to the Board His Majestys Order in Council bearing date the 19th June 1762. By which he is reinstated in his former Rank as a Member of His Majestys Council in this Province, And he at the same time took the oaths of supremacy and allegiance subscribed the Test and took the Oath of a Counselor and His Seat at the Board accordingly

Ordered that a Commission of Peace and *Dedimus* issue for the County of Mecklenburgh to Alexander Lewis, Nathaniel Alexander, John Thomas, Robert McClenahan, Paul Barringer, Henry Forster, Robert Miller, Robert Harris, Richard Berry, Martin Phiher, Robert Ramsey, James Robinson, Mathew Floyd, Abraham Alexander, Thomas Polk and James Patten.

His Excellency having asked the opinion of the Board in regard to Granting a Flag of Truce for the carrying off of some spanish Prisoners now in this place

It is the opinion of the Board that his Excellency grant the same to any person that may offer on the Easiest terms.

Ordered that a Commission of the Peace and *Dedimus* issue to William Phillips, Charles Robinson, John Colson, Anthony Hutchins, John Hamer, Morgan Brown, James Hutchins, Alexander Gordon Thomas Hugh, John Crawford, Cornelius Robinson, Joseph Atteway, Stephen Jackson for the County of Anson.

Ordered That a Commission of the Peace and *Dedimus* issue for the County of Rowan to Alexander Osborn, John Brandon, John Bravard, Walter Carooth, Andrew Ellisin, Jonathan Hunt, Alexander Cathy, Edward Hughs, Robert Simington, William Morrison, William Bues, Christopher Nation, Jacob Leesch, Thomas Donnel, Hugh Waddell, Morgan Bryan Junior, John Frohock, William Giles, Willis Ellis, William Lynn and John Kerr.

LEGISLATIVE JOURNALS.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

At an Assembly begun and held at Wilmington the Thirteenth day of April, One Thousand seven hundred and sixty two, and in the second year of the Reign of our Sovereign Lord George the third, by the Grace of God of Great Britain, France and Ireland, King Defender of the Faith &c^a Being the first meeting of this Present Assembly.

Tuesday April 13th 1762

The Clerk of the Crown Sent Certificates of the return of the Writs for Electing Members for the several Counties and Towns within this Province to sit and vote in this Present Assembly as follows, that is to say—

New Hanover County—Mr. George Moore, Mr. John Ashe.

Onslow County—Mr. Samuel Swann, Mr. John Starkey.

Craven County—Mr. Thomas Graves, Mr. Thomas Pollock.

Carteret County—Mr. John Backhouse, Mr. Rich^d Wallace.

Beaufort County—Mr. John Barrow, Mr. Thomas Respass.

Hyde County—Mr. George Barrow, Mr. Thomas Smith.

Rowan County—Mr. John Frohock, Mr. John Kerr.

Currituck County—Mr. Caleb Ethridge, Mr. Willis Ethridge, Mr. Joseph White, Mr. Jacob Farabee, Mr. Thomas Dudley.

Pasquotank County—Mr. Thomas Taylor, Mr. John Lowry, Mr. Andrew Miller, Mr. Thomas McKnight Mr. John Burgess.

Perquimons County—Mr. John Harvey, Mr. Benj^a Harvey, Mr. W^m Skinner, Mr. Fran^s Brown, Mr. W^m Mackey.

Dobbs County—Mr. Richard Caswell, Mr. William Whitfield.

Johnston County—Mr. Needham Bryan, Mr. John Hinton.

Granville County—Mr. Samuel Benton, Mr. Robert Harris.

Orange County—Mr. William Churton, Mr. Thomas Lloyd.

Bladen County—Mr. William Bartram, Mr. Robert Howe.

Cumberland County—Mr. Hector McNeil, Mr. Alexander McCallister.

Bertie County—Mr. Cullen Pollock, Mr. Geo. Pollock, Mr. Rob^t West.

Chowan County—Mr. Francis Corbin, Mr. Edward Vail, Mr. Robert Beasley, Mr. John Benbury, Mr. John Vail.

Duplin County—Mr. Joseph Williams, Mr. John Dickson.

Edgecombe County—Mr. William Haywood, Mr. Joseph Howell.

Northampton County—Mr. Anthony Armstead, Mr. Joseph Sykes.

Halifax County—Mr. Blake Baker, Mr. Joseph Montfort.

Tyrrel County—Mr. Jacob Blount, Mr. William Barns, Mr. William Currell, Mr. Joseph Alexander.

Pitt County—Mr. John Hardy, Mr. William Spiers.

Anson County—Mr. William Little, Mr. John Dunn.

Hertford County—Mr. Benjamin Wynns, Mr. William Murfree.

New Bern—Mr. Joseph Leech.

Brunswick—Mr. William Dry.

Edenton—Mr. Samuel Johnston.

Bath Town—Mr. Robert Palmer.

Wilmington—Mr. Cornelius Harnett.

Halifax—Mr. Alexander Elmsley.

Pursuant to which returns the following Members appeared to wit Mr. Sam^l Swann, Mr. John Backhouse, Mr. John Barrow, Mr. Thomas Smith, Mr. Samuel Benton, Mr. Joseph Williams, Mr. Francis Brown, Mr. William Currell, Mr. Thomas Lloyd, Mr. Samuel Johnston, Mr. Thomas Graves, Mr. John Starkey, Mr. Robert Howe, Mr. George Barrow, Mr. Robert Harris, Mr. William Bartram, Mr. George Moore, Mr. John Dickson, Mr. Edward Vail, Mr. John Hinton, Mr. Alexander Elmsley, Mr. Alexander McCallister, Mr. Richard Wallace, Mr. Thomas Respass, Mr. Robert Palmer, Mr. Needham Bryan, Mr. John Ashe, Mr. William Dry, Mr. Andrew Miller, Mr. John Vail, Mr. John Burgess, Mr. Joseph Montfort, Mr. Hector McNeil, Mr. Joseph Leech, Mr. Anthony Armstead, Mr. William Haywood, Mr. William Churton, Mr. Joseph Sykes, Mr. Joseph Howell, Mr. William Whitfield, took the Oaths appointed for their qualification, subscribed the Test, and took their Seats in the house

Mr. Ashe and Mr. Montfort let his Excellency the Governor know that a sufficient number of Members are qualified to make a House for the Dispatch of Public Business; and being returned, acquainted the rest of the Members that his Excellency required their attendance in the Council Chamber

The Members waited on his Excellency the Governor in the Council Chamber, his Excellency then directed them to return to their

House, and make choice of a Speaker, and present him for his approbation

The Members returned and then Mr. Starkey proposed Samuel Swann Esquire for Speaker; who thereupon was unanimously chosen; Whereupon Mr. Swann returned the Members his Grateful acknowledgements for the Honor done him and acquainted them, that he was apprehensive the ill state of health he was in would often prevent his attending the Service of the House, and that the Public Business would be thereby retarded and intreated the Members to permit him to decline the Honour they intend him, by placing him in the Chair, and consider of some other Member for their Speaker, and at the same time, proposed and recommended, Mr. John Ashe for that Service.

The Members having maturely considered the reasons Mr. Swann has given for declining the Office of Speaker, Unanimously assented to the request, and then with one Voice choose John Ashe Esquire Speaker, who was placed in the Chair accordingly

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber, and Mr. Ashe was presented to His Excellency for their Speaker

His Excellency was pleased to approve of their Choice, and then made a Speech to His Majesty's Council and this House.

Then the House returned, and Mr. Speaker acquainted them that his Excellency the Governor had made a Speech to his Majesty's Council and this House, a Copy of which to prevent Mistakes, he had obtained, and laid the same before the House, together with a Letter from General Amherst, dated February 9th 1762

Resolved, that the said Speech and Letter be read to morrow.

Then the House Adjourned till 8 o'Clock to morrow morning

Wednesday, April 14th 1762—The House met according to Adjournment

The order of the day being read, the Speech and Letter therein mentioned were likewise read, as follows, to wit—

GENTLEMEN OF HIS MAJESTY'S COUNCIL MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

It is with the greatest pleasure I meet you in a new Assembly at this critical Juncture, when I can and do most Sincerely congratulate you, not only upon the Prospect of a happy continuance of our Glorious Constitution in Church and State by his Majesty's wise and

prudent care and Union with a Royal Consort Descended from an illustrious House, who have been Zealous Asserters of the Apostolic Protestant Religion, and whose personal accomplishments and Virtues must contribute to his Majestys happiness, and that of his people, but also upon the Manifest Continuance of the favour of Almighty God, in conducting His Majesty's Councils, Armies and Fleets, by the Glorious Conquests and Acquisition of the Island of Martinico, in so short a time, with so little expense of Blood, which will, if properly supported and pursued, secure to Britain the Possession of all the French Settlements in America, by a Permanent and Glorious peace, which must secure our holy Religion, and the future peace, safety, and Possession of this, and all our American Colonies.

To accomplish this great end. his Majesty having been Disappointed of concluding an Honorable peace, by the Insincerity and Chicane of the French, who have prevailed with the King of Spain to declare War against Britain in their favour, is determined to pursue the War against both with the greatest vigour, in order to drive the French from America, this Campaign ; and by that means secure to us a safe and honorable peace, for the vast expence of our Blood and Treasure, and for that Purpose I have received Dispatches from Sir Jeffrey Amherst which I shall lay before you, acquainting me that orders have been sent by His Majesty to the Governors of all the Colonies, to raise as many Troops as each can spare, in order to put a speedy end to the American War, and to secure to them a Permanent peace.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

I must therefore recommend to you, in the Warmest manner as you shall answer it to Your constituents and Posterity, that you will with unanimity and dispatch Testify the same Zeal you have hitherto shewn by raising as large a Quota of Troops as this Province can bear upon the Beneficial Terms laid before you, in which you will have regard to the Garrisons on the Sea Coast, upon account of this unexpected Spanish War, that we may assist his Majesty to Finish the War with Honour which has been undertaken at so vast an expence, to defend and promote a lasting peace and future safety, to all his American Colonies; and hope you will consider of raising the supply, in the Easiest Manner without an immediate heavy Tax, or by issuing Notes to depreciate our currency, by a Loan to be raised by subscription, and only Levying a Tax to pay a sutiable

Interest, to encourage the subscription, until we shall receive what money we have in England, or shall receive hereafter from the Parliament of Great Britain, upon his Majesty's Gracious Recommendation—

GENTLEMEN OF HIS MAJESTY'S COUNCIL, MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I must further recommend it to you, that you will inspect into the Public Accounts, and see that they are passed by proper Vouchers; and that you will consider of continuing and amending such Laws as shall be Necessary to promote Trade and Industry and the Improvement of this Province, by proper Inspecting Laws, and by giving premiums to raise a proper Staple for Exports; and as we have been so negligent in establishing Public Schools to Educate Youth in Christian Principles. I hope, until public Schools can be Erected and Established, that you will enable Vestries to raise a Limited sum in each Parish Sufficient to pay a parish Clerk and Register, qualified to be a School Master and Reader where Clergymen are so much wanted, to prevent the increase of Sectaries, Idleness and Prophaneness.

As the Superior Court Law Expires this year, I must also Recommend it to you to Continue it for one year longer, until his Majesty's Pleasure be known upon the present Law, otherwise the province will be again in Confusion without Courts of Law. I must again recommend to you Unanimity and Dispatch, and you may depend upon every thing in my power that will Constitute to his Majesty's Service, and the peace, Security and Improvement of this Province.

Then on Motion Resolved that the House Resolve into a Committee of the whole House to morrow morning to take under consideration the said Speech and Letter.

On Motion ordered that Mr. Elmsley, Mr. Leech, Mr. Harris, Mr. Respass, Mr. Montford, Mr. Moore and Mr. Miller be appointed a Committee for stating and settling the Public Accounts of this Province; and Mr. Starkey, Mr. Bartram Mr. Benton, Mr. Barrow, Mr. Howe, Mr. Vail, and Mr. Armistead on the Claims.

Ordered that the following Message be sent to his Majesty's Hon^{ble} Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S COUNCIL

This House have appointed Mr. Elmsley, Mr. Leech, Mr. Harris,

Mr. Respass, Mr. Montfort, Mr. Moore and Mr. Miller a Committee of this House to examine state and settle the Public Accounts of this Province, and Mr. Starkey, Mr. Bartram, Mr. Benton, Mr. Barrow, Mr. Howe, Mr. Vail and Mr. Armstead, on the Claims in Conjunction with such Members of your House as your Honors shall think fit to appoint.

JOHN ASHE Sp.

Sent by Mr. Leech and Mr. Geo. Barrow.

Mr. Starkey moved that a Committee of Propositions and Grievances be appointed, and Mr. Elmsley, Mr. Moore, Mr. Barrow, Mr. Benton, Mr. Bartram, Mr. McNeil, Mr. Graves, Mr. Smith, Mr. Jno. Vail, Mr. Johnston, Mr. Burgess, Mr. Wallace, Mr. Haywood, Mr. Williams, Mr. Bryan, Mr. Montfort, Mr. Churton, Mr. Palmer, Mr. Starkey, Mr. Currell, Mr. Leech, Mr. Whitfield, Mr. Sykes, Mr. Brown, are accordingly appointed.

Then the House Adjourned till tomorrow morning 9 °Clock.

Thursday April 15th 1762. The House met according to Adjournment.

Mr. Cornelius Harnett, the Member for Wilmington, Mr. John Frohock, one of the Members for Rowan County; and Mr. William Little one of the Members for Anson County appeared took the oaths by Law appointed for their Qualification, subscribed the Test, and took their seats in the House. William Herritage Clerk of the Assembly, took the Oaths by Law appointed for his qualification, subscribed the Test, and took his place accordingly.

The order of the day being read, the House Resolved into a Committee of the whole House, and unanimously chose Mr. John Starkey Chairman, and then took under consideration his Excellency the Governors Speech, and the Letter from General Amherst of the 9th February 1762. The same were read.

After some time the Committee came to several Resolutions thereon but not having time to reduce them into form, directed Mr. Chairman to report the same to the House, and desire leave to sit again in the afternoon. Then on motion Mr. Speaker resumed the Chair. Mr. Chairman reported that the Committee had taken under consideration the said Speech and Letter and had come to several resolutions thereon, but not having time to reduce them into form desire leave to sit again in the Afternoon.

Resolved the said Committee sit again in the Afternoon.

Then the House Adjourned till 4 °Clock in the Afternoon.

P. M. The House met according to Adjournment

Pursuant to the order of this morning the House Resolved into a Committee of the whole House, and Mr. Chairman took the Chair, and then acquainted the Committee that he had reduced their Resolve of this morning into form, and read the same. Then the Committee directed Mr. Chairman to report the same to the House

Then on motion Mr. Speaker resumed the Chair Mr. Chairman reported that the Committee had taken under consideration the Governors Speech and Letters to them committed, which he read in his place Resolved that the House agree thereto, and, on motion

Ordered that the same be entered on the Journal of the House, and are as follows—that is to say

Resolved, It is the opinion of your Committee, that this Province being already burthened with a heavy debt, occasioned by several large Grants for his Majestys Service, in support of the Common Cause since the commencement of the Present War with France, and the present impoverished circumstances of the Inhabitants, by reason of the said Grants, render them unable to bear the expence and charge of raising the supplies required by his Excellency in his Speech, other than a sufficient number of men to garrison the Forts on the Sea Coast

Resolved, It is the opinion of your Committee, that Twenty five men may be raised to Garrison Fort Johnston, on Cape Fear River

Resolved, It is the opinion of your Committee that Fifty men be raised to Garrison Fort Granville at Ocacock Inlet

On motion Resolved that Mr. Elmsley, Mr. Swann, Mr. Starkey, Mr. Johnston, and Mr. Montfort prepare an address in answer to his Excellency the Governors Speech

Mr. Powell brought a written Message from his Excellency the Governor as follows, to wit

MR. SPEAKER,

Having this day received Lord Egremont's orders from his Majesty referred to in my Speech; as also two Letters from Sir Jeffrey Amherst of the 19th February and 28th March, I herewith send them to you to be Communicated; and as you will see with what Energy his Majesty's orders are Wrote, I doubt not but the House will comply with his Majesty's orders with a becoming zeal and dispatch, in order to procure a lasting peace, and security to them and their Posterity by driving the French and Spaniards entirely out of Florida and the Mississipi

ARTHUR DOBBS

Ordered that the Letters and orders referred to in the above Message, be read, read the same, Then on motion

Resolved that the said Letters and orders lie for Consideration

Then the House Adjourned till 9 o'clock tomorrow morning

Friday April 16th 1762 The House met according to Adjournment

Mr. Hardy and Mr. Spiers the two Members for Pitt County, Mr. Cullen Pollock and Mr. George Pollock two of the Members for Bertie County, and Mr. Thomas Pollock one of the Members for Craven County appeared, took the oaths by Law appointed for their qualifications, subscribed the test, and took their seats in the House

Mr. Leech, Mr. Armstead and several other Members of the House laid before the House Certificates from their several County Courts, therein recommending the several persons within named to be exempt from paying Public Taxes and doing Public Duties, which were read as follows, to wit,

Cornelius Russell of Craven County from paying Public Taxes

Francis Lane of Ditto from paying Taxes

Joseph Lewis of Ditto from Public duties and Taxes

Florence Sex of Ditto from Public duties and Taxes

Joseph Scouls of Northampton County from Public duties and Taxes

James Faison jr of Ditto from Paying Taxes &c^a

John Brown of Pitt County from Public Taxes and duties

John Slaughter of Ditto from Public Taxes and duties

Joseph Ozwell of Pasquotank County from Paying Taxes &c^a

George Hagood of Orange County from Public Taxes

John Watson of Johnston County from Public duties and Taxes

Edward Janagan of Ditto from Public duties and Taxes

William Pool of Ditto from Public duties and Taxes

John Jill of Bladen County from Public and Parish Levies

Hugh McClain of Cumberland County from Public duties and Taxes

William King of Granville County from Public Taxes

John Pindergrass of Ditto from Public Taxes

Which were Granted

[Also for the following named persons:]

Clifford Buckhannon, Dennis Lindsay, John Curtis, Anthony Buckley, William Davis, John Egerton, Henry Fuller, John Wyatt,

Thomas Long, John Lillis, W^m Duke, W^m Nichols of Granville County from Public taxes.

It appearing to the House that the last above named Twelve persons are in circumstances sufficient to pay Public Taxes, The House on due consideration thereof—Ordered that their Recommendation be rejected.

Then the House Adjourned till 3 °Clock in the Afternoon

P. M. The House met according to Adjournment

Mr. Corbin one of the Members for Chowan County appeared took the Oaths by Law appointed for his qualification subscribed the Test, and took his seat in the House.

Mr. Swann, from the Committee appointed to prepare an address in answer to his Excellency the Governors Speech, presented the same to the House, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, and

On motion ordered the same stand the address of the House, and be entered on the Journal thereof and is as follows, that is to say—

To His Excellency Arthur Dobbs Esquire Captain General, Governor and Commander in Chief, in and over his Majesty's Province of North Carolina—The Address of the Assembly of the said Province

SIR—

We his Majestys most dutiful and loyal Subjects the Members of the Assembly of the province of North Carolina return your Excellency our Sincere thanks for your Speech at the opening of this Session, and beg leave to congratulate your Excellency upon his Majesty's Marriage with a Queen descended from a house who have ever been Zealous Asserters of the Protestant reformed Religion; an event which cannot fail of carrying with it, the happiest consequences to his Majesty and all his people; We have too, the most Grateful sense of the Goodness of Almighty God in continuing to direct his Majesty's Councils and Armies, and look upon the Acquisition of the important Island of Martinico, as of the utmost consequence, and which, as it must sensibly affect the power of our Enemies, cannot but greatly contribute to baffle any future efforts of the French in America, and reduce them to the necessity of soliciting a peace upon his Majesty's own Terms.

Your Excellency has been pleased to recommend to us "As we

shall answer to our Constituents and Posterity that we shall raise as large a number of Troops as this province can bear." permit us Sir, to say, that we shall always look upon the interest of our Constituents as our most Indispensible duty and that we have the most tender regard for the Welfare and happiness of our Posterity: from these Considerations Sir, we are obliged to acquaint your Excellency, that we think the raising of Troops at this time, further than for the Defence of our Sea Coast, a Measure no-wise calculated to please the one, or benefit the other, for though we have the greatest Veneration for the best of Kings, and trust this Province has already given the most Convincing Proofs of its attachment to the Honor and Interest of the Crown, in the Prosecution of the present Just and necessary War; yet we are sorry to observe, that at this time, we cannot without reducing the Province to the utmost distress, consent to add to the accumulated and Intolerable Load of Taxes we are already Groaning under; and though this circumstance, singly and of itself, is a sufficient Justification of our declining to comply with Requisition comprised in your Excellency's Speech; yet, with concern we say, if we may form a Judgment of the future from the past, we are but little encouraged to hope, any Supply that may be granted, would much Contribute to the Service of his Majesty or the interest and advantage of the Province

For these reasons Sir, we flatter ourselves your Excellency will concur with us in Opinion, that the raising of Troops under our present Debility, must have a Tendency the most fatal to the Welfare and happiness of the Province, and drive the Inhabitants already impatient of their Sufferings, to the very brink of despair; and We beg leave to assure your Excellency, that from these Motives and these only, it is that we think ourselves unable to answer his Majesty's Expectations as expressed in the Letter laid before us, and we hope and earnestly request, your Excellency will be pleased to think so favourably of us, as not to impute our not complying with your Excellency's request to any other cause whatsoever

We are fully sensible of the necessity at all times, of taking care that the Public Accounts are passed by Proper Vouchers, and Assure your Excellency that nothing shall be wanting in our power to give the utmost satisfaction on that head, and that the regard we have, as well for our own Reputation, as the Interest of our Country, shall always be a Sufficient Guard against our passing any Accounts that may come before us without a proper Inspection

Trade and Commerce Sir, shall always meet with all the Encour-

agement in our power, and we have a due sense of the necessity of Establishing Public Schools and Seminaries of Learning throughout the province

As the Act of Assembly now in force respecting the Superior Court of Justice has been found from Experience to have the most Salutory effect, we rejoice to have it recommended to us by your Excellency to take care, for some time, to Continue it, and we look upon it, to be a Law well adapted to the circumstances of our Country, and evidently calculated for the ease and convenience of the people, We presume to hope your Excellency will use your endeavour to procure his Majesty's Gracious approbation thereof, otherwise the province may again be in Confusion without Courts of Law

JOHN ASHE Sp.

Then the House adjourned till 9 o'clock tomorrow morning

Saturday April 17th 1762

The House met according to adjournment

Mr. Blake Baker one of the Members for Halifax County, Mr. Richard Caswell one of the Members for Dobbs County, Mr. William Murfree one of the Members for Hertford County appeared, took the Oath by Law appointed for their Qualification, subscribed the test, and took their Seats in the House

Rec^d from the Council the following Message, Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In Answer to your Message, relative to the Committees. We have appointed the Hon^{ble} John Rutherford and Richard Spaight Esquires a Committee of this House to state and settle the Public Accounts; and the Hon^{ble} Lewis De Rossett, John Sampson, and Henry Eustace McCulloh Esquires a Committee of this House to settle and allow the Public Claims

JAS HASELL, P. C.

On Motion Mr. Johnston and Mr. Cullen Pollock waited on his Excellency the Governor and let him know that the House have prepared an Address in answer to His Excellency's Speech and desired to know when they should wait on him with the same; and being returned acquainted the House, that his Excellency told them he would receive the House at 12 o'clock.

Pursuant thereto Mr. Speaker with the House waited on his Ex-

cellency the Governor and Mr. Speaker presented his Excellency with the Address of the House, The House returned, and Mr. Speaker acquainted them that he had presented the Address of the House to his Excellency the Governor, and that his Excellency was pleased to make an answer thereto; a Copy of which to prevent mistakes, he had obtained, and laid the same before the House.

Ordered the same be read, the same is read, and is as follows, Viz^t

GENTLEMEN

I return you thanks for your hearty congratulations upon his Majesty's happy Marriage and of the success of his Arms.

I am sorry however to find that you do not think it proper to comply with his Majestys Commands to me, to raise a body of Troops for the Public Safety

Neither can I concur with you in opinion, that you groan under a heavy load of Taxes, when you are the least Taxed of any Province in America: as the Public Taxes very little exceed three shillings per Taxable, and a Small duty upon Spirits imported, what County and Parish Taxes you pay, is your own Voluntary Act, and cant be called Public Taxes.

On reading the above answer the House came to several Resolutions, that is to say—

Resolved that it is the opinion of this House, his Excellency has been misinformed with regard to the State of the Public Tax, as it appears to the House, that the same Exclusive of County and Parish Taxes, and the duty on Spirits, doth considerably exceed the sum mentioned in his Excellency's answer to the Address of this House

| | £ | s | d |
|--|---|---|---|
| Resolved, That the Public Tax for the Year 1763 is | 6 | 2 | — |
| That the Public Tax for 1764 is | 5 | 8 | — |
| D ^o 1765 is | 6 | — | — |
| D ^o 1766 is | 6 | — | — |

And that the Paper Currency already Emittted is Sunk, the Tax laid for that Purpose, will be four shillings per Poll besides the Taxes necessary for making good the deficiency of the several funds for sinking the same, which appears to this House to be very considerable.

Ordered Mr. Baker, Mr. Elmsley, Mr. Swann, Mr. Frohock, Mr. Johnston, Mr. Starkey and Mr. Cullen Pollock prepare and bring in a Bill to continue an Act, Intitled an Act, for Establishing Superior

Courts of pleas and Grand Sessions, and Regulating the Proceedings therein

Ordered Mr George Pollock, Mr. Harnett, Mr. Corbin, be added to the Committee of Accounts.

Ordered Mr. Baker, Mr. Caswell, Mr. Frohock and Mr. Johnston, be added to the Committee of Claims

Ordered Mr. Murfree, Mr. Frohock, Mr. George Pollock, Mr. Hardy and Mr. Little be added to the Committee of Propositions and Grievances

Then the House adjourned till 9 o'clock Monday morning

Monday April 19th 1762

His Excellency was pleased by Proclamation to Prorogue this Assembly untill To-morrow the Twentieth Instant, to be then held at Wilmington

NORTH CAROLINA—SS.

At an Assembly begun and held at Wilmington the Thirteenth Day of April in the second year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain, France and Ireland, King &c^a and in the Year of our Lord One Thousand Seven hundred and sixty two, and continued by Prorogation to the Twentieth Day of April, in the second year of the Reign of our said Sovereign Lord George, the third; by the Grace of God, King &c^a and in the aforesaid year of our Lord One thousand seven hundred and sixty two; to be then held at Wilmington; being the second Session of this present Assembly.

Tuesday April 20th 1762. Mr. Speaker and Fifty one Members appeared,

Two Members waited on his Excellency the Governor, and let him know that the House is met; who being returned acquainted the House, that his Excellency desired their immediate attendance in the Council Chamber.

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber where his Excellency was pleased to make a Speech to this House; a Copy of which to prevent mistakes, Mr. Speaker acquainted the House, he had obtained, and laid the same before the House, which was ordered to be read, the same was read, and then on motion, ordered to be entered on the Journal of the House. The same is entered, and is as follows; that is to say—

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

As the Gentlemen of his Majestys Council did with a becoming Zeal propose at the last meeting, to concur with you in every measure that would promote his Majesty's Service, in answering the demands by the Letters laid before them at the opening of this meeting after the shortest prorogation, I shall apply myself only to you.

The Resolutions and address you made, had got so far in denying his Majesty a proper supply, that you could not retract them nor reconsider his Majesty's Commands by Lord Egremont's and Sir Jeffrey Amherst's Letters during that meeting: This made it necessary for me to prorogue the Assembly, that you might have a further opportunity to reconsider them.

Additional to what I laid before you last Meeting, I have now received two Authentic Gazettes from Virginia which I shall lay before you, by which you will find at this great Emergency, and most important Crisis that the General Assembly there have with the Greatest Unanimity, Alacrity and Dispatch complied with his Majestys demands, of raising a Regiment and Recruits, to make the Regulars Serviceable; and as I find that all the other Provinces willingly Submit to his Majesty's Demands, it must grieve me and every loyal breast in this Province, to find that you only should prove refractory to and not comply with his Majesty's Just Demands, which are so necessary to procure the future peace and safety of this and all the other Colonies and secure the Protestant Apostolic Religion, Liberties and Possessions, not only of these American Colonies, but also of Great Britain and all Europe, by a Permanent Honorable peace.

When you therefore seriously consider the situation of affairs in Europe and America, and that a powerful Enemy is raised against us, the King of Spain, who not only Endeavors to prevent his Majesty's further acquisitions from a deceitful Perfidious Enemy in order to prevent our having a safe and Honorable peace, but also with a view of ravishing from his Majesty all the conquests we have made, and the Laurels and Trophies he has gained by his victorious Arms, conducted by the divine Providence, after Britains expending eighty millions of money to secure and perfect her American Colonies: Your noncompliance at this time, would lessen you in the eyes of all his Subjects, and you would lose the Honor you have already obtained in so zealously assisting his Majesty to the utmost of your Abilities; and should you now fail in Granting a reasonable supply to answer his Majesty's Demands, by retrenching a few Luxuries for one year,

to obtain a safe and Honorable peace, when half of your annual income would be a cheap purchase to obtain it, would be very surprising.

I must therefore warmly request you, that you preserve the esteem and good opinion his Majesty has of you, that you will forthwith repair to your House, and reconsider the several Letters and papers laid before you and come to an immediate Resolution without loss of time, whether you will comply with his Majesty's Demands in raising a Regiment, and providing for the speedy and effectual raising the quota of Recruits for the Regulars, that you may proceed to Business with unanimity and dispatch; or in case you should refuse, that I may dismiss you, to attend your private affairs, which in that case, you would seem to have more at Heart, than the Public Service, and future peace and safety of these Colonies, and the Preserving the Dominion of the Sea and this American Continent to Britain

Mr. Baker moved that the House Resolve into a Committee of the Whole House, to take under consideration his Excellency the Governors Speech to reconsider the several letters and papers laid before the House, by his Excellency at the last Session.

Resolved that the House resolve into a Committee of the whole House for the purposes aforesaid

The House Resolved into a Committee of the whole House accordingly, and unanimously chose Mr. John Starkey Chairman; who took the Chair.

Ordered that the said Speech and Letters be read, the same were read. and then the Committee came to a Resolution thereon, but not having time to reduce it into form, directed Mr. Chairman to acquaint the House, that the Committee desire leave to sit again To morrow, not having time to reduce the said Resolve into Form. Then on motion Mr. Speaker resumed the Chair

Mr. Chairman reported that the Committee had taken under Consideration his Excellency the Governors Speech and Papers mentioned therein, and Reconsidered the several Letters laid before the House, by his Excellency last Session and came to a resolution thereon; and that the Committee, not having time to reduce the same into form desire leave to sit again Tomorrow morning

Resolved that the Committee sit again tomorrow morning

Then the House Adjourned till 4 o'clock in the Afternoon

P. M. The House met according to Adjournment

Mr. Baker moved for leave to bring in a Bill for continuing an

Act Intituled an Act directing the Method of providing indifferent Jurymen in all Causes Criminal and Civil

Ordered that he have leave accordingly

Mr. Baker Presented the above mentioned Bill which he read in his place, and delivered in at the table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Mr. Baker moved for leave to bring in a Bill for continuing an Act for Establishing Superior Courts of Pleas and Grand Sessions, and regulating the Proceedings therein

Ordered that he have leave accordingly

Mr. Baker presented the above mentioned Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Johnston and Mr. Caswell

Mr. Harris presented the Petition of sundry of the Inhabitants of Granville County which on motion was read; setting forth that Granville County is divided into two Parishes: praying an Act may pass for Dividing the said County according to the Directions of an Act of Assembly passed at Wilmington, for amending an Act, Intituled an Act, for dividing the Parish of Saint John's in Granville County

Mr. Harris moved for leave to present a Bill pursuant to the Prayer of the said Petition

Ordered that he have leave Accordingly

Mr. Harris presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Mr. Palmer presented a Petition of Sundry of the Inhabitants of Edgcomb County setting forth that the place appointed for Building a Court House, Prison and Stocks &c^a at Redmans old Field on Tyancoco, is an obscure place, and greatly inconvenient for the Inhabitants to meet, and Transact the public Business of the said County, Praying an Act may pass to direct the Buildings aforementioned at Tarborough, Mr. Palmer moved for leave to present a Bill pursuant to the Prayer of the said Petition

Ordered that he have leave accordingly.

Mr. Miller [*sic*] presented the above mentioned Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Mr. Harnett from the Committee appointed the last Session of

Assembly to view the Mouth of Rockfish Creek and Cross Creek, or other place on the Northwest River in Cape Fear, for erecting a Town at, Reported that the said Committee in Compliance to the order of the House, had viewed the Mouth of Rockfish upon the North West River of Cape Fear, and a place called Cross Creek, and several other places upon the said River, and are of opinion that the Mouth of Rockfish Creek is not a fit place for Erecting a Town at, the Landing being very steep and difficult, and the Road to it, from the Back Country not fit for Carriages, unless a Bridge could be built over the said Creek, near a mile above, which must be attended with great Expence.

Your Committee are also of opinion, that Cross Creek is not a convenient place for Building a Town, it being above a mile and a quarter from the River which would render the carriage of heavy Goods very expensive to the Merchant, and of course must fall upon Purchasers

Upon the whole your Committee are of opinion that a Tract of Land belonging to the heirs of John and William Russel deceased, is the most Convenient place for erecting a Town at, for the purposes intended by the Assembly; and your Committee would humbly Propose, that the Centre Streets of the said Town be at the place where Goods are Generally landed in order to be carried to Cross Creek. The reason which has induced your Committee to fix upon Russells Land, are as follows, Viz^t

The several Roads from the Back Country all join together within about a mile and a quarter of this place, and by fixing the Town upon the River, it saves the Expence of Land Carriage of Goods, which your Committee Humbly Conceives should always be avoided as much as possible; another Convenience attending the Town's being at this place is, that by keeping a ferry in the Town, and making Roads to Orange, Duplin, and Cumberland Counties, would be very Beneficial to many of the Inhabitants of those Counties, for the Convenience of bringing their Produce to a Market; which reasons are humbly submitted to the Assembly

WILLIAM DRY
CORNELIUS HARNETT
HECTOR M'NEILL
WILLIAM BARTRAM
JOHN SAMPSON
WILLIAM HOUSTON

Then the House Adjourned till tomorrow morning 9 o'Clock

Wednesday April 21st 1762 The House met according to Adjournment

On motion ordered that Committees for stating and settling the Public Accounts of this Province and for settling and allowing Public Claims, be appointed; and Mr. Elmsley, Mr. Leech, Mr. Harris, Mr. Respass, Mr. Montfort, Mr. Moore, Mr. Miller, Mr. George Pollock, Mr. Harnett and Mr. Corbin are appointed on the Accounts: And Mr. Starkey, Mr. Bartram, Mr. Benton, Mr. Barrow, Mr. Howe, Mr. Vail, Mr. Armistead, Mr. Baker, Mr. Frohock, Mr. Caswell, and Mr. Johnston are appointed on the Claims accordingly

Ordered, that the following Message be sent to his Majesty's Council

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House have appointed Mr. Elmsley, Mr. Leech, Mr. Harris, Mr. Respass, Mr. Montfort, Mr. Moore, Mr. Miller, Mr. Geo Pollock, Mr. Harnett, and Mr. Corbin a Committee of this House, to state and settle the Public accounts of this Province: And Mr. Starkey, Mr. Bartram, Mr. Benton, Mr. Barrow, Mr. Howe, Mr. Vail, Mr. Armistead, Mr. Baker, Mr. Caswell, Mr. Frohock and Mr. Johnston on the Claims in Conjunction with such of your Honors as you shall think proper to appoint on the Service

JOHN ASHE Sp

Sent by Mr. Frohock and Mr. Thomas Pollock

Mr. Starkey moved that a Committee of Propositions and Grievances be appointed; and Mr. Elmsley, Mr. Moore, Mr. Barrow, Mr. Benton, Mr. Bartram, Mr. McNeill, Mr. Graves, Mr. Smith, Mr. John Vail, Mr. Johnston, Mr. Burgess, Mr. Wallace Mr. Haywood, Mr. Williams, Mr. Bryan, Mr. Montfort, Mr. Churton, Mr. Palmer, Mr. Starkey, Mr. Currell, Mr. Leech, Mr. Whitfield, Mr. Sykes, Mr. Brown, Mr. Murphree, Mr. Frohock, Mr. George Pollock, Mr. Hardy, and Mr. Little are accordingly appointed

Mr. Benton moved for leave to present a Bill to prevent Excessive and Deceitful Gaming

Ordered that he have leave accordingly

Mr. Benton presented the above mentioned Bill, which he read in his place, and delivered in at the Table where the same was again read, by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Benton and Mr. Respass.

The order of the Day being read, on motion Resolved, That the Committee sit.

The Committee sat, and Mr. Chairman reported. that, Pursuant to the direction of the Committee, he had reduced the Resolution thereof into form; which was read, and Mr. Chairman directed to report the same to the House.

Then on motion Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had reduced their Resolution of Yesterday into form, and presented the same to the House, which was read, as follows, to wit.

Resolved, that it is the opinion of your Committee, on maturely considering his Excellency's Speech, and Papers mentioned therein, and also considering the several Letters, his Excellency laid before the House at the opening of their last Session, this Province being already Burthened with a heavy debt occasioned by several large Grants for his Majesty's Service in Support of the Common Cause since the Commencement of the War with France, and the Present impoverished circumstances of the Inhabitants by reason of the said Grants, render them unable to bear the Expence and Charge of raising the supplies required by his Excellency in his Speech.

Then a motion was made, and the question put, that the House do agree to the Resolution of the Committee, and was carried in the affirmative.

Mr. Baker presented a Certificate from the County Court of Halifax recommending James Evans to be exempt from Paying Public Taxes, and doing Public duties—Granted.

Mr. Howell presented a Certificate from the County Court of Edgcomb recommending Simon Daniel, Jacob Jones and Robert Head to be exempt from paying Public Taxes, and Performing Public duties—Granted.

Mr. Howell presented a Certificate from the County Court of Edgcombe, recommending William Braswell to be exempt from paying Public taxes and doing Public duties—Granted.

Then the House adjourned till 4 o'clock in the afternoon.

P. M. The House met according to adjournment

Mr. Baker moved for leave to present a Bill for the more easy recovery of Money due upon Promisory Notes, and to render such Notes negotiable.

Ordered that he have leave accordingly.

Mr. Baker presented the above mentioned Bill which he read in

his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Mr. Frohock moved for leave to bring in a Bill for altering the time of holding the Inferior Courts of pleas and quarter Sessions in the County of Anson.

Ordered, that he have leave accordingly.

Mr. Frohock presented the above mentioned Bill which he read in his place, and Delivered in at the Table where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Frohock and Mr. Baker

Mr. Caswell presented a Certificate from the County Court of Dobbs recommending George Graham to be exempt from paying Public Taxes, and doing Public duties. Granted

Mr. Miller moved that the House direct the Committee of Correspondance to lay before them copies of the letters and Dispatches (if any) sent to England by the said Committee to Mr. Jouvencal, the Agent of this Province; as also his Answer (if any) thereto.

Resolved that Mr. Speaker give the said Committee Notice that they lay the said Letters &c^a before the House on Friday next

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message relative to the Committees, we have appointed the Honorable John Rutherford and Richard Spaight Esquires a Committee of this House to state and settle the Public Accounts: and the Honable Lewis De Rössett, John Sampson and Henry Eustace M^cCulloh, Esquires a Committee of this House to settle and allow Public Claims

JAMES HASELL P. C.

Received from the Council the Bill to divide the County of Granville; and other purposes therein mentioned

The Bill to prevent Excessive and deceitful Gaming

The Bill for Continuing an Act, Intitled an Act, directing the Method of appointing indifferent Jurymen in all Causes Criminal and Civil

The Bill for continuing an Act, Intitled, an Act, for Establishing Superior Courts of pleas and Grand Sessions, and regulating the

Proceedings therein Endorsed April 21st 1762 In the upper House read the first time and passed

Then the House adjourned till 9 °Clock Tomorrow morning

Thursday, April 22^d 1762 The House met according to Adjournment

On motion ordered that the Bill for continuing an Act, Intituled an Act for Establishing Superior Courts and Grand Sessions, and for regulating the Proceedings therein, be read the second time Read the same a second time, and then a motion was made that the said Bill do not pass, the question was thereon put, and Resolved, that the said Bill do not pass

On motion, ordered, that the Bill for continuing an Act, Intituled an Act, to prevent Excessive and deceitful Gaming, be read the second time, the same is read a second time, and a motion made, that the said Bill do not pass

The question was thereon put, and Resolved, that the said Bill lie on the Table

On motion ordered that the Bill for Continuing an Act, Intituled an Act, directing the Method of appointing Jurymen in all Causes Criminal and Civil, be read a Second time Read the same a second time, then on motion Resolved the said Bill do not pass

Then the House Adjourned till 4 °Clock in the Afternoon

P. M. The House met according to Adjournment

Mr. Williams moved for leave to present a Bill to appoint Commissioners for running the Boundary lines between New Hanover and Duplin Counties, in the room and stead of those heretofore appointed by Law for that purpose

Ordered that he have leave accordingly

Mr. Williams presented the above mentioned Bill, which he read in his place, and delivered in at the Table where the same was again read, passed and Ordered to be sent to the Council

Sent by Mr. Williams and Mr. Dickson

Mr. Harnett moved for leave to bring in a Bill for Establishing a Town on the Lands of John and William Russell minors, sons of John Russell deceased, on the West side of the North west Branch of Cape Fear River, near the mouth of Cross Creek on the dividing line betwixt the Counties of Bladen and Cumberland

Ordered that he have leave, and that he prepare and bring in the same

Mr. Harnett presented the above mentioned Bill which he read in his place, and delivered in at the Table where the same was again read by the Clerk, passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Bartram and Mr. McAlister
Then the House Adjourned till 9 o'clock Tomorrow morning

Friday, April 23^d 1762 The House met according to Adjournment.

Mr. Palmer pursuant to order, presented a Bill for ascertaining a place for Building a Court House prison and stocks, for the County of Edgcomb, which he read in his place, and Delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Frohock and Mr. Haywood

Mr Frohock moved for leave to present a Bill for altering the method of working on the Roads, and appointing public Ferries in the Counties of Rowan and Anson

Ordered that he have leave accordingly

Mr. Frohock presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Frohock and Mr. Haywood

Mr. Corbin from the Committee of Correspondance, laid before the House Copies of several Letters sent by the Committee of Correspondance, to Couchet Jouvencal Esq^r Agent to this Province: and also Several Letters and papers from the said Agent, to the said Committee; which are ordered to be read.

The same are read;

Then on Motion, Ordered that the said Copies of the said Letters and papers, lie on the Table for Consideration

Then the House adjourned till 4 o'clock in the Afternoon

P. M. The House met according to Adjournment

The House having Considered the Copies of the Letters sent by the Committee of Correspondance to the Agent of this Province, residing in England; and also the said Agent's Letters to the said Committee in Answer thereto.

Resolved that the said Committee hath faithfully discharged the trust reposed in them by the House, in the Course of their Correspondence with the said Agent.

Then the House adjourned till 9 o'clock Tomorrow Morning

Saturday April 24th 1762.

His Excellency was Pleased by Proclamation, last Evening, to Prorogue the Assembly unto this day; to be then held at Wilmington

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

At an Assembly begun and held at Wilmington the Thirteenth day of April in the second year of the Reign of our Sovereign Lord George the third, by the Grace of God of Great Britain, France and Ireland, King &c^a and in the year of our Lord One Thousand seven hundred and sixty two; and from thence continued by several Prorogations to the Twenty fourth day of April, in the year aforesaid; to be then held at Wilmington, Being the third meeting of this Present Assembly.

Saturday April 24th 1762.

Mr. Speaker and forty two Members appeared

Two Members Waited on his Excellency the Governor, and acquainted him that a sufficient Number of Members were met to make a House, and being returned, acquainted the House that his Excellency, in Answer thereto said he would receive them in the Council Chamber immediately

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber where his Excellency was pleased to make a Speech to the House.

Mr. Speaker, with the Members, returned and Mr. Speaker acquainted the House, that he, with the Members thereof, waited on his Excellency the Governor in the Council Chamber, where his Excellency made a Speech to the House a Copy of which to prevent mistakes, he had obtained, and laid the same before the House

Ordered that the same be read. The same is read, and is as follows, to wit

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY—

I shall once more, by a Short Prorogation give you an opportunity to reconsider my last Speech to you to know if you will Consent to his Majesty's demands of an Aid for raising the Troops he has Comanded me to apply for; for since you may be now sensible by your Committees Letters to their Agent, and by his Answers to it, that

his Majesty can and will Confer Favours, or withhold them from you, according as you support his Government and Prerogative, and Comply with his Instructions to me.

Mr. Smith moved for leave to be absent from the Service of the House.

Ordered that he have leave accordingly

Mr. Burgess moved for leave to be absent from the Service of the House.

Ordered that he have leave accordingly

On motion ordered, that Mr. Vail, Mr. Brown, and Mr. Caswell prepare an Address in Answer to his Excellency the Governor's Speech.

On motion ordered that Committees for stating and settling the Public Accounts of this Province, and for settling and allowing Public Claims, be appointed, and Mr. Elmsley, Mr. Leech, Mr. Harris, Mr. Respass, Mr. Montfort, Mr. Moore, Mr. Miller, Mr. Geo. Pollock, Mr. Harnett, and Mr. Corbin, are appointed on the Accounts; and Mr. Starkey, Mr. Bartram, Mr. Benton, Mr. Barrow, Mr. Howe, Mr. Vail, Mr. Armistead, Mr. Baker, Mr. Frohock, Mr. Caswell and Mr. Johnston on the Claims.

Ordered that the following Message be sent to his Majesty's Honorable Council

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have appointed Mr. Elmsley, Mr. Leech, Mr. Harris, Mr. Respass, Mr. Montfort, Mr. Moore, Mr. Miller, Mr. George Pollock, Mr. Harnett and Mr. Corbin a Committee of this House to state and settle the Public Accounts of this Province; and Mr. Starkey, Mr. Bartram, Mr. Benton, Mr. Barrow, Mr. Howe, Mr. Vail, Mr. Armistead, Mr. Baker, Mr. Frohock, Mr. Caswell and Mr. Johnston on the Claims in Conjunction with such of your House as you shall think proper to appoint on that Service

JOHN ASHE Sp

Mr. Leech presented to the House the Petition of James Davis printer, which was read, setting forth, that the Act of Assembly for appointing him Printer to the Province will expire with the end of this Session; praying a continuance of the said Act, and, further praying that he may be allowed for printing and dispersing four

Hundred Copies of the Reverend Mr. Camp's Sermons, which he has done by order of the Assembly.

Then on motion ordered that Mr. Leech prepare and bring in a Bill for continuing the said James Davis printer to this Province according to the first prayer of the Petition; and as to the allowance to him for Printing and Dispersing Copies of Mr. Camps Sermons

Resolved, that it be referred to the Committee of Claims

Then the House adjourned till 3 o'clock in the Afternoon

P. M. The House met according to Adjournment

Mr. Benton moved for leave to present a Bill for dividing the County of Granville and other Purposes

Ordered that he have leave accordingly

Mr. Benton presented the above mentioned Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Harris and Mr. Benton

Received from the Council the following Message to wit

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In Answer to your Message relative to the Committees, we have appointed the Hon^{ble} John Rutherford, John Rieusset and Richard Spaight Esquires a Committee of this House, to state and settle the Public Accounts: and the Hon^{ble} Lewis De Rossett, John Sampson and Eustace McCulloh Esquires a Committee of this House, to settle and allow the Public Claims

JAMES HASELL, P. C.

Ordered the following Message be sent to his Majestys Council

This House do not understand what is meant by your Message to us importing that in answer to our Message of this Morning, you have appointed certain of your Honorable Members a Committee of your House, to state and settle the Public Accounts, and certain other of your Members a Committee to settle and allow the Public Claims, as heretofore it has been found necessary and convenient for both Houses to join in these Committees: This House therefore request you would Explain, whether you propose establishing Seperate Committees of your House Contrary to the Ancient Custom, or joining with this Committee, in a Committee of both Houses

JOHN ASHE Sp.

Mr. Elmsley moved that the House Resolve into a Committee of the whole House to Consider of an Address to his Majesty, to fix on a proper place for fixing the Seat of Government

Resolved, that the House Resolve into a Committee of the whole House on Monday next to consider of an Address to his Majesty, to fix on a proper place for fixing the Seat of Government

Then the House Adjourned till 10 o'clock Monday morning

Monday April 26th 1762 The House met according to Adjournment

The order of the Day being read Resolved that the House Resolve into a Committee of the whole House Tomorrow, to Consider of an Address to his Majesty to fix on a proper place for fixing the Seat of Government

Then the House Adjourned till 9 o'clock Tomorrow morning

Tuesday April 27th 1762 The House met according to Adjournment

Mr. Backhouse presented a Certificate from the County Court of Carteret, recommending Ephraim Chadwick to be exempt from paying Public Taxes, and doing Public Duties Granted

Mr. Harnett Chairman of the Committee of Accounts reported, that John Starkey Esquire Public Treasurer of the Southern District, hath this Session of Assembly paid into the Committee Eight hundred and fifty eight pounds, thirteen Shillings and ten pence Farthing, on the Sinking fund, and the sum of Two Thousand four hundred and Seven pounds six shillings and a penny in Treasurers Notes, Including Interest thereon, on the same fund: and that Mr. Barker public Treasurer of the Northern District has paid into the Committee, the Sum of one thousand one Hundred and ninety nine pounds three shillings and three Farthings on the said Sinking fund; and the sum of Two Thousand seven hundred and seventeen pounds Eight Shillings and Eight pence in Treasurers Notes including Interest thereon, to be sunk by the Several Taxes laid for that purpose.

Resolved, that the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

The Chairman of the Committee of Accounts has reported that the sum of Seven Thousand one hundred and eighty two pounds, sixteen shillings and Eight pence is paid in to the said Committee by Thomas Barker Esq and John Starkey Esquire Public Treasurers of

this Province on the Sinking Fund, which said sum is by Law to be burnt. This House have therefore appointed a Committee of the whole House, in Conjunction with such of your House as you shall think Proper to appoint to see the said sum burnt at the House of John Campbell in Wilmington at 4 °Clock this Afternoon.

JOHN ASHE Sp

Sent by Mr. Leech and Mr. Vail.

Received from the Council the Paper Purporting [to be] a Message, as is as follows, to wit

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message of the 24th Instant relative to the Committees, We must observe, that we look upon it as our undoubted and Constitutional right to allow or disallow the Public Accounts and Claims, and to appoint Committees on that behalf; and that though it has been customary and found convenient for the Dispatch and ease of the Public Business for our Committees to sit at one and the same time and place with the Committees appointed by your House yet we insist that it cannot be from thence inferred that our Committees are not separate and equal in their Rights with yours, or that they have not a right to meet, debate, and report, separately; and we own that it is with surprise that we see this question moved upon an accustomed and usual Message.

The order of the day being read

Resolved, that the House resolve into a Committee of the whole House Tomorrow to consider of an Address to his Majesty, to fix on a proper place for fixing the seat of Government.

Mr. Elmsley reminded the House, as in the Letters to the Agent of this Province to the Committee of Correspondence, it is signified, that the Laws, for establishing Superior and Inferior Courts of this Province &c^a are repealed by his Majesty; therefore moved; that the Committee appointed to prepare an Address in Answer to his Excellency the Governor's Speech, do in the same Address request his Excellency will be pleased to acquaint the House whether he has received an authentic Account of the repeal of the said Superior and Inferior Court Laws; and if so, that he would be pleased to Promulge the said repeal while the Assembly is sitting, that other Laws may be substituted in the room thereof, and thereby prevent

an Expence to the Country, which another Session of Assembly must necessarily occasion.

Then the House Adjourned till 3 °Clock in the afternoon.

P. M. The House met according to Adjournment.

Received from the Council a Paper purporting [to be] a Message and signed by the Clerk only; and is as follows, to wit,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message of this day relative to Burning the Several sums paid on the sinking fund into the Committee of Accounts, the Chairman of our Committee having made a report similar to that of your Committee, this House have appointed a Committee of the whole House to see the sum you mention Burnt at the House of John Campbell, in Wilmington, at 4 °Clock this Afternoon.

Ordered, That the Paper Purporting [to be] a Message received from the Council this morning be read, Read the same—Then on motion,

Resolved, That two Papers Purporting [to be] the said two Messages are not Consonant to the ancient and usual form of Messages received by this House from the Council on the like Occasion, and are of a new Invention, and seem to be calculated to Introduce a new unknown Constitutional power in the Council, Derogatory to the rights of this House.

Resolved, That the said Papers Purporting [to be] the said Messages from the Council to this House, signed only by the Clerk of the Council, and not by the President as formerly, is Contrary to the Ancient and usual messages from the Council to this House, and derogatory to the Ancient Decorum observed by the two Houses, and tends to Weaken and Destroy the Good Harmony that ought to subsist between them.

Resolved that Mr. Howe, Mr. Elmsley, and Mr. Corbin, be appointed a Committee to prepare an Answer to the said Papers; and they are accordingly appointed

Mr. Caswell, from the Committee appointed to prepare an Address in Answer to his Excellency's Speech, reported that the Committee had prepared the said Address; which he read in his place.

Resolved, that the same stand the Address of this House, and be entered on the Journal thereof, and is as follows, to wit,

To His Excellency Arthur Dobbs Esquire, Captain General, Governor, and Commander in Chief, in and over his Majesty's Province of North Carolina—

SIR

We his Majesty's most dutiful and Loyal subjects the Members of the Assembly of North Carolina, beg leave to acquaint your Excellency, that we are extremely sorry you have been at the Trouble of Proroguing this Assembly a second time, thereby as you are pleased to say, "to give us an opportunity to reconsider your last Speech" give us leave to inform your Excellency, that what you therein recommended was most Maturely considered, and the Resolution then taken, with the Greatest Deliberation; that this Province being already Burthened with a heavy Debt, occasioned by several large Grants for his Majesty's Service in support of the Common Cause since the commencement of the present War with France and the present Impoverished Circumstances of the Inhabitants by reason of the said Grants, render them unable to bear the Expence and charge of raising the supplies required by your Excellency in that Speech: The same Motives Sir, which Induced us to enter into that Resolution, permit us to acquaint you, still prevail with us to adhere thereto

We are sensible his Majesty can, and make no doubt will confer favours on those who do, to the utmost of their abilities to support his Government, which we trust the people of this Province have hitherto done; and when his Majesty shall be informed of the many and large Grants of this Province Particularly the last Twenty Thousand Pounds, and the Impoverished Circumstances of the People; are truly represented to him we flatter ourselves his Majesty will think, we in some measure, merit his Gracious favour

Sir, It being signified by the Agent of this Province in his Letters to the Committee of Correspondance, that the Laws for establishing Superior and Inferior Courts, are repealed by his Majesty; We therefore hope your Excellency will acquaint us whether you have received any authentic account of the Repeal of the said Laws; and if so, that you will be pleased to Promulge the same while the Assembly is sitting, that other Laws may be substituted in the room of them, and thereby prevent an expence to the Country, which another Session of Assembly must necessarily Occasion

The Chairman of the Committee of Accounts reported, that a Committee of the Whole House, together with a Committee of the

Council appointed to join them had met, and burnt the sum of seven thousand one hundred and eighty two pounds sixteen shillings and eight pence, mentioned in the report of the Chairman of the said Committee of Accounts

Then the House Adjourned till 9 o'clock Tomorrow morning

Wednesday April 28th 1762 The House met according to Adjournment

Mr. Thomas Taylor one of the Members for Pasquotank County appeared took the Oaths by Law appointed for his qualification, subscribed the Test, and took his seat in the House,

Mr. Frohock presented a Certificate from the County Court of Rowan recommending Ephraim Pennington of Rowan County to be exempt from paying Public Taxes and doing Public duties
Granted

Mr. Frohock presented a Certificate from the County Court of Rowan recommending Philip Wilson of Rowan County to be exempt from paying Public Taxes and doing Public Duties
Granted

Mr. Corbin moved that his Excellency be addressed to direct, that all the Arms and Ammunition now remaining in Fort Dobbs on the Western Frontier for the security thereof, be carried to the Moravian Settlement, or some other place of safety near the said Fort

Resolved, That his Excellency be addressed accordingly, and that Mr. Starkey, Mr. Corbin, and Mr. Harnett prepare the said Address.

Two members waited on his Excellency the Governor to let him know the House have prepared an Address in Answer to his Excellency's Speech at the opening of this Session, and desire to know when his Excellency will receive the same; who being returned acquainted the House, that his Excellency required the immediate attendance thereof, in the Council Chamber.

Mr. Speaker with the House waited on his Excellency in the Council Chamber, and Mr. Speaker presented his Excellency with the Address of this House, Mr. Speaker with the House returned, and Mr. Speaker acquainted the House that he, with the Members thereof, had waited on his Excellency the Governor in the Council Chamber and presented him with the Address of this House, and that his Excellency acquainted the House that he had no authentic Account of the Repeal of the Superior and Inferior Court Laws; and that the House should return, and if they had any accounts before them to finish the same as soon as possible, that he might call them up and dismiss them.

Mr. Corbin from the Committee appointed to prepare an Answer to the Two Papers sent to this House yesterday, purporting [to be] messages from the Council, reported that the Committee had prepared an Answer thereto, which he read in his place.

Resolved, That the said Address be received by the House, and entered on the Journal thereof and be sent to the Council, Viz^t

This House have had under Consideration two Messages, [relative] to the appointing of Committees signed only with your Clerk, Contrary to the Ancient and accustomed usage of your House, We therefore desire, that for the future all Messages from you to us may be signed by your President, agreeable to the old Established Custom, or this House cannot receive them: As to separate Committees which your last Message seems to import, they are not only new, and unconstitutional but impracticable; For the Money arising out of the Sinking fund and which by Law is to be burnt, Cannot be Lodged with one Committee after being paid by the Public Treasurers neither can the Vouchers which the accomptants are obliged to produce, be with safety to them Transmitted from one Committee to the other; We desire nothing more, but that Harmony and mutual Confidence may subsist between the two Branches of the Legislature, on which the happiness and Prosperity of the province so much depends

JOHN ASHE Sp.

Sent by Mr. Taylor and Mr. Thomas Pollock

Resolved, that his Excellency have power to raise twenty five men Including one Commissioned officer, one Serjeant, one Corporal, one Gunner, and one Drummer, to Garrison Fort Johnston on Cape Fear River; and also Twenty-five men including Officers as aforesaid, to Garrison Fort Granville, at Ocacock Inlet, which said officers and remaining forty men, shall be allowed the following Pay, to wit, the said Commissioned officers five shillings per day, each, Serjeant two Shillings p day, a Gunner two shillings per Day; a Corporal one shilling and six pence p Day, a Drummer one shilling and six pence per day; a private man one Shilling per day, and each Man that shall voluntarily inlist himself, shall have and receive as a Bounty, Twenty Shillings proclamation money, paid him on Inlisting, and the Commanding Officer of each Fort shall be allowed eight pence per day for the subsistence of each man; and that his Excellency, the Governor have power by his Warrant on the Treasurers, to draw for the Paying, Inlisting and Subsisting the said men; and also, such sums of

money as shall be necessary for Cloathing the said forces, not exceeding Forty shillings for each man, out of the money appropriated for founding Schools, and that the same be Replaced by a poll Tax to be laid for that purpose; which said men shall be kept in pay six Months from the first day of May next, and no longer.

Resolved that the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have Resolved that his Excellency the Governor have power to raise Twenty five men, including one Commissioned officer, one Serjeant, one Corporal, one Gunner, and one Drummer to Garrison Fort Johnston, on Cape Fear River, and also Twenty five men, Including officers as aforesaid to Garrison Fort Granville, at Ocacock Inlet; which said officers and remaining forty men shall be allowed the following pay, to wit, the Commissioned officers five shillings per Diem, each, the Serjeants Two shillings per Day each; the Gunners two shillings per day each, the Corporals one shilling and six pence per day each; the Drummer one shilling and six pence per day each; and each private man one shilling per Day, and each man that shall inlist himself, shall have and receive as a Bounty, Twenty Shillings, Proclamation Money, on his Inlisting; and the Commanding Officer of each Fort shall be allowed for subsisting each man eight pence per Day: and also, that his Excellency the Governor, have power by his Warrant on the Treasurers, to draw for the paying, inlisting and subsisting the said men; and likewise all such Sum of Money as shall be necessary for the Cloathing the said Forces, not Exceeding Forty Shillings for each man, out of the money appropriated for founding Schools, and that the same be replaced by a tax to be laid for that purpose; which said men shall be kept in Pay six months from the first day of May next, and no longer; To which desire your Honors Concurrence

JOHN ASHE Sp

Sent by Col Palmer and Col Dry

The order of the Day being read, the House Resolved into a Committee of the whole House, to Consider of an Address to his Majesty to fix on a proper place for the seat of Government, and unanimously choose Mr. Harris Chairman; who took the Chair, After some time spent therein, the Committee came to the following Resolution; which Mr. Chairman was directed to report to the House.

Then on motion, Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had taken under con-

sideration the order of the day of Yesterday, and came to the following Resolution, as follows, to wit,

Resolved, that it is the opinion of your Committee, that a Committee of the House be appointed to Join a Committee of the Council to prepare an Address to his Majesty requesting him to appoint the Town of New Bern as the most proper place to fix the seat of Government at. To which the House Agreed—Then on motion,

Ordered, That Mr. Elmsley, Mr. Corbin and Mr. Starkey be appointed a Committee to prepare an Address to his Majesty, requesting him to appoint New Bern as the most proper place for fixing the seat of Government at; and they are accordingly appointed.

Then the House Adjourned till 5 °Clock in the Afternoon.

P. M. The House met according to Adjournment.

Ordered, that the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL.

This House have taken under Consideration the necessity there is of Addressing His Majesty in order to appoint a proper place for the Seat of Government and having resolved that the Town of New Bern is the most Convenient place for that Purpose, have agreed to Join Mr. Francis Corbin, Mr. John Starkey, and Mr. Alexander Elmsley, as a Committee of this House to a Committee of your House, at such time and place as your Honours shall appoint to prepare the said Address

JOHN ASHE Sp

Sent by Mr. Leech and Mr. Graves.

Then the House Adjourned till 9 °Clock Tomorrow morning,

Thursday April 29th 1762. The House met according to Adjournment.

Mr. Harnett Chairman of the Committee of Accounts reported, that the Committee had stated and settled sundry Accounts with Sundry of the Accomptants of this Province; which he laid before the House.

Ordered that the same be read. The same is read, was approved of, and allowed by the House, and sent by Mr. Harnett and Mr. Miller to the Council for Concurrence.

Mr. Francis Brown having made appear by a sufficient Voucher, that he had paid to one Martin Fifer the sum of thirteen pounds for Provisions for the men at the Fort in the Catawba Nation; which

sum was allowed him by a former Committee on Condition he produced a proper Voucher

It appearing to the House, that Thomas Keasey, formerly in the Service of this province against the Indians, was, (in an Engagement with the Enemy) Desperately Wounded, whereby he is rendered incapable to get his Livelihood; Therefore, the House,

Resolved, That the said Thomas Keasey be allowed Twenty five pounds for his subsistence for one year; and that the same be paid into the hands of Mr. John Frohock (for the use of the said Thomas Keasey) by the Treasurer out of the Contingent Tax, and allowed him in his Account with the Public

Ordered that the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House have Resolved, That Thomas Keasey, formerly a Soldier in the Service of this Province against the Indians was (in an Engagement with the Enemy) Desperately Wounded, whereby he is rendered incapable to get his Livelihood; therefore, this House have Resolved, that the said Thomas Keasey be allowed Twenty five pounds for his subsistence for one year; and that the same be paid into the hands of Mr. John Frohock (for the use of the said Thomas Keasey) by the Treasurer out of the Contingent Tax, and allowed the said Treasurer in his accounts with the Public; to which we desire your Honor's Concurrence

JOHN ASHE Sp.

Sent by Mr. Johnston and Mr. Vail

Then the House Adjourned till 3 °Clock in the Afternoon

P. M. The House met according to Adjournment

Mr. Starkey, Chairman of the Committee of Claims, reported, that the Committee had settled and allowed Sundry Claims; which he laid before the House

Ordered, that the same be read, The same is read, and concurred with by the House, and ordered to be sent to the Council for Concurrence

Sent by Mr. Johnston and Mr. Vail

Received from the Council, the Message sent them from this House regarding the raising of men to Garrison the Forts. Endorsed, April 29th, 1762, In the upper House Concurred with.

JAMES HASELL P. C.

As this House have not received an answer from the Council to the Message sent them regarding a Committee of this House, to join a Committee of the Council, to prepare an address to his Majesty to appoint a place for the seat of Government

Resolved that this House solely Address his Majesty for the purpose aforesaid; and that Mr. Elmsley lay before the House an Address for that purpose.

Mr. Elmsley laid before the House an Address to his Majesty, which the House ordered to be read. The same is read—and,

Resolved, that the same stand the Address of this House, and be Entered on the Journal thereof; and is as follows, Viz^t

To the King's most Excellent Majesty in Council,

The Humble Address of the Assembly of North Carolina

MOST GRACIOUS SOVEREIGN

We your Majesty's most dutiful and Loyal Subjects, the Assembly of North Carolina, beg leave to express our Sincere joy in the Remarkable Success of your Majesty's Arms in the just and Necessary War, which has been Conducted so happily for the Glory and Advantage to your Majesty, and your Subjects: Permit us most Gracious Sovereign, to assure your Majesty, of our most firm and Loyal attachment to your Majesty's Royal person, Family and Government, which we shall on all Occasions, exert our most strenuous and Ardent efforts to support and defend with our Lives and Fortunes, from a due sense of your Majesty's Paternal regard for your Subjects in General and Recollecting with the strongest sentiments of Gratitude, the many Instances of your Royal Favour and Benevolence to your Distant Colonies, we most Humbly beg your Majesty's Permission to represent, that your Majesty's Subjects in this Province, have for several years past, been subjected to the greatest Difficulties, for want of a proper place Established for the Seat of Government.

The Place appointed at Tower Hill, on Neuse River, in the year of our Lord one Thousand seven Hundred and Fifty eight for that Purpose, is found extremely difficult of access either by Land or Water, to most of the Inhabitants of this Province and no Probability appears that the same will be settled and Inhabited by a sufficient Number of Families whereby the officers of Government, Members of the General Assembly, and others concerned in Trans-

acting Public Business, may with any Tolerable degree of Convenience be accommodated

Having it in Charge from our Constituents to use our Endeavors to obtain a Redress of this Grievance, and having lawfully and impartially examined, as well the Situation, and Extent of this your Majestys Province, as the Number of People who dwell in the Respective Counties, we most humbly pray your Majesty's leave, to recommend to your Majesty the Town of New Bern, in Craven County, as being, in our humble opinion more Central, and Convenient to the Inhabitants in General, than any other part of the Government, for holding thereat, the Courts of Chancery, keeping the Records of the Secretary's office and Transacting the Business of the Public; We therefore humbly implore your Majesty, that you will be Graciously pleased to repeal the Act, appointing the said Tower Hill for the Seat of Government, and that your Majesty will signify your Royal Approbation for fixing the same at the said Town of New Bern, whereby we may be permitted to erect a Suitable House for the Residence of your Majesty's Governor for the time being, and other Edifices as may be requisite for the safe keeping the public Records, and for other Public uses

Received from the Council the report of the Committee of Accounts sent them this day Endorsed, In the upper House, the foregoing reports were read, approved of and concurred with.

JAMES HASELL P. C.

Received from the Council the Message sent to them this day regarding an allowance of twenty five pounds to Thomas Keasey &c^a Endorsed, April 29th 1762. In the upper House Concurred with

JAMES HASELL P. C.

His Excellency the Governor sent a Message, requiring the immediate attendance of the House in the Council Chamber

Mr. Speaker with the Members waited on his Excellency the Governor in the Council Chamber, His Excellency was then pleased to make a Speech to the House, and then dissolved this Assembly

GENTLEMEN OF HIS MAJESTY'S COUNCIL,

I return you my most hearty and Sincere thanks for the Zeal you have expressed, in being ready to concur in every measure to pro-

mote his Majesty's service, and the future peace, safety and welfare of this Province

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

It is with the greatest concern that I shall be obliged to represent to his Majesty, the little regard you have had to his so warm and pressing demands of a proper Aid at this so remarkable Crisis, when the future peace and safety, not only of this Province and other American Colonies, but also the Religious and Civil Liberties of Great Britain and of all Europe, are in such Danger from the united Force of the Greatest papal powers in Europe, who Endeavour to Deprive his Majesty of the Laurels, and just acquisitions he has made, at so vast an Expence of Blood and Treasure, to procure a safe and Honorable peace, for the Benefit of these Colonies, by drawing an insatiable perfidious Enemy from this part of the American Continent

I must therefore animadvert upon your Disrespect and Disregard to his Majesty's Letter from Lord Egremont, and to his Instructions, at this Meeting; and also to the Little attendance you have given to prepare the Laws recommended to you, to be passed to promote Trade, and the Education of Youth in this Province, and then shall leave it to your Constituents, whether you have acted for the Welfare, safety and Honor of this Province

At your first meeting, when no time was to be lost to take his Majesty's Letters into Consideration, you acted in opposition to his Majesty's just Prerogative and Instructions, by not meeting upon his Proclamation and sitting; when above Fifteen, the quorum he had appointed were in Town, by insisting, that you would not Assemble without a Majority of the whole Members appeared; by which you not only denied his Majesty's Rights, but delayed Business, and put it in the power of a few Members Combined together, to Dissolve the Assembly.

The great opposition you have made, by refusing a proper aid to his Majesty by which, as far as in your power, you have delayed and prevented our having a safe, speedy and honorable peace, is so Flagrant and impolite that those Members who have opposed it, well deserve the Censure instead of the Thanks of their Constituents for their ill judged Parsimony, by which they deserve to lose the favour of the best of Kings; and also for the little attendance they have given to prepare salutary Laws to promote the Trade and Improvement of the province

I must also observe to you that from the Letters wrote by your Committee of Correspondence, and the Answer from your agent, in which I must observe, that none of the Members of the Committee who were named by the Council were consulted or concerned with them; it appears that their Chief application seems to have been their Complaints against me, for the so Frequent Meetings, Prorogations, and Dissolutions of the Assembly by which I have put the Public to great Expences, in the unnecessary Payments made to the Members and officers of the Assembly; Nor, were the Members of the Committee appointed by the Council, or the other Members of the Committee to be made acquainted with the answers received; but the Letters were to be directed to the then Speaker alone, Contrary to former Precedents, when they were directed to the Committee of Correspondence, under cover to the Governor; by which means if the Letters were disagreeable to the Speaker, they were to be secreted from the Committee by his select Junto; by which he became the sole director of the Committee.

I must also observe, that my Assent to the Aid Bill upon Account of the Agents Clause being Tacked to it, and also my objections to the Superior and County Court Bills, have been approved of.

Upon Account therefore of your refusal to give a proper Aid to his Majesty suitable to what he required; and to the end that I may give no cause of future Complaints against me of putting the Public to expence, by paying for your attendance, I cant with decency or propriety pass any other Bills, when the Business you were Called upon has been neglected: I must therefore put an end to this meeting without making it a Session; which will save to the public the Expense of your attendance, so much complained of, and will prevent any future Complaints against me, for the expense to the public in calling too frequent Assemblies.

I therefore, upon account of the Disrespect you have shewn to his Majesty's Letters and Demand, and the Little Care you have taken to Defend this Province, or to procure a safe and honorable peace, cant think of meeting this Assembly again, but must appeal to your Constituents to Judge of and Censure your Behaviour.

I therefore do Dissolve this Assembly; and it is accordingly Dissolved.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 33.]

In the Upper House [3rd November 1762]

Present.

The Hon^{ble} { James Hasell Richard Spaight }
 { John Rutherford & } Esq^{rs}
 { Lewis De Rossett John Sampson } }

John Burgwin produced His Excellency the Governors Commission bearing date the fourth day of June last appointing him the said John Burgwin Clerk of the Upper House of Assembly of the said Province which was read and delivered in at the Table, And the said John Burgwin accordingly took the several Oaths by Law prescribed for the Qualification of Public Officers & Subscribed the Test

Then His Excellency the Governor came to this House and commanded the Attendance of the lower House of Assembly who Accordingly Attended when His Excellency was pleased to deliver to both Houses the following Speech, to wit,

GENT^l OF HIS MAJESTY'S COUNCIL, MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

It is with the greatest pleasure that I met you here in a New Assembly to consider of the arduous affairs I have to lay before you Relative to your Interior Government and future Welfare, and at the same time to Congratulate you upon the surprizing and glorious success which has attended his Majesty's Arms and the Common Cause as well in Europe as America during this present Campaign particularly of the rapid Conquest of Martinico, the Head and Bulwork of the French Islands in America together with all the Nutral Islands and the Granadas and more particularly of the Glorious Conquest of Havanna and its Government in Cuba deemed impregnable by our enemies, neither Sickness nor Death being able to abate the Courage and ardour of our Troops and Seamen a Conquest which has made his Majesty Master of all the Trade and power along the Northern Coast of Spanish America and must be a means of securing to us a Speedy and Honourable Peace. This is such a Manifestation of Divine Providence in favour of the Protestant Apostolick Religion and cause of Liberty that requires a due return of thanks and praise

The Principle cause of calling you together is to inform you that there is no less than eight of your Acts of Assembly disapproved

of, of which I lately received the Duplicates the Original having miscarried, and that I propose immediately to give Order to promulge the repeal by Proclamation this day in full Assembly, that all your Constituents may be informed of it. And shall lay before you the reasons which Induced His Majesty to disapprove most of them by which you will find you can gain no benefit by Opposeing his Majestys Just prerogative or disputing His Instructions, as also the Severe reprimand I have had from His Majesty for departing from my Instructions tho only by consenting to a Law for two Years so that for the future if there should be the least Clause incerted in a Bill contrary to His Majestys Instruction I shall reject it should the Bill be ever so necessary your Committee of Correspondence have also received the resolutions of the Board of Trade to lay before you about several of your pretentions

I must therefore recomend to your immediate Consideration the Considering and amending the Laws relateing to your Courts of Justice and the Bills for fixing an Orthodox Clergy and Establishing of Vestries. There are other Bills which I formerly recommended to Provide Schools for the education of your Youths and for adding and amending your Inspection Laws and giving a premium to encourage the raising and exporting of Hemp and Flax which will encourage and procure a valuable Staple of Exports.

Mr. Speaker and Gentlemen of the Assembly Having had no Instructions from His Majesty to require an aid for the Public Service I shall only recommend to you the raising a Tax to answer Contingencies and Pay the Debt already incurred upon that Account and to raise a fund sufficient to maintain Garrisons in the Forts you have Erected for the Security of your Commerce and safety of His Majestys Stores till the end of the Warr.

Gentlemen of His Majestys Council Mr. Speaker & Gentlemen of the Assembly When the several repeals and other papers are laid before you you must be sensible of the prejudice this Colony must suffer by the Assembly Encroaching upon his Majestys Just Prerogatives and disobeying or not complying with His Instructions that it only serve to break the happy Union between His Majesty and His Subjects.

Notwithstanding the many calumnies cast upon me for endeavoring to preserve His Majesty's Prerogative and Obey his Instruction I shall always endeavour to concur with you in Enacting such Laws as may promote religion and Industry and promote your Commerce

and secure your Peace and Possession at Home Provided the Bills you desire are agreeable to His Majesty's Instructions

The House having taken into consideration His Excellency's Speech, Ordered it to be read, the same was read accordingly. And the Honble John Rutherford and Richard Spaight Esq^{rs} were appointed a Committee to draw up an Address in Answer to His Excellency's Speech.

Then the House adjourned till 10 o'clock to morrow morning.

Thursday morning November 4th 1762. The House met according to Adjournment

Present.

| | | | | |
|------------------------|---|------------------|--------------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Richard Spaight | } Esq ^{rs} |
| | | John Rutherford | John Sampson and | |
| | | Lewis De Rossett | Alexand ^r McCulloch | |

Then the House adjourned untill to morrow morn^g 10 o'clock

Friday morning November 5th 1762 The House met according to Adjournment

Present as above

The Committee appointed by this House to draw up an Address in Answer to His Excellency the Governors Speech reported that they had prepared the same which was ordered to be read.

The same was read and approved of and Resolved that it stand the address of this House, and be entered on the Journal thereof, as follows, to wit,

MAY IT PLEASE YOUR EXCELLENCY

We His Majestys most dutiful and Loyal subjects the members of His Majestys Council return you our Sincere and hearty thanks for your Speech at the Opening of this Session.

We beg leave to congratulate your Excellency upon the Rapid and remarkable conquests of His Majestys Arms in Europe and America in which the hand of Providence has been so Visibly Exerted in our favour, and from which events we have the agreeable prospects of a speedy Hon'ble and lasting Peace.

Your Excellency having laid before us the reason which Induced his Majesty to repeal several of our Laws particularly those relative to our Courts of Judicature gives us great Satisfaction, as we are thereby enabled to Judge of such Bills as will be agreeable to His

Majesty and productive of the Internal Welfare and benefit of this Colony.

Your Excellency's warm recommendation of Laws for the proper Encouragement of Schools for the Education of the rising generation in the Principles of Religion and Virtue and for raising of commodities for the Extension and Improvement of our Commerce Merits our most grateful Acknowledgment as the Necessity of our having such Laws are but too Obvious and will [be] highly conducive of the Happiness and Interest of this Province and your Excellency may be assured we shall heartily concur with the other House in passing such Bills as may Secure to us those desirable ends.

We are truly sorry that any Calumnies should have been cast upon your Excell^{ty}. But as we are conscious that not anything of that kind has been done by this House We flatter ourselves that your Excellency did not intend to impute the misrepresentations of other People to us, as we have always used our utmost Endeavours to render your Administration as easy and happy as in our power.

Then the House adjourned till 10 o'clock to morrow morning

Saturday morning November 6th 1762. The House met according to adjournment

Present

| | | | | |
|------------------------|---|------------------|--|---------------------|
| The Hon ^{ble} | { | James Hasell | Richard Spaight | } Esq ^{rs} |
| | | John Rutherford | John Sampson and | |
| | | Lewis De Rossett | Alex ^d M ^c Culloch | |

Reced from the Assembly p Mr. Williams & Mr. M^cLewean the foll^s message, to wit,

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have appointed Mr. Elmsley Mr. Leech Mr. Corbin Mr. Maurice Moore, Mr. John Harvey and Mr. Charles Blount a Committee of this House to Examine state and settle the Public Accounts of this Province. And Mr. Starkey Mr. John Barrow Mr. Armistead Mr. Smithwick Mr. Lillington and Mr. Cullen Pollock on the Claims in conjunction with such of your Hon^{rs} as you shall think proper to appoint

JN^o ASHE Speaker

By order W^m HERRITAGE Clk.
4th Nov^r 1762

Then the House waited on His Excellency and by the Hon^{ble} James Hasell Esq^r presented him with their address to which His Excellency was pleased to make the following Answer, to wit,

GENTLEMEN

I return you my sincere thanks for your congratulations upon the rapid success of His Majesty's Arms under the Protection of Divine Providence and your Assurance of concurring in Enacting such Laws as will be agreeable to His Majestys Instructions and for the benefit and Improvement of this Colony is very agreeable to me.

It was not my Intention to impute any calumnies cast upon me to the members of your House; and I Return you my sincere thanks for your having endeavoured to support me in protecting His Majestys Just rights and prerogative and promoting the Improvement and Interest of this Colony.

On Motion Ordered that the following Message be sent to the Assembly, to wit.

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

In answer to your Message relative to the Committee, We have Appointed the Honble John Rutherford Richard Spaight and Alexander M^cCulloch Esq^r a Committee of this House to Examine State and Settle the Public Accounts and the Honble James De Rossett Esq^r John Sampson Esq^r a Committee of this House to settle and allow the Public Claims.

By Order

JN^o BURGWIN Clk.

November 6th 1762

Then the House Adjourned till 4 °Clock this afternoon and met according to Adjournment

Present as before.

Then adjourned till 10 °Clock on Monday morning

Monday morning November 8th 1762. The House met according to adjournment.

Present as before

Then the House adjourned till 10 °Clock to morrow morning.

Tuesday morning Nov. 9th 1762. The House met according to adjournment.

Present as above.

Then the House adjourned till 10 °Clock tomorrow morning.

Wednesday morning November 10th 1762. The House met according to adjournment.

Present

The Hon^{ble} { James Hasell John Sampson
 { John Rutherford Henry Eustace McCulloch & } Esq^{rs}
 { Lewis De Rossett Alexander McCulloch }

Then the House adjourned till 10 °Clock tomorrow morning.

Thursday morning November 11th 1762. The House met according to adjournment.

Present as before

Reced from the assembly by Mr. Johnston & Mr. Baker a Bill for Establishing Superior Courts of Pleas and Grand Sessions and regulating the proceedings therein.

Received from the assembly by Mr. Cumming and Mr. Hutchins A Bill for making Provision for an Orthodox Clergy, which on motion was read the first time & passed.

Then the House adjourned till 10 °Clock to morrow morning.

Friday morning November 12th 1762. The House met according to adjournment.

Present

The Hon^{ble} { James Hasell John Sampson
 { John Rutherford H. Eustace McCulloch
 { Lewis De Rossett and
 { Rich^d Spaight Alexander McCulloch } Esq^{rs}

On motion ordered that the Bill for Establishing Superior Courts of Pleas and Grand Sessions and regulating the Proceeding therein, be read; read the same the first time and passed.

Reced from the Assembly by Mr. Smith and Mr. Taylor the following Bills, to wit,

A Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

A Bill directing the method of appointing Jurymen in all Causes Criminal and Civil.

A Bill for the better care of Orphans and Security and management of their Estates

The Honble Lewis De Rossett Esq^{re} moved for leave to present a

Bill for Ascertaining the Bounds of the several Counties within His Majestys District

Ordered that he have leave accordingly.

Mr. De Rossett presented the above mentioned Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, Passed and ordered to be sent to the lower House of Assembly, and was sent accordingly

On motion Ordered that the Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province be read, read the same the first time and passed and sent to the Assembly

Reced from the Assembly by Mr. Baker and Mr. Lillington the following Bills, to wit,

A Bill to amend and Continue an Act Intituled An Act to regulate the Inspection of Pork, Beef, Rice, Flower, Butter, Indigo, Tarr, Pitch, Turpentine, Staves, Heading, Shingle Lumber and Deer Skins,

On motion read the first time amended and passed.

A Bill for the more easy recovery of Money due upon Promissory Notes and to render such Notes Negotiable

On motion read the first time and passed

On motion, Ordered that the Bill for the better care of Orphans and Security and management of their Estates, be read, read the same the first time & passed

Then the House adjourned till 3 °Clock.

And met according to adjournment

Present as before

On motion Ordered, that the Bill directing the Method for appointing Jurymen in all Causes Criminal and Civil be read; read the same the first time and passed.

Then the House adjourned till tomorrow morn^g 10 °Clock

Saturday morning November 13th 1762 The House met according to adjournment

Present as before

The Honble Henry Eustace M^cCulloch Esq^r moved for leave to prepare a Bill for appointing Alexander Purdie Printer to this Province.

Ordered that he have leave to prepare the same accordingly

Then the House adjourned till Monday morning 10 °Clock

Monday morning November 15th 1762. The house met according to adjournment

Present as before

Reced from the Assembly by Mr. Pollock and Mr. Harnett the following Bills, to wit,

The Bill for Establishing Superior Courts of Pleas and Grand Sessions and regulating the proceedings therein

A Bill for altering the method of working on the Roads and appointing Public Ferrys within the county of Duplin

On motion read the first time and passed

A Bill to ascertain the Bounds of the several Counties within his Majestys Districts

On motion read the second time amended and passed.

Then the House Adjourned till 10 o'clock tomorrow morning

Tuesday morning November 16th 1762. The House met according to Adjournment

Present

| | | | | | |
|------------------------|---|--|----------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Rich ^d Spaight | } | Esq ^{rs} |
| | | John Rutherford | John Sampson | | |
| | | Lewis De Rossett | H E M ^c Culloch | | |
| | | Alex ^d M ^c Culloch | | | |

Mr. Henry E M^cCulloch Acquainted the House that he had prepared the Bill for appointing Alexander Purdie Printer to this Province which he had ready to present and read it in his place and delivered the same in at the Table where it was again read by the Clerk passed and ordered to be sent to the lower House

On motion, Ordered that the Bill for Establishing Superior Courts of Pleas and Grand Sessions, be read; read the same the second time amended and passed.

Reced from the Assembly by Mr. Howell and Mr. Currell a Bill for Ascertaining a proper place for Building thereat a [Court] House Prison Pilory and Stocks in Edgecombe County

On motion read the first time and passed

Received from the Assembly by Mr. Barrow & Mr. Hardy the following Bills, to wit,

A Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province

A Bill for Establishing Vestries and other purposes

Then the House adjourned till 4 o'clock in the afternoon

Tuesday afternoon The House met according to Adjournment
Present.

The Hon^{ble} { Richard Spaight
 &
 Henry E. M^cCulloch } Esq^{rs}

Then the House Adjourned till 9 o'clock to morrow morning

Wednesday morning Nov 17th 1762 The House met according to
Adjournment

Present.

The Hon^{ble} { James Hasell John Sampson
 John Rutherford Henry E. M^cCulloch } Esq^{rs}
 Lewis De Rossett Alex^d M^cCulloch
 Richard Spaight }

Received from the assembly the following Bills by Mr. Armond & Mr. Caswell, to wit,

A Bill directing the method of Appointing Jurymen in all causes Criminal and Civil

A Bill for the better care of Orphans and security and management of their Estates

A Bill to impower and Direct the Comm^{rs} of the Districts hereafter mentioned to lay out and make a Road thro Rigans Swamp in Bladen County to the Court House in the said County

On motion read the first time and passed.

Received from the Assembly by Mr. Hutchins and Mr. Sawyer

A Bill for dividing the County of Anson and other purposes, which
On motion was read the first time and passed

Reced from the Assembly by Mr. Frohock and Mr. Kennon the following Bills to wit.

A Bill for altering the method of working on the Roads and appointing Public Services within the Counties of Duplin, Cumberland, Rowan & Anson, which

On motion was Read the second time and passed

A Bill for enlarging the time allowed for saving Lotts in the Town of Hertford and for other purposes, which

On motion was Read the first time and passed.

On motion Ordered that the Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province be read, read the same the second time amended and passed.

Received from the Assembly by Mr. Moore and Mr. Harnett a Bill for Erecting that part of New Hanover County Called St Philips

Parish and the lower part of Bladen County into a separate County by the name of which

On motion was Read the first time and passed

Then the House adjourned till 10 °Clock to morrow morning

Thursday morning November 18th 1762. The House met according to adjournment

Present

| | | | | |
|------------------------|---|------------------|---------------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } Esq ^{rs} |
| | | John Rutherford | Henry E. M ^c Culloch | |
| | | Lewis De Rossett | Alex M ^c Culloch | |

Received from the Assembly the following Bills of Mr. Lloyd & Mr. Harris, to wit,

A Bill to amend and continue an Act Intituled an Act to regulate the Inspection of Beef, Pork &c

A Bill for making Provision for an Orthodox Clergy On motion Ordered that the said Bill be read, read the same the second time and ordered to lie for Consideration

A Bill for Dividing the County of Granville & other purposes.

On motion read the first time and passed

Received from the Assembly of Mr. Taylor and Mr. Sawyer A Bill to amend and Continue an Act Intituled An Act to Establish a Ferry from Solleys Point to Relfe Point whereon the Court House now stands on Pasquotank River

On motion, the Bill for Establishing Vestries and other purposes was read and passed the first time

On motion Ordered that the Bill for the better care of Orphans and security and management of their Estates be read, Read the same the second time

Then the House adjourned till 10 °Clock tomorrow morning

Fryday morning 19th November 1762 The House met according to Adjournment

Present

| | | | | |
|------------------------|---|------------------|--------------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } Esq ^{rs} |
| | | John Rutherford | Henry E M ^c Culloch | |
| | | Lewis De Rossett | Alexd M ^c Culloch | |
| | | Richard Spaight | | |

Recd from the Assembly by Mr. Harnett Mr. Fanning Mr. Baker Mr. Harvey Mr. Loyd and Mr. Pollock The Bill for Establishing Superior Courts of Pleas and Grand Sessions and regulating the Pro-

ceedings therein. On motion the said Bill was read the third time, And

Ordered that a Message be sent to the lower House relative to the Amendment made by this House on the second reading and by them *Dele'd* on their third reading And that the Honble Lewis De Rossett and Henry Eustace M^cCulloch Esq^{rs} be appointed to prepare the said message

Reced from the Assembly by Mr. Caswell and Mr. Blount a Bill for further Continueing the Act Intituled an Act for appointing James Davis printer to the Province

The Honble Lewis De Rossett and Henry E M^cCulloch Esq^{rs} Reported that in Obedience to the Order of this House they had prepared a message to the lower House on the Bill for Establishing Superior Courts of Pleas and Grand Sessions and regulating the proceedings therein which was read and approved of, and ordered to be Engrossed and sent to the Assembly, being entered on the Journals as follows, to wit,

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

On Reading the third time the Bill for Establishing Superior Courts of Pleas and Grand Sessions and regulating the Proceedings therein We observed that you have *dele'd* the greatest part of the Amendments made by us on our Second reading And reinstated several Clauses which we then struck out: We wo^d therefore propose as the expedient for carrying the desirable end of a proper Administration of Justice into Execution, that you would agree to the following amendments viz^t

That two Associates Men of Capacity and well Skilled in the Law sho^d be appointed with proper salaries in the manner proposed by us, and that the several Clauses relative thereto *dele'd* by you on your third reading should be reinstated

That the several Clauses appointing an Associate for Salisbury reinstated on your third reading should be *dele'd*

That that part of the Clause appointing the Court of Oyer and Terminer, *dele'd* by you sho^d stand as we sent it

And as it may be expected that we should lay before you some of the many reasons that Influenced us to propose these Amendments, We Observe

That as to the Courts of Oyer and Terminer Tho' His Majesty by His prerogative may appoint such Courts, yet as it may be made a doubt whether such Courts so appointed can compell the Attendance

of Jurors, that part of the Clause inserted by us, is really necessary: And with respect to the latitude given as to the Commissioners to be Appointed We apprehend that it is an Undoubted inherent right in the Crown And has never yet been found productive of any bad effects to the subject

That the appointment of the Associates for Salisbury as it now stands is liable to many and palpable Objections Arising from the Inadequate Provision made for the Office And the new Liberty which is Granted to him of Acting as Judge in our district and in others as an Attorney

That the wide and extended Situation of this County furnishes us with many reasons to conclude that great delay Inconvenience and Mischief may arise to suitors from the great Improbability there is of the Chief Justice being able to give a regular and proper Attendance at the several Courts appointed Setting aside Accident that may happen to him, And we must further mention That we find our reasons on this head consonant to the opinions of the Lords of Trade

That we are of opinion that the Bill as it now stands cannot be productive of those happy ends which every man that has the good of his Country at heart or property in it to preserve would wish, as it seems to us to carry such a force of opposition to the Royal Instructions And the reasons assigned by the Lords of Trade for the repeal of the former Acts that we cannot flatter ourselves with its receiving those sanctions which are necessary to its being enacted into a Law.

That the Bill being Temporary the amendments proposed by us are to be considered as the only probable Expedient to guard against those mischiefs that flow from a want of due administration of Justice; As we are far from desiring that the Bill if Passed sho^d hereafter be made use of as a precedent or urged against the right of the Legislature to form a Constitutional System differing from it.

And we further Observe that we apprehend ourselves as nearly concerned in the blessings of Liberty and property as any other Inhabitants of this Province And shall ever with cheerfulness concur with you in every measure that to us shall appear conducive to the securing of those most invalueable blessings; And as we conceive that you are all Actuated by the same motives we hope you will agree to our proposed Amendments, and send such of your Members as you may think proper to see them made—That so the Bill may be

passed and the country freed from those Evils that now seem to threaten it.

By order
Nov^{ber} 19th 1762.

JN^o BURGWIN Clk.

Received from the Assembly by Mr. Harnett & Mr. Leech,
A Bill confirming the Charter of the Borough of Wilmington and other purposes.

Then the House adjourned till 10^o Clock tomorrow morning.

Saturday morning November 20th 1762. The House met according to adjournment.

Present as before.

On motion the Bill for Confirming the Charter of the Borough of Wilmington and other purposes was read the first time and passed.

Received from the Assembly by Mr. Bartram & Mr. Jones the following Bills, to wit,

A Bill for Establishing Vestries and other purposes,

A Bill for Destroying Squirrels, Crows and Black Birds in that part of New Hanover County called New Topsail sound,

A Bill to apply the money already Levied on the Taxable Inhabitants of Currituck County by Virtue of an Act Intituled an Act for the Amendment of the Navigation of Currituck Inlet.

Then the House adjourned till 4 ^o Clock this afternoon.

Saturday afternoon. The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr. Pollock & Mr. Harvey the following Message, to wit,

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In answer to your Message of yesterday evening, We are sorry to find that the Bill for Establishing Superior Courts of Pleas and Grand Sessions within this Province, as passed by us on its third reading has not met with your approbation.

We had before and have again duly considered the several clauses by you proposed to be altered but in Justice to our Country ourselves and Posterity We do not think ourselves at Liberty to concur with you in every of your amendments.

We are truly sensible of the advantages of having Associate Judges And should rejoice to have them on such a footing as might in all

probability Answer the purpose of their Appointment, the securing the Lives Liberty and Property of the People but in our Opinion it is better to submit to the Inconveniences you mention than run the risque of having Judges Obtruded on us who perhaps may be utter Strangers to our Laws and must upon your plan hold their appointments on the precarious footing of the pleasure of a Commander in Chief and we know not whom His Majesty may think proper to set over us in that character, We cannot therefore agree that the several Clauses relative to the Associate Judges *dele'd* by us on our third reading should be reinstated As to that part of the Bill respecting Courts of Oyer and Terminer We cannot agree that the same should stand as inserted by you, but will consent that the Governor or Commander in Chief for the time being shall be empowered to Issue a Commission of Oyer and Terminer directed to the Chief Justice or the Associate Judge of the Salisbury District within his District; as the case may be, and that the Clause relating to Jurors on such Commissions should stand as by you inserted, And we do not Know the same was *dele'd* by us on our third reading

To avoid Anarchy and Confusion which must necessarily follow the want of Courts of Law, We will agree that the salary of the Associate Judge by us intended for the Salisbury District be increased from Fifty to Seventy five pounds for each Court he shall hold, And we do not conceive there is any inconsistency in allowing the Judge of one Court to practice the Law in another As this is common in our Mother Country.

We therefore hope you will agree to the Bill with the alterations above mentioned only, and signifye the same to this House in which case we shall send some of our Members to see them made accordingly

JOHN ASHE Spr

By Order W^m HERRITAGE Clk.

20th November 1762

On motion the foregoing Message was read, and ordered to lie for Consideration

Then the House adjourned till Monday morning 10 o'Clock

Monday morning 22nd November 1762 The House met according to adjournment

Present as before

Received from the Assembly by Mr. Kenan and Mr. Bartram the following Bills, to wit,

A Bill to Impower and Direct the Com^{rs} of the Districts hereafter mentioned to lay out and make a Road thro' Rigan Swamp in Bladen County to the Court House in the said County

A Bill to Ascertain the Bounds of the several Counties within his Majestys District

A bill for altering the method of working on the Roads and appointing Public Ferries within the Counties of Duplin Cumberland, Rowan, and Anson

A Bill for enlarging the time allowed for saving Lotts in the Town of Hertford and for other purposes

Received from the Assembly by Mr. Skinner and Mr. Harvey A Bill to amend and further Continue an Act Intituled an Act to Establish a Public Ferry from Newbys Point to Phelps Point whereon the Court House now stands on Perquimons River.

Received by Mr. Armistead and Mr. McAlister from the Assembly A Bill to prevent Abuses in Strays

Received from the Assembly by Mr. Bryan & Mr. Williams the following message to wit.

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have Resolved that Timothy Clare be paid by the Public Treasurers out of the Contingent Tax Fifteen Pounds Three Shillings and Ten pence Proclamation money for Provisions and Liquor found and provided for the Indians now in Town And that the same be allowed the said Treasurers on passing their Accounts with the Public to which desire your Hon^{rs} concurrence

JN^o ASHE Speak^r

P Order W^m HERRITAGE Clk.

20th November 1762

On Motion, the Bill for altering the method for working on the Roads, and Appointing Public Ferries within the Counties of Duplin Cumberland Rowan and Anson was ordered to be read the same was accordingly read and passed and ordered to be engrossed

On Motion the message from the Assembly relative to the superior Courts Law was read and taken into Consideration And ordered that the following Message be sent to the Assembly

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Upon reading your message in Answer to ours relative to the Bill for Establishing superior Courts of Pleas and Grand Sessions within

this Province We are sorry to find that you have not agreed to our so reasonable Amendments But we will in order That it may Operate for the Purposes intended agree to *dele* every thing regarding the Associate Justice of Salisbury and to have one Associate Judge Appointed to have equal Authority with the Chief Justice thro' out the Province Provided a suitable Salary is allowed for such Associate so to be appointed. The equity and necessity of such an Amendment being Obvious We hope your Concurrence thereto And that you will send two Members to see such Amendment made Otherwise we cannot pass the Bill.

By order
23^d Nov^r 1762

JN^o BURGWIN Clk

Received from the Assembly by Mr. Harnett and Mr. Leech the foll^g Bills, to wit,

A Bill for Dividing the County of Anson and other purposes

A Bill for adding that part of a Road belonging to the North East District in New-Hanover County called Negrohead point, to the Wilmington District.

A Bill for Establishing a Post thro this Province

A Bill to Establish a Public Road from the Court House in Currituck County across the Great Swamp to the Bridge in North River near the Indian Town.

Then the House Adjourned till 10 o'Clock to morrow morning.

Tuesday morning 23^d Nov^r 1762. The House met according to Adjournment

Present

| | | | | |
|------------------------|---|---------------------------|--|---------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } Esq ^{rs} |
| | | John Rutherford | Henry E. M ^c Culloch | |
| | | Lewis De Rossett | Alex ^d M ^c Culloch | |
| | | Rich ^d Spaight | | |

Reced from the Assembly by Mr. Caswell and Mr. Pollock the foll^g message, to wit.

GENTⁿ OF HIS MAJESTYS HON^{ble} COUNCIL

We are Extreemely sorrey to find by your Message of this day that you start new difficulties to the Passing the superior Court Bill We hoped this Increasing the Salary of the Salisbury Associate Justice would have Obviated all further Objections; with respect to Associates with equal power with the Chief Justice We are very

sensible they may be of the greatest utility to the Province Provided the manner of their appointment was such as may render them Independent but as it seems we have it not in our power to appoint them on such a reputable footing We cant help Acquainting you that we cannot with Character to ourselves or Justice to our constituents agree to the amendments proposed by your Message

JN^o ASHE Speak^r

By order W^m HERRITAGE Clk
22^d Nov^r 1762.

Then on motion the Bill for Establishing Super^r Courts of Pleas & Grand Sessions and regulating the proceedings therein, was put, and rejected.

On Motion the following Bills were ordered to be read to wit,

A Bill to Impower and Direct the Com^{rs} of the Districts hereafter mentioned to lay out and make a Road thro Regans Swamp in Bladen County to the Court House in said County, read the second time and passed.

A Bill to amend and Continue An Act Intituled An Act to Establish a Ferry from Solleys Point to Relfe Point whereon the Court House now stands on Pasquotank River—Read the first time and passed

A Bill to amend and further Continue An Act Intituled An Act to Establish a public Ferry from Newbys Point to Phelps Point whereon the Court House now stands on Perquimons River read the first time and passed

A Bill to prevent Abuses in Strays—read the first time and passed.

A Bill to Establish a Public Road from the Court House in Currituck County across the Great Swamp to the bridge on North River near the Indian Town read the first time and passed

A Bill for adding that part of a Road belonging to the North East District, in New Hanover County called Negrohead Point to the Wilmington District, read the first time and passed

A Bill for dividing the County of Anson and other purposes read the second time and passed

A Bill for Enlargeing the time allowed for saving Lotts in the Town of Hertford and for other purposes; read the second time and passed.

A Bill for Establishing a Post thro this Province; read the first time and Passed.

A Bill for further Continuing the Act Intituled an Act for appointing James Davis Printer to this Province

A Bill for Destroying Squirrels Crows and Black Birds in that part of New Hanover County called New Topsail Sound read the first time & passed.

A Bill for destroying Squirrels in Several Counties; read the first time & passed.

A Bill to apply the Money already levied on the Taxable Inhabitants of Currituck County by Virtue of an Act Intituled an Act for the Amendment of the Navigation of Currituck Inlet; read the first time and passed.

Received from the Assembly by Mr. Kenan and Mr. Williams a Bill for Establishing a Town on the North East branch of Cape Fear River In Duplin County read the first time & passed.

Then the House adjourned till 10 o'clock to morrow morning

Wednesday morning November 24th 1762 The House met according to Adjournment

Present as before

Received from the Assembly by Mr. Harris & Mr. Blount the foll^g Bills, to wit,

A Bill for Dividing the County of Granville and other purposes

A Bill to Amend and further Continue An Act Intituled An Act to Establish a public Ferry from Newbys Point to Phelp's Point whereon the Court House now stands on Perquimons River.

Then the House Adjourned till 10 o'clock to morrow Morn^g

Thursday morning November 25th 1762 The House met according to Adjournment

Present as before

Received from the Assembly by Mr. Bartram & Mr. Ruffin the following Bills, to wit,

A Bill for ascertaining a proper Place for Building thereat a Court House Prison Pilory & Stocks in Edgcombe County

A Bill to Impower and direct the Commissioners of the District herein mentioned to lay out and make a road from John Howards Ferry on Black River thro Colleys Swamp to the North West River in Bladen County.

A Bill to lay a Tax on the Inhabitants of the several Counties of the District of Halifax Superior Court to repair the Public Prison thereof and other purposes.

The House adjourned till 10 o'clock tomorrow morning

Fryday morning November 26th 1762. The House met according to Adjournment

Present

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|------------------------|---|---------------------------|--------------------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } | Esq ^{rs} |
| | | John Rutherford | Henry Eustace M ^c Culloch | | |
| | | Lewis De Rossett | Alex M ^c Culloch | | |
| | | Rich ^d Spaight | | | |

On motion, Ordered the Bill for Dividing the County of Granville lie over for consideration till Monday next

On motion the following Bills were ordered to be read, to wit,

A Bill to amend and further Continue An Act Intituled An Act to Establish a public Ferry from Newbys Point to Phelps' Point whereon the Court House now stands on Perquimons River; read the second time and passed

A Bill for ascertaining a proper place for Building thereat a Court House Prison Pillory and Stocks in Edgcombe County; read the second time and passed with Amendments

A Bill to Impower and Direct the Commissioners of the District herein ment^d to lay out and make a road from John Howards Ferry on Black River thro Colleys Swamp to the North West River in Bladen County: read the first time and passed.

A Bill to lay a Tax on the Inhabitants of the several Counties of the District of Halifax Superior Court to repair the Public Prison thereof and other purposes; read the first time and passed.

Received from the Assembly by Mr. Johnston & Mr. Baker A Bill for Dividing this Province into five several Districts and for Establishing a superior Court of Justice in each of the said Districts and regulating the proceedings therein

On motion, read the first time and passed.

Received from the Assembly by Mr. Currell and Mr. Sawyer A Bill to Impower Thomas Bonner Jun^r late Sheriff to receive & Collect the Arrear of Taxes due in the Counties of Beaufort and Pitt for the year 1760.

Received from the Assembly by Mr. Gray and Mr. M^cNeil the following Bills, to wit

A Bill for Encourageing the raising Hemp & Flax

A Bill appointing the method of distributing Intestates Estates

Received from the Assembly by Mr. Boyd & Mr. Vail, A Bill to Enable the Commissioners of the Church of Edenton to discharge the contracts by them made with the workmen employed in finishing the Inside of the said Church

Whereas it is the undoubted right of the President and Clerk of this House to receive certain Fees already ascertained in all Private Bills

It is therefore Resolved.

That Bills of the following nature be deemed Private Bills, to wit

All Bills whereby any Person, persons, or Company shall or may receive any private benefit or advantage.

All bills whereby any particular County, Town, Corporation or any Settlement in any County shall or may thereby receive any private benefit or advantage

And no other Bills whatsoever shall be deemed private And it is further Resolved

That when any private Enacting Clause shall be Inserted in any Bill, the same Fees and Perquisites shall be paid to the President and Clerk of this House, as for any Private Bill and under the same Rules as heretofore Resolved by this House; And on refusal of the Payment of the Fees and Perquisites aforesaid on any Bill or Bills, the said Bill or Bills shall be ordered to lie on the Table till the same is paid.

And Ordered that the foregoing Resolves be Entered on the Journals and be the standing Orders of this House.

Then the House adjourned till 10 o'clock tomorrow morning

Saturday Morning November 27th 1762 The House met according to adjournment

Present as before

Received from the Assembly by Mr. Lloyd & Mr. Taylor the following Bills, to wit.

A Bill for Dividing this Province into five Several Districts and for Establishing a superior Court of Justice in each of the said Districts and regulating the proceedings therein

On motion, read the second time and ordered to lie over till Monday for Consideration

A Bill for Increasing the salaries of the Inspectors of Tobacco at the Ware House in the Town of Halifax

Received from the Assembly by Mr. Moore & Mr. Bartram A Bill for Establishing a Town on the Lands of John and William Russell Minors sons of John Russell deceased on the West side of the North West River near the mouth of Cross Creek by the name of Town and other purposes.

Received from the Assembly by Mr. Lillington & Mr. Kenan A

Bill for destroying Squirrels, Crows and Black Birds in that part of New Hanover County called New Topsail sound

Then the House adjourned till Monday Morning 10 °Clock

Monday morning Nov 29th 1762. The House met according to adjournment

Present

| | | | | | |
|------------------------|---|------------------|---------------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } | Esq ^{rs} |
| | | John Rutherford | Henry E. M ^c Culloch | | |
| | | Lewis De Rossett | Alex M ^c Culloch | | |
| | | Richard Spaight | | | |

On motion the Consideration of the Bill for Dividing this Province into Five several Districts &c was resumed put and passed the second time

On motion, the following Bills were Ordered to be read to wit.

The Bill to Enable the Com^{rs} of the Church of Edenton to discharge the Contracts by them made with the workmen Employed in finishing the Inside of the said Church was read the first time and passed.

The Bill Appointing the Method of distributing Intestates Estates was read the first time and passed

The Bill for Increasing the salaries of the Inspectors of Tobacco, at the Ware House in the Town of Halifax was Read the first time & passed

Received from the Assembly by Mr. Hutchins and Mr. Winborn the Bill for destroying Squirrels in several Counties

Then the House adjourned till 4 °Clock this afternoon

Monday afternoon The House met According to Adjournment

Present as before

Received from the Assembly by Mr. Frohock & Mr. Baker, The Bill for Dividing this Province into several districts &c which on motion was read and ordered to lie over till Wednesday morning for consideration

Then the House adjourned till Wednesday morning 10 °Clock

Wednesday morning December 1st 1762 The House met according to adjournment

Present as before.

On motion, The Consideration of the Bill for Dividing this Prov-

ince into Five several Districts &° was resumed, And ordered that the following Message be sent to the Assembly to wit,

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

On reading the third time the Bill for Dividing this Province into five several Districts and for Establishing a Superior Court of Justice in each of the said Districts and regulating the Proceedings therein, We proposed the following Amendments viz^t

That one Associate should be inserted instead of two, for the Districts of Wilmington, New Bern Edenton & Halifax.

That the said Associates should receive the same fees as the Chief Justice upon proving of Deeds Acknowledgement of Letters of Atty &°

That on Granting Original Attachments the party praying shall swear to his Debt to the best of his knowledge

That three Justices should be inserted instead of the Freeholders to Inspect whether Goods Attached are perrishable

That no Associate should be appointed in the Salisbury District the assistant Judge being sufficient having only that court to attend

To which if you agree We desire you will send such of your members as you shall think proper to see the above Amendments inserted

By Order

JN° BURGWIN Clk.

1st December 1762

Received from the Assembly by Mr. Moore and Mr. Waddell a Bill for Erecting that part of New Hanover County called St Philips Parish a separate County by the name of

Received from the Assembly by Mr. Bartram and Mr. Ethridge A Bill to Impower and Direct the Comm^{rs} of the Districts hereafter mentioned to lay out and make a Road thro' Rigan Swamp in Bladen County to the Court House in the said County.

On motion read the third time & passed,

Ordered to be Engrossed

Received by the same Members the following Message.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

This House have Resolved to address His Majesty in Conjunction with your Honors to Repeal the Act appointing Tower Hill for fixing the seat of Government at and to appoint some other place as more proper for that purpose and have appointed Mr. Swann Mr. Elmsley

and Mr. Baker a Committee of this House to Join such of your Honours as you shall think proper for that purpose

JOHN ASHE Speak^r

By Order W^m HERRITAGE Clk
1st Dec^r 1762

On motion, Ordered that the foregoing Message be read, the same was read, Debated and Resolved that the following Message be sent to the Assembly in Answer

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

In Answer to your Addressing His Majesty to Repeal the Act appointing Tower Hill for fixing the seat of Government and appointing some Other place more proper for that purpose Have appointed the Honble John Rutherford Lewis De Rossett & John Sampson Esq^{rs} a Committee of this House to Join the Committee of your House for that purpose

By Order JN^o BURGWIN Clk
1st Dec^r 1762

Then the House Adjourned till 4 °Clock this afternoon

Wednesday afternoon The House met according to adjournment
Present as before

Received from the Assembly by Mr. Harnett Mr. Harvey & Mr. Cumming, the following Message, to wit

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

On reading your Message Relative to the Amendments by you Proposed to the Bill for Dividing this Province into Several Districts and for Establishing a superior Court of Justice in each of the said Districts and regulating the proceedings therein, This House agree thereto and send Mr. Harvey Mr. Harnett and Mr. Cumming Three of the Members thereof to see the same inserted

JOHN ASHE Sp^r

By Order W^m HERRITAGE Clk
1st Dec^r 1762

Then the alterations mentioned were made in presence of the members for that purpose sent, and

On motion the said Bill was put and passed the third time with Amendments, And Ordered to be Engrossed.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday morning Dec^r. 2^d 1762. The House met according to Adjournment

Present

| | | | | |
|------------------------|---|---------------------------|--------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } Esq ^{rs} |
| | | John Rutherford | Henry E. McCulloch | |
| | | Lewis De Rossett | Alex McCulloch | |
| | | Rich ^d Spaight | | |

Received from the Assembly by Mr. Caswell & Mr. Howell the foll^s Bills

A Bill for Ascertaining a proper place for Building thereat a Court House Prison Pillory & Stocks in Edgecombe County

On motion read the third time & passed

Ordered to be Engrossed

A Bill to amend and further Continue an Act Intituled an Act to Establish a public Ferry from Newbys Point to Phelps point whereon the Court House now stands on Perquimons River

On motion read the third time and passed; Ordered to be Engrossed

A Bill for Establishing a Town on the North East Branch of Cape Fear River in Duplin County

A Bill to apply the money already levied on the Taxable Inhabitants of Currituck County by Virtue of an Act Intituled an Act for the Amendment of the Navigation of Currituck Inlet.

A Bill to Establish a Public Road from the Court House in Currituck County across the Great Swamp to the Bridge on North River near the Indian Town

A Bill for the further Continueing and Amending an Act for appointing a Militia and also to Amend and Continue one other Act Intituled an Act for appointing a Militia

A Bill to Enable the Com^{rs} of the Church of Edenton to discharge the Contracts by them made with the workmen Employed in finishing the inside of the said church.

A Bill to Impower and Direct the Com^{rs} of the District herein mentioned to lay out and make a Road from John Howards Ferry on Black River thro Colleys Swamp to the North West River in Bladen County

On motion read the second time amended & passed

A Bill to Amend An Act Intituled an Act for the relief of Poor Debtors as to the Imprisonment of their Persons

Reced from the Assembly by Mr. Elmsley & Mr. Baker the following Bills to wit,

A Bill to lay a Tax on the Inhabitants of the several Countys of the District of Halifax Superior Court to Repair the Public Prison thereof and other purposes

On motion read the second time amended and Passed

A Bill for Increasing the salaries of the Inspectors of Tobacco at the Ware House in the Town of Halifax

A Bill appointing the method of Distributing Intestates Estates

Received from the Assembly by Mr. Hutchins & Mr. Alexander the following Bills, to wit.

A Bill for Dividing the County of Anson and other Purposes.

A Bill for the more easy recovering of Money due upon Promissory Notes and to render such Notes Negotiable

On Motion the Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in the Province was read a third time, And ordered that the following Message be sent to the Assembly viz^t

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the several Countys in this Province, We propose the following amendments viz^t

To *stet* the following Clause in the second page, "Provided always that nothing herein contained shall be construed or deemed to Extend to any person qualifying under a general commission of the peace"

To *dele* in several places in the said Bill the words "Superior Courts of Pleas and Sessions" and insert Superior Courts of Justice, And in the last Clause to *dele* the words "first day of December" and insert the *first day of January* to which if you agree we desire you will send such of your Members as you think proper to see the same made

By Order

JN^o BURGWIN Clk

2^d December 1762.

On Motion the Bill directing the method of appointing Jurymen in all causes Criminal and Civil, was read the second time amended & passed.

Received from the Assembly by Mr. Sawyer and Mr. Barrow the following Bills, to wit:

A Bill for Establishing a Post thro this Province

A Bill for Enlarging the time allowed for saving Lotts in the Town of Hertford and for other purposes;

On motion read the third time and passed.

Ordered to be Engrossed.

A Bill to Establish a Ferry from Solleys Point to Relfe Point whereon the Court House now Stands on Pasquotank River.

On Motion the Bill to amend & Continue An Act Intituled an Act to Regulate the Inspection of Pork Beef &c, was read the second time amended and passed

On Motion the Bill for Encouraging the Raising of Hemp and Flax read the first time and passed

Then the House adjourned till 4 °Clock this afternoon

Thursday afternoon The House met according to adjournment
Present as before

Received from the Assembly by Mr. Baker and Mr. Frohock the following Message, to wit.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL.

In answer to your Message of this day relateing to the Bill for Establishing Inferior Courts of Pleas and Quarter Sessions We think your Amendments respecting the General Commissions of the Peace unnecessary because we know of no such Commissioners in use amongst us. And think the Introduction of them of a pernicious consequence besides we are of opinion such Commissioners are against Law, therefore We hope you will pass the Bill without the amendment, if so we shall send some of our Members to see the other Amendment made

JOHN ASHE Speak^r

By Order W^m HERRITAGE

2^d December 1762

On Motion the foregoing Message was read and taken into Consideration and thereupon the Honble Lewis De Rossett and Henry E McCulloch Esq^{rs} are appointed to draw up an Answer thereto.

Resolved that it is the Unanimous Opinion of this House that the said Message contains some Expressions contradictory to that decorum which ought to be Observed by the different branches of the

Legislature to each other And highly reflecting upon this House And the said Committee are directed to Animadvert upon such Expressions in a Spirited and becoming manner

Received from the Assembly by Mr. Ruffin & Mr. Howell A Bill for to Encourage Joseph Howell to build a Bridge over Tar River at or near the place called Howells Ferry at Tarborough in Edgecombe County

Received from the Assembly a Bill for Establishing a Town on the Land of William Herritage at a place called Atkins' Banks in Dobbs County.

On Motion, the Bill for destroying Squirrels Crows & Blackbirds in that part of New Hanover County called New Topsail Sound was read the second time & passed.

Then the House adjourned till 10 o'clock to morrow morning

Fryday morning December 3rd 1762. The House met according to adjournment

Present

| | | | | |
|------------------------|---|---------------------------|--|---------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } Esq ^{rs} |
| | | John Rutherford | Henry E M ^c Culloch | |
| | | Lewis De Rossett | Alex ^r M ^c Culloch | |
| | | Rich ^d Spaight | | |

The Committee appointed to draw up an Answer to the Message of the lower House of yesterday Reported that they had prepared the same which was read and delivered on the Table and read again by the Clerk And ordered that it be Entered on the Journal thereof as follows, to wit.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading your message of yesterday we cannot but observe with equal surprize and concern upon that manifest want of decency and decorum which appears upon the face of it. A proper respect is certainly due by the different branches of the Legislature to each other And we are sorry to find ourselves under a necessity in this public manner of resenting the mode of Expression which you have made use of in your last Message Taxing us as a branch of the Legislature with Insisting upon the Introduction of commissions unknown contrary to Law and in their consequences pernicious are charges that we cannot pass over in silence, especially as we are convinced that you cannot be Ignorant that general Commissioners to enable the Members of His Majesty's Council and the Officers of the Crown

to act as conservators of the Peace are neither unknown to you, in their consequences pernicious, or against Law ; We therefore must insist upon the Amendments proposed by us to the Bill for Establishing Inferior Courts &c To which if you agree you will send such of your Members as you think proper to see the same done

On motion, Ordered that the following Bills be read, to wit.

A Bill for Erecting that part of New Hanover County called St Philip's Parish A separte County by the name of Read the second time & passed.

A Bill for Establishing a Town on the Land of John and William Russell Minors, sons of John Russell deceased on the West side of the North West Branch of Cape Fear River near the mouth of Cross Creek by the name of Town and other purposes : read the first time and passed.

A Bill to Impower Thomas Bonner Jun^r. late Sheriff to receive & Collect the Arrears of Taxes due in the Counties of Beaufort & Pitt for the year 1760

Read the first time and passed.

A Bill for the further Continueing and Amending An Act for Appointing a Militia and also to Amend and continue one other Act Intituled An Act for appointing a Militia read the first time and passed.

A Bill to Enable the Commissioners of the Church of Edenton to discharge the Contracts by them made with the workmen Employed in finishing the Inside of the said Church read the second time and passed.

A Bill for Destroying Squirrels in Several Counties read the second time and passed.

A Bill to Amend an Act Intituled An Act for the relief of poor Debtors as to the Imprisonment of their persons read the first time and passed.

A Bill for Establishing a Town on the Land of William Herritage at a place called Atkins Banks in Dobbs County read the first time and passed.

A Bill for Dividing the County of Granville and other purposes. read the second time and passed

A Bill for Establishing Vestries and other purposes read the second time amended & passed

A Bill for Increasing the salaries of the Inspectors of Tobacco at

the Warehouse in the Town of Halifax read the second time and passed

A Bill appointing the Method of distributing Intestates Estates read the second time and passed

A Bill to Establish a Ferry from Solleys Point to Relfes Point whereon the Court House now stands on Pasquotank River. read the first time and ordered to lie over for Consideration

A Bill for to Encourage Joseph Howell to Build a Bridge over Tarr River at or near a place called Howells Ferry at Tarborough in Edgecombe County read the first time and passed

Received from the Assembly by Mr. Lloyd and Mr. Lillington the following Bills, to wit.

A Bill to Amend and continue An Act Intituled An Act to regulate the Inspection of Pork & Beef

A Bill to Impower Thomas Bonner Jun^r late Sheriff to receive and collect the Arrears of Taxes due in the Counties of Beaufort & Pitt for the year 1760.

A Bill to amend An Act Intituled an additional Act concerning servants and Slaves

A Bill for Destroying Vermin in the County of Orange and other Counties therein mentioned

Then the House adjourned till 10 o'clock tomorrow morning

Saturday morning 4th December 1762. The House met according to adjournment

Present as before

Then the consideration of the Bill for making provision for an Orthodox Clergy was resumed, put and passed the second time

On motion the following Bills were ordered to be read, to wit

A Bill to Amend an Act Intituled an Additional Act concerning servants and slaves. read the first time and passed.

A Bill for Destroying Vermin in the County of Orange and other Counties therein mentioned read the first time and passed

A Bill to Establish a Public Road from the Court House in Currituck County & Cross the great Swamp to the Bridge on North River near the Indian Town read the second time and passed

A Bill to Impower Thomas Bonner Jun^r late Sheriff to receive & collect the Arrears of Taxes due in the Counties of Beaufort & Pitt for the year 1760 read the second time and passed

Received from the Assembly by Mr. Fanning and Mr. Harris The following Message. to wit.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

We are sorry to Observe our Message of yesterday relateing to the Bill for Establishing Inferior Courts should have been so far misunderstood by you as to be thought Void of Decency and Decorum. We are truly sensible a proper respect is certainly due from the different Branches of the Legislature to each other and We flatter ourselves this House has not been hitherto wanting in that respect. But with concern we are obliged to observe that if the mode of Expression in our Message only is to be thought a sufficient foundation for the singular complexion of yours We despair of being ever able to escape the Imputation of the want of Decency and Decorum.

We are well satisfied that general Commissions to Enable the Members of His Majestys Council and the Officers of the Crown to Act as Judges of the Inferior Courts are not only new, but altogether unnecessary, And as they can be of little benefit and may be prejudicial to the Public We think the Introduction of them ought to be avoided; Whether such Commissioners are against Law or not, can not be made a Question as no part of the Bill tends to Invalidate them, and if they should not be agreable to our Consideration as in our Opinion they are not, Its surely improper to give a sanction to them; therefore we hope you will pass the Bill with the Amendments agreed to by us in our former Message as we cannot agree to any other, that so the Bill may pass into a Law.

JOHN ASHE Speaker

By Order W^m HERRITAGE Clk

2^d December 1762

Then on motion the foregoing Message was read and taken into Consideration And ordered that the following Message be sent to the Assembly to wit,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message of yesterday We must Observe that you have not stated the matter in dispute in a candid manner, We Apprehend we had in our last message sufficiently explained to you the nature of such General Commissions It never was our Intention to obtain a Sanction to them, under the Law now in Question, Or to Act as Judges in any Inferior Court without having first qualified agreable to the method prescribed in the Bill; nor can we conceive how such a construction could be put upon the Amendments proposed. General Commissions to Enable His Majestys Council the

Secretary Attorney General, Receiver General and Surveyor General for the time being, to Act as conservators of the Peace have been used in this Province as well as in many others and require no other sanction than that of the Prerogative from whence they flow, but what we insist on is, that the person acting under such Commissioners should not be liable to the Penalty in the Bill

And in order to explain this matter further to you We will agree that instead of our former Amendments The following Proviso should be inserted, to wit.

Provided always that nothing herein contained shall be construed or Deemed to Extend to His Majestys Council Secretary, General Receiver General and Surveyor General for the time being, or any or either of them Qualifying in Council under a General Commissioner as conservators of the Peace only:

It gives us much concern and surprize to find disputes raised upon a matter in itself so clear that we are at a loss for the cause of them, And we must further Observe that it is the Utility of the Bill in question alone that has induced us to send you this message; And that if you do not choose to agree to our Amendment after these repeated Explanations, we flatter ourselves that we shall not in the Judgement of unprejudiced persons be blamed for the fatal Effects that may flow from an Ill Judged Obstinacy

You will therefore consider this our last message (on this question) and if you agree thereto you will send some of your Members to see the Amendments made

By Order

JN° BURGWIN Clk.

4th December 1762

Reced from the Assembly by Mr. Caswell and Mr. Baker the following Bills to wit

A Bill for Establishing a Town on the Land of W^m Herritage at a place called Atkins Banks in Dobbs County.

A Bill to amend an Act Intituled an Act for the Relief of Poor Debtors as to the Imprisonment of their Persons

A Bill to Lay a Tax on the Inhabitants of the Several Counties of the District of Halifax Superior Court to repair the Public Prison thereof and other places

Then the House adjourned till 10 °Clock on Monday morning

Monday morning December 6th 1762. The House met According to adjournment

Present

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|------------------------|---|---------------------------|--------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } | Esq ^{rs} |
| | | John Rutherford | Henry E. McCulloch | | |
| | | Lewis De Rossett | Alex. McCulloch | | |
| | | Rich ^d Spaight | | | |

Reced from the Assembly by Mr. Bartram & Mr. Benton the following Bills to wit.

A Bill for Dividing the County of Granville and other purposes.

A Bill for the further continuing and Amending an Act for appointing a Militia and also to amend and Continue one other Act Intituled an act for Appointing a Militia

A Bill for destroying Squirrels, Crows, and Black Birds in that part of New Hanover County called New Topsail Sound

On Motion the Bill for Dividing the County of Granville and other purposes was read the third time and Ordered that the following message be sent to the Assembly, to wit,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill for Dividing the County of Granville and other purposes, We find you have on your third reading left a Blank in the said Bill which we suppose was thro a mistake and ought to have been filled up with the words "Prince George" and though our inserting these words was agreeable to the Intent of the Bill, yet as our amending on our third Reading even in the most trivial expression might have a tendency to interrupt that confidence which ought to Subsist between the two Houses We thought necessary to acquaint you of such mistake that you might send such of your members as you think proper to see the same rectified

By order

JN^o BURGWIN Clk

On Motion the Bill for to Lay a Tax on the Inhabitants of the several Counties of the district of Halifax Superior Court to repair the Public Prison thereof and other purposes was read the third time and ordered that the following Message be sent to the Assembly, to wit.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading the third time the Bill to lay a Tax on the Inhabitants of the several Counties of the District of Halifax Superior Court to repair the Public prison thereof and other purposes We propose to strike out the name of Peter Copeland and insert in his

stead the Honble Alexander M'Culloch Esq^r to which if you agree we desire you will send some of your members to see the alteration made.

By order

JN^o BURGWIN Clk.

On motion the following Bills were ordered to be read, to wit

A Bill for the more easy recovery of Money due upon promissory Notes and to render such notes negotiable; read the second time amended and passed.

A Bill for destroying Squirrels Crows and Black Birds in that part of New Hanover County called New Topsail sound read the third time and passed

Ordered to be engrossed.

A Bill for the further continueing and amending an Act for appointing a Militia and also to amend and continue one other Act Intituled an Act for Appointing a Mititia read the second time amended and passed

Received from the Assembly the following Message to wit

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In Answer to your Message regarding the mistake in the Bill for dividing the County of Granville and other purposes by leaving a Blank therein which you mention ought to be filled up with the words Prince George, If such a Blank was left it was thro the mistake of the Clerk, And we now send two of the Members of this House to see such mistake rectified Inserting such words you mention

JN^o ASHE Speaker

By Order

W^m HERRITAGE Clk

6th December 1762

Then the words mentioned were inserted in the Bill in presence of the Members sent for that purpose and was thereon put the third time and passed. Ordered to be Engrossed.

Received from the Assembly the following Message, to wit.

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

Your Message relative to the Inferior Court Bill having removed the Ambiguities of your two former Messages on that subject We are not without hopes that difference may yet be Accomodated to the satisfaction of both sides

You say you dont require the Aid of any Positive Law to Establish your Commissioners but that the Royal Prerogative from whence it flows can alone confer a Sufficient Sanction on it, if so, a more Obvious and exceptionable amendment than that proposed in your Last message will sufficiently answer your purpose and readily meet with your Approbation

If the Penal clause is altogether *dele'd* We think the Bill might very well pass into a Law without it and as this would in our Opinion effectually remove your Objections without any Material Injury to the Bill we will agree to give our Consent to a proposal for *deleing* that clause altogether.

There is yet another Expedient for Accomplishing an Accommodation betwixt us as effectual and perhaps more convenient than the other If the Penal clause should stand in the Bill, but instead of relating to Justices of the Peace Generally should be extended only to the Justices of the Inferior Courts or to Justices of the Peace for any County within this Province, We conceive the Commission in question could not be thereby effected, and there would still remain a sufficient security against persons acting as Ordinary Justices of the Peace before qualification.

As either of these expedients will beyond all doubt fully and clearly exempt the Commissioner General of the Peace (when Established) from a Penalty to which an ordinary Justice misbehaving himself may be subjected We hope your Hon^{rs} will waive your last Proposed Amendment and instead thereof propose something that does not Obliquely ratifye a Commission which we believe has not, and for which We know never may have an Existence

Let the Consequence of the dispute be what it will We have the satisfaction to Know it had not its rise here and doubt not if the Bill drops every unprejudiced person will easily distinguish betwixt the abetting and opposing a measure which must be confessed a novelty in our Constitution; And as we are conscious our part of the dispute has not been founded on an Ill Judged Obstinacy (if Obstinacy can be called an Object of the Judgment) We hope we shall not be censured for the fatal Effects that may flow from it

If either of the above proposals be agreeable to your Hon^{rs} you will please to signifie the same to this House that some of our Members may attend to see the amendments made Accordingly

JN^o ASHE Speak^r

By order W^m HERRITAGE Clk.
6th Dec^r 1762

On motion the foregoing Message was read and taken into Consideration and Ordered that the following Message be sent to the Assembly, to wit,

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

In answer to your Message relative to the amendments we Proposed to the Bill for Establishing Inferior Courts of Pleas &c We find that you have at last proposed an Amendment that may Answer the End we had in View, And therefore agree that the Penal claim should be Extended only to Justices of the Inferior Courts and desire you will send some of your Members to see the same and the other Amendments you before agreed to be made in the Bill

Received from the Assembly by Mr. Hutchins and Mr. Ward the following Bills to wit

A Bill to Impower and direct the Commissioners of the District herein ment^d to lay out and make a Road from John Howards Ferry on Black River thro Colleys Swamp to the North West River in Bladen County.

A Bill to Establish a Public Road from the Court House in Currituck County across the great Swamp to the Bridge on North River near the Indian Town.

A Bill for Destroying squirrels in several Counties.

A Bill for enlarging the salarys of the Inspectors of Tobacco at the Ware House in the Town of Halifax.

Received from the Assembly by Mr. Swann & Mr. Moore the following Bills, to wit,

A Bill to Encourage Joseph Howell to Build a Bridge over Tarr River &c

A Bill for Destroying Vermin in the County of Orange &c

Then the House Adjourned till 10 °Clock to morrow morning

Tuesday morning December 7th 1762. The House met according to Adjournment

Present.

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|------------------------|---|------------------|--|---------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } Esq ^{rs} |
| | | John Rutherford | Henry E. M ^c Culloch | |
| | | Lewis De Rossett | Alex ^d M ^c Culloch | |
| | | Richard Spaight | - | |
| | | | | |

Received from the Assembly by Mr. Swann & Mr. Elmsley the following Message, to wit

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House send herewith two of the Members thereof to see the Amendments proposed in their message sent this day to you, to the Bill for Establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province And also to see the name of the Hon^{ble} Alex^r McCulloch Esq^r inserted in the Bill to lay a Tax on the Inhabitants of the several Counties of the District of Halifax Superior Courts &c instead of that of Peter Copeland as it stood in the Bill when sent to you

JOHN ASHE Speaker

By Order W^m HERRITAGE Clk.
6th December 1762

Then the Alterations mentioned in the said Bill was made in presence of Mr. Swann & Mr. Elmsley Members of the Assembly sent for that purpose.

And on motion the Bill to Establish Inferior Courts of Pleas and Quarter Sessions &c was put and passed the third time with Amendments; And ordered to be Engrossed

And the Bill to lay a Tax on the Inhabitants of the several Counties of the District of Halifax Superior Court to Repair the Public Prison thereof and other purposes was on motion put the third time and passed with Amendments, and Ordered to be Engrossed

Reced from the Assembly by Mr. Swann & Mr. Elmsley the Bill to Impower Thomas Bonner Jun^r late Sheriff to receive and collect the arrears of Taxes due in the Counties of Beaufort and Pitt for the year 1760.

On motion read the third time & passed, and ordered to be Engrossed.

Received from the Assembly by Mr. Ormond & Mr. Ward the following Bills, to wit.

A Bill directing the method of Appointing Jurymen in all causes Criminal and Civil;

On motion read the third time and passed. Ordered to be Engrossed

A Bill appointing the method of Distributing Intestates Estates

On motion read the third time & passed, Ordered to be Engrossed

A Bill for the further Continueing and Amending an Act for appointing a Militia And also to Amend and Continue one other Act Intituled An Act for appointing a Militia.

On motion read the third time and passed, Ordered to be Engrossed

A Bill to Enable the Com^{rs} of the Church of Edenton to discharge the contracts by them made with the workmen Employed in finishing the inside of the said Church

A Bill for the more easy recovery of money due upon Promissory Notes and to render such notes negotiable.

On motion read the third time and passed. Ordered to be Engrossed.

On motion the following Bills were ordered to be read, to wit,

A Bill for Dividing the County of Anson and other purposes read the third time & passed; Ordered to be Engrossed.

A Bill to Establish a Public Road from the Court House in Currituck County across the great swamp to the Bridge on North River near the Indian town; read the third time and passed. Ordered to be Engrossed.

A Bill to Impower and Direct the Com^{rs} of the District herein mentioned to lay out and make a Road from John Howards Ferry on Black River thro' Colleys Swamp to the North West River in Bladen County; read the third time & passed. Ordered to be Engrossed.

A Bill for Increasing the salaries of the Inspectors of Tobacco at the Ware House in the Town of Halifax; read the third time & passed. Ordered to be Engrossed.

A Bill for to Encourage Joseph Howell to Build a Bridge over Tar River at or near a place called Howells Ferry at Tarborough in Edgcomb County; read the second time amended and passed.

A Bill for Establishing a Town on the Land of John & William Russell Minors sons of John Russell deceased on the west side of the North west Branch of Cape Fear River near the mouth of Cross Creek by the name of Town and other purposes; read the second time amended and passed.

A Bill for Establishing a Town on the Land of William Heritage at a place called Atkins Banks in Dobbs County; read the second time and passed.

A Bill for Establishing a Post thro' the Province; read the second time amend^d and passed.

A Bill to amend an Act Entituled an Act for the relief of Poor Debtors as to the Imprisonment of their persons; read the second time and passed.

A Bill for destroying Vermin in the County of Orange and other Counties therein mentioned; read the second time and passed.

A Bill for destroying Squirrels in Several Counties; read the third time & rejected.

On motion Ordered that the following Message be sent to the Assembly, to wit,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

This House having been Informed by a Member of the Committee of Correspondence that Letters have been received from Mr. Couchet Jouvencal the Agent of this Province since the last Assembly We desire you would send those Letters and also Copys of the Letters that have been Wrote to him by the Committee of Correspondence for our perusal.

By order

JN° BURGWIN Clk.

7th December 1762.

Then the House adjourned till 10 °Clock tomorrow morning.

Wednesday morning 8th December 1762. The House met according to Adjournment.

Present.

| | | | | |
|------------------------|---|-----------------------------|---------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | Rich ^d Spaight | } Esq ^{rs} |
| | | John Rutherford | John Sampson | |
| | | Lewis De Rossett | H E M°Culloch | |
| | | Alex ^d M°Culloch | | |

Received from the Assembly by Mr. Baker & Mr. Frohock the following Bills, to wit,

A Bill for Establishing Vestries and other purposes.

A Bill for making Provision for an Orthodox Clergy.

Received from the Assembly by Mr. Elmsley & Mr. Leech the following Message, to wit,

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House taking into consideration the necessity of Establishing a seat of Government in this Province Have Resolved that an Humble Address be presented to His Majesty requesting him to signify his Royal disallowance of the Act for appointing Tower Hill the seat of Government And that he would be graciously pleased to approve of the Town of New Bern as a proper place for transacting

serted in the address in presence of Mr. Swann & Mr. Elmsley Members sent from the Assembly for that purpose.

Then the said Address was read and concurred with and ordered to be Entered on the Journal of this House to wit,

To the Kings Most Excellent Majesty

The Humble Address of the Council and Assembly of North Carolina.

MOST GRACIOUS SOVEREIGN

We your Majestys Most dutifull and Loyal Subjects the Council and Assembly of North Carolina beg leave to Express our Sincere and unfeigned Joy on the Glorious Success of your Majestys Arms in the present Just and necessary War in the Course of which the greater Lustre has been reflected on your Majestys Wise and prudent Administration, and which we doubt not will Terminate in the Glory & Honor of your Majesty and the lasting Peace and security of your Subjects.

Permit us Most Gracious Sovereign to Assure your Majesty of our firm and Loyal Attachment to your Majestys Family and Government which We shall on all occasions exert our Most Strenuous and Ardent Efforts to support and Defend with our Lives and Fortunes from a due sense of your Majestys Paternal regard for your Subjects in general and recollecting with the Strongest Sentiments of Gratitude the many Instances of your Royal favour and benevolence to your distant Colonies; We most Humbly beg your Majestys Permission to represent that your Majestys Subjects in this Province have for many years past been subjected to the greatest disadvantages and difficulties for want of a Place Established for the seat of Government.

The Place appointed at Tower Hill on Nuse River in the year of our Lord one Thousand seven Hundred and Fifty Eight has since been found entirely unfit and improper lyeing at a great distance from any Navigable Water and at certain seasons of the year extremely difficult of Access, to most of the Inhabitants of this Province for which reasons there does not appear the least probability that the same will ever be settled or Inhabited by a sufficient Number of Inhabitants for Accommodating the Officers of Government Members of the General Assembly and others concerned in Transacting Public Business with any tolerable degree of convenience.

Having it therefore in charge from our Constituents to use our utmost endeavours to obtain a speedy Redress of this Grievance and having fully and impartially examined as well the situation and extent of this your Majestys Province as the Number of Inhabitants in the several counties thereof

We most humbly Pray your Majestys leave to Recomend to your Majesty the Town of New Bern in Craven County as being in our humble Opinion more Central and Convenient than any other part of this Province for holding thereat the Court of Chancery, Keeping the records of the Secretarys Offices and transacting the Business of the Public; And humbly Implore your Majesty, that you will be graciously pleased to repeal the Act Appointing the said Tower Hill the seat of Government and that your Majesty will signify your Royal approbation of the Town of New Bern, as a proper place for the Purpose aforesaid whereby we may be permitted to Erect a Suitable House for the residence of your Majestys Governor. And such other Edifices as may be requisite for the safe keeping of the Public Records and for other Public Uses.

To which address the following Protest was entered by the Hon^{ble} John Rutherford Lewis De Rossett & John Sampson Esq^{rs} Dissent

Because however fond we may be of getting the Act for fixing a seat of Government at Tower Hill repealed, We cannot agree that at this time it is necessary to address His Majesty to fix the seat of Government at any certain place more especially at the Town of New Bern for the following Reasons.

1st That as our Bounds to the Southward are not yet ascertained And the disputes between this Province and South Carolina greatly increased, it must be looked on as a precipitate Step to fix on any plan until these matters are Settled, to which we may add the Indecency of so doing whilst these points are to be laid before His Majesty for his Royal Determination

2^d That in Order to fix on a proper place for a Seat of Government, it would be necessary to consider either the best navigation or the most Central place for the Encouragement of trade or ease of the Inhabitants In neither of these respects can the Town of New Bern have any pretence to be fixed on as proper for either of these purposes.

3^d That the unhealthiness of the Town of New Bern thro the badness of Air and Water renders it very unfit for a place of residence for His Majestys Governor the Officers of the Crown or the calling of the Assembly We may refer to the votes of the Assembly

some few years past when they Unanimously *resolved* that New Bern was an Improper place for the seat of Government, And it may be difficult to conceive the Motives that could induce the Majority of either House to form the present address when the same Obstacle Subsists

4th That the great distance from the back Settlements to New Bern being upwards of Three Hundred Miles from some of our present Western Frontiers and as method of coming there by Land must render it very inconvenient and burthensome to the poor Inhabitants of those parts And instead of Encourageing those Settlements so as to Extend our Frontiers and form a Barrier against the incursions of the French or Indians will tend greatly to the discourageing the very heart of the Province Open to any Invasions. It is owing to these or other similar reasons We suppose that the address was carried in the Assembly but by a small Majority, And in the Council but by the Casting Votes of the President only, Whereas in a matter of such consequence there ought to have been if not an Unanimous Consent at least a large Majority of both Houses. And we trust His Majesty will be graciously pleased to pay no regard to the address but give the Legislature of this Province another opportunity when all disputes are ended to reconsider an affair of so much Consequence as that of fixing the seat of Government

Signed by

JN^o RUTHERFORD,
LEWIS DE ROSSETT
JOHN SAMPSON.

On motion, the Bill to Amend and continue An Act intituled An Act to regulate the Inspection of Pork Beef Rice &c was read a third time, And Ordered that the following Message be sent to the Assembly

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill to amend and continue An Act Intituled An Act to regulate the Inspection of Pork Beef Rice &c. We would propose the following Amendments viz^t

That there should be two Inspectors for the town of Wilmington

That the Collector should have two shillings and Eight Pence for granting a certificate of His having Administered the oath to Masters of Vessells

That the breadth of Staves ascertained in the Bill should be clear of Sap

That the clause allowing Inspectors to have Assistants should be struck out as it must have a Tendency to many Frauds and there cannot be any Necessity for such Assistants the Inferior Courts having by the Bill a power to appoint more than one Inspector in any Town when necessary.

That the Clause allowing Provision to be kept three Months after Inspection without Reinspection before shipping should be *dele'd*, as there is a Clause in the Bill Directing it to be done should such provisions remain longer on hand than Twenty days, which we think will have a better Effect.

To which Amendments if you agree send some of your Members to see the same made.

By order

JN° BURGWIN Clk.

On motion the Bill for Establishing Vestries and other purposes was read the third time and Ordered that the following Message be sent to the Assembly, to wit.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading the third time the Bill for Establishing Vestries & other purposes We observe that you have *dele'd* the Clause in the said Bill Impowering the Governor or Com^r in Chief on Vestrys refusing to qualifie to Nominate and Appoint others in their room & Stead. And as you must be sensible that on such Emergencies a Power must be lodged somewhere, We propose that, that clause should be reinstated. To which Amendments if you agree, send some of your Members to see the same made

By Order

JN° BURGWIN Clk.

8th Dec^r 1762

On motion the Bill for the better care of Orphans and Security & Management of their Estates, was read the second time and passed.

Reced from the Assembly by Mr. Swann & Mr. Elmsley the following Bills to wit.

A Bill for to Encourage Joseph Howell to Build a Bridge over Tarr River at or near the place called Howells Ferry at Tarborough in Edgecomb County

A Bill for Establishing a Town on the Lands of John & William Russell Minors sons of John Russell deceased on the West side of the North West branch of Cape Fear River near the Mouth of Cross Creek by the name of Cambleton Town and other purposes.

Reced from the Assembly by Mr. Baker and Mr. Frohoek the Bill for the better care of Orphans and Security and Management of their Estates. which. On motion was read and passed,

Ordered to be Engrossed.

The Honble Richard Spaight Esq. moved this House for liberty to present A Bill to amend and further Continue An Act Intituled an Act for Facilitating the Navigation of Port Bath Port Ronoak and Port Beaufort; Ordered that he have leave to present the same

Mr. Spaight presented the said Bill which he read in his place and delivered the same on the Table and was again read by the Clerk & passed the first time

On motion the Bill for making Provision for an Orthodox Clergy was read the third time And ordered that the following Message be sent to the Assembly to wit,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill for making Provision for an Orthodox Clergy We propose to Insert the following Clause to wit,

And be it further, Enacted by the Authority aforesaid that no dissenting Minister of any Denomination whatever shall presume on any pretence to Marry any persons under the penalty of Forfeiting Fifty Pounds Proclamation Money for every such Offence to be recovered by any person sueing for the same by Action of Debt Bill Plaint or Information in any Court of Record having cognizance thereof Wherein no Essoyn Injunction Protection Privilege or wager of Law shall be allowed or admitted of, One half to the Use of the Informer the other half to the Use of the Parish wherein the offence shall be committed

To which if you agree we desire you will send some of your Members to see the same Inserted

By Order

JN^o BURGWIN Clk.

Received from the Assembly by Mr. Baker & Mr. Frohock the following Message, to wit,

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

The Chairman of the Committee of Public Acc^{ts} hath reported that John Starkey Esquire Public Treasurer of the Southern District has paid into the hands of the said Committee £246.19.5 on the sinking Fund And the sum of £669.5.11 in Treasurers Notes Interest Included and also £108.15.11 in Notes Uttered the second

time And that Thomas Barker Esquire Public Treasurer of the Northern District hath also paid into the said Committee £1,463.6.6 on the Sinking Fund and the sum of £341.6.11 in Treasurers Notes Interest Included which said several Sums amounting in the whole to £2,830.4.8 are by Law to be Burnt; This House have therefore appointed a Committee of the whole House to Joyn a Committee of yours, at the House of Richard Cogdell in New Bern at 3 °Clock (tomorrow) afternoon to see the same done

JOHN ASHE Speak^r

By order W^m HERRITAGE Clk
8th Dec^r 1762

Then the House adjourned till 10 °Clock tomorrow morning

Thursday morning December 9th 1762. The House met according to adjournment

Present

| | | | | |
|------------------------|---|---------------------------|--------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } Esq ^{rs} |
| | | John Rutherford | Henry E. McCulloch | |
| | | Lewis De Rossett | Alex McCulloch | |
| | | Rich ^d Spaight | | |

Received from the Assembly by Mr. Harnett & Mr. Leech the following Bills, to wit,

A Bill to amend and further continue an Act Intituled an Act for Facilitating the Navigation of Port Bath Port Ronoak & Port Beaufort

On motion read the second time and passed

A Bill to Impower the Several Inferior Courts of Pleas and Quarter Sessions to try all causes commenced in the late Inferior Courts where the Debt Damage or thing sued for does not Exceed Fifty Pounds Proclamation Money

On motion read the first time and passed

On motion Ordered that the following Bills be read to wit

A Bill to apply the Money already Levied on the Taxable Inhabitants of Currituck County by Virtue of an Act intituled an Act for the Amendment of the Navigation of Currituck. read the same the second time & passed.

A Bill for further continueing the Act Intituled the Act for Appointing James Davis Printer to this Province the same was taken under consideration and the question put and rejected

A Bill to amend An Act Intituled An Act for the Relief of Poor

Debtors as to the Imprisonment of their person read the third time & passed, Ordered to be Engrossed.

A Bill for Destroying Vermin in the County of Orange and other Counties therein mentioned. read the third time and passed Ordered to be Engrossed

A Bill for Establishing a Town on the Land of William Herritage at a place called Atkins Banks in Dobbs County, read the third time & passed Ordered to be Engrossed

A Bill for Establishing a Town on the Lands of John & William Russell Minors sons of John Russell Deceased on the West side of the North West Branch of Cape Fear River near the Mouth of Cross Creek by the name of Cambelton Town and other purposes Read the third time & passed; Ordered to be Engrossed

A Bill to Establish a Ferry from Solleys Point to Relfe Point whereon the Court House now Stands on Pasquotank River. Read the first time and passed.

A Bill to Enable the Com^{rs} of the Church of Edenton to discharge the Contracts by them made with the workmen employed in finishing the inside of the said church. Read the third time and passed, Ordered to be Engrossed

On motion, Ordered that the following Message be sent to the Assembly, viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In Answer to your Message of Yesterday relative to burning the Several sums paid on the sinking Fund into the Committee of Accounts, The Chairman of our Committee having made a Report similar to that of your Committee This House have appointed a Committee of the whole House to see the sum you mentioned burnt at the House of Mr. Richard Cogdell in New Bern at 5 °Clock this afternoon.

By order

JN^o BURGWIN Clk.

9th December 1762.

Received from the Assembly by Mr. Baker and Mr. Leech the following message, viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your Message regarding the several amendments by you proposed in the Bill to amend an Act to regulate the Inspection of Pork Beef &c We must observe that by *deleing* the words Pork

Beef and Rice in the Clause respecting the reinspection &c if any of the Articles shall lie Twenty days before shipped after they shall have been Inspected, will answer the end proposed by your Message regarding the Clause allowing Provisions to be kept three months after Inspection &c To the other amendments this House cannot agree. And also in answer to your two other Messages the one Received this day regarding the Amendments proposed by you to the Bill for making Provisions for an Orthodox Clergy the other regarding Amendments to the Bill for Establishing Vestries and other purposes to which Amendments in the above two Messages this House cannot agree, Therefore hope you will pass the said Bills without them that the Clerk in order to expedite the Business of the Assembly may have the same Engrossed.

JN^o ASHE Speaker.

By order W^m HERRITAGE Clk.
9th December 1762.

Then on motion the Bill to Amend and Continue an Act Intituled an Act to regulate the Inspection of Pork Beef &c was put the third time & Rejected.

On motion the following Bills were put a third time and passed, to wit,

The Bill for making Provision for an Orthodox Clergy, and

The Bill for Establishing Vestries and other purposes. Which Bills are Ordered to be Engrossed.

Received from the Assembly by Mr. Baker & Mr. Leech the following Bills, to wit,

A Bill to amend and further Continue an Act Intituled an act for Facilitating the Navigation of Port Bath Port Ronoak and Port Beaufort.

On motion read the third time and passed.

A Bill to Impower the several Inferior Courts of Pleas and Quarter Sessions to try all causes commenced in the late Inferior Courts where the Debt Damage or thing sued for does not Exceed Fifty Pounds Proclamation Money.

On motion read the second time and passed.

A Bill to apply the Money already Levied on the Taxable Inhabitants of Currituck County by Virtue of an Act Intituled an Act to amend and improve the Navigation from Currituck Inlet thro the District in Currituck County to Albemarle Sound.

Received from the Assembly the following Message, to wit,

GENTⁿ OF HIS MAJESTYS HON^{ble} COUNCIL

The Law appointing James Davis Printer to this Province will Expire at the End of this Session of Assembly and there being no provision to remedy the Inconvenience of having this Province without a Printer

This House have therefore Resolved that James Davis be continued Printer to this Province for and during the space of Six Months, and from thence to the End of the next Session of Assembly and no Longer, and that he have the same salary Fees and allowance paid as was allowed by the above said Law and desire your Honors Concurrence thereto.

JN^o ASHE Speak^r

By order W^m HERRITAGE Clk.
9th December 1762.

Received from the Assembly the following Resolves, to wit

Resolved that the Treasurer of this Province be Impowered to draw by Bills at the highest current Exchange on James Abercromby and Samuel Smith Esq^{rs} for whatever sum or sums of money shall be in their Hands of the Proportion of the Parliamentary Grant allowed to this Province and that the money arising therefrom (after deducting the sum of six Hundred and fifty Pounds for discharging a Debt Owing by this Province to Mr. Anthony Bacon and Mr. Couchet Jouvencal be applied by the said Treasurer in Aid of the Tax for defraying the Contingent charges of Government, and that a copy of this Resolve and the following Message be sent to the Council

JN^o ASHE Speak^r

By Order W^m HERRITAGE Clk.
9th December 1762

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

This House Have Resolved that the Treasurers be Impowered by Bills of Exchange to draw for the money allowed to this Province by Parliament And now in the hands of James Abercrombie & Samuel Smith Esq^{rs} to which Resolve we desire your Honors concurrence

JN^o ASHE Speaker

By order W^m HERRITAGE Clk.
9th December 1762

The House adjourned till 10 o'clock tomorrow morning

Fryday morning December 10th 1762. The House met According to adjournment

Present.

| | | | | |
|------------------------|---|---------------------------|--|---------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } Esq ^{rs} |
| | | John Rutherford | Henry E. M ^c Culloch | |
| | | Lewis De Rossett | Alex ^d M ^c Culloch | |
| | | Rich ^d Spaight | | |

Received from the Assembly by Mr. Smith & Mr. Taylor the following Bills, to wit,

A Bill to Impower the several Inferior Courts of Pleas and Quarter Sessions to Try all causes commenced in the late Inferior Courts when the Debt Damage &° do not Exceed Fifty Pounds Proclamation Money.

On motion read the third time and passed; Ordered to be Engrossed

A Bill to Establish a Ferry from Solleys Point to Relfes Point whereon the Court House now stands on Pasquotank River

On motion read the second time & passed

On motion ordered that the following Bills be read, to wit,

A Bill to apply the money already Levied on the Taxable Inhabitants of Currituck County by Virtue of An Act Intituled An Act to amend and improve the Navigation from Currituck Inlet thro the District in Currituck County to Albemarle, read the third time and passed Ordered to be Engrossed.

A Bill for to Encourage Joseph Howell to Build a Bridge over Tarr River at or near the place called Howell's Ferry at Tarborough in Edgecomb County

Read the third time and passed; Ordered to be Engrossed

Reced from the Assembly by Mr. Sawyer & Mr. Jones A Bill to Establish a Ferry from Solleys Point to Relfes Point whereon the Court House now stands on Pasquotank River

On motion Read the third time & passed; Ordered to be Engrossed

Received from the Assembly, The Reports of the Committee of Accounts and the Reports of the Committee of Claims this and last sessions for the Concurrence of this House, which On motion were read & Concurred with And sent back to the Assembly.

Then the House adjourned till 10 °Clock tomorrow morning.

Saturday morning December 11th 1762. The House met according to Adjournment

Present

| | | | | |
|------------------------|---|-------------------|--|---------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } Esq ^{rs} |
| | | John Rutherford | Henry E. M ^c Culloch | |
| | | Lewis De Rossett. | Alex ^d M ^c Culloch | |
| | | Richard Spaight | | |

On motion, Ordered that the following Message be sent to the Assembly to wit.

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

Anthony Duboise having the last Session of Assembly put in a Claim for Ferriages of some Soldiers which was not then allowed of, but as we perceive that you have allowed this Session Joseph Moth Ferriage of the same soldiers Three Pounds Proclamation Money We would propose to you to make a Resolve to allow the said Duboise Six pounds, the rate of his Ferry being twice as much as that of Moths

By order

JN^o BURGWIN Clk.

10th December 1762

Received from the Assembly the following Message to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In Answer to a Message from His Excellency the Governor this House have Resolved that the sum of Four Hundred and Fifty Pounds Proclamation Money with Interest the Purchase Money for the Tower Hill Land be paid to His Excellency by Bills to be drawn at the Current Exchange out of the hands of James Abercrombie and Sam^l Smith Esq^{rs} in London, to which this House Desire your Hon^{rs} Concurrence

JN^o ASHE Speaker.

By Order W^m HERRITAGE Clk.

11th December 1762

On motion the foregoing resolve was read and taken into Consideration and Concurred with.

JAS HASELL P. C.

Then on Motion, Ordered that the Resolve of the Assembly of the 9th Instant relative to the Treasurer being Impowered to draw for the Money allowed this Province by the Parliament of Great Britain, be read. The same was accordingly read and taken into Considera-

tion, And Ordered that the following Message be sent to the Assembly, to wit

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On Considering your Resolve of the 9th Instant relative to the Treasurer being Impowered to draw for the Money allowed this Province by the Parliament of Great Britain We cannot agree thereto. But if you will make a Resolve of your House to Impower the Treasurer of the Southern district to draw for any sum not Exceeding three Thousand five Hundred Pounds Starting for the highest advance that can be got towards the discharging of Debts due by the Public for Contingences & payment of the Governor and no other purposes whatsoever And that the said Treasurer shall before he draw the said Bills Enter into Bond with Security in the sum of £10,000 Proclamation Money payable to the Governor or Com^r in Chief for the time being conditioned for his well and faithful Accounting for the same And that he be allowed One p cent for his trouble, We will agree to such a Resolve

By order

JN^o BURGWIN.

11th December 1762

On Motion Ordered that the following Message be sent to the Assembly to wit,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On Considering the Resolve of your House for Continueing James Davis Printer to this Province We cannot agree thereto, but if you will make a Resolve to Impower him to Print the Laws passed this Session and the Journal of this Assembly and allow him an Adequate sum for the same and for Transmitting the Laws to the Several Counties, we will concur therewith

By order

JN^o BURGWIN Clk.

11th December 1762

Received from the Assembly the following Resolves, to wit,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL.

This House have Resolved that the Treasurer do Provide new Gowns for the Door Keeper; & Mace Bearer to the Council And also to the Door Keeper and Mace Bearer to this House And that they pay the Charge thereof out of the Contingent Fund And that they

be allowed the same on passing their Accounts with the Public to which desire your Hon^{rs} Concurrence

JN^o ASHE Speaker

In the Assembly, 11th December 1762

By Order W^m HERRITAGE Clk

11th December 1762 In the Upper House Concurred with

By Order JN^o BURGWIN

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In Answer to your Message regarding the allowance to Anthony Duboise for Ferriage of some soldiers, This House have Resolved that the said sum of six pounds agreeable to your said Message be paid to the said Duboise for the Services aforesaid.

JN^o ASHE Speaker

In the Assembly 11th December 1762

By order W^m HERRITAGE Clk.

11th December 1762 In the Upper House Concurred with

JAS HASELL P C

By order J B. Clk.

On Motion the Resolve Relating to Timothy Clare Dated the 20th November was taken into Consideration and Concurred with.

Received from the Assembly their Estimate of allowance and Expences of that Clause [House] which was read, Concurred with and sent back.

Sent to the Assembly the Estimate of allowance and Expences of this House for their Concurrence And received the same back concurred with.

JN^o ASHE Speak^r

Received from the Assembly the following Resolve viz

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

This House have Resolved that James Davis Printer do Print the Laws passed this Session and the Journal of the Assembly and Transmit the said Laws to the several Counties in this Province And that he be paid by the Public Treasurers for the same the sum of Two Hundred Pounds Proclamation Money to which desire your Hon^{rs} Concurrence

JN^o ASHE Speak^r

By ord^r W^m HERRITAGE Clk

Received from the Assembly by Mr. Moore and Mr. Harvey the following Message to wit.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

We are sorry we cannot agree to the Purport of your Message relative to the Impowering the Treasurer to draw for only part of the Money belonging to this Province in the hands of James Abercrombie and Samuel Smith Esq^{rs} as We conceive it highly Necessary to draw for the whole of that Money least it sho^d be returned into the Treasury And thereby cause an Expence to this Province which should our Resolve take Effect will be Avoided We therefore hope your Hon^{rs} will Concur with the Resolve of this House sent you relative to the said Money

JN^o ASHE Speak^r

By ord^r W^m HERRITAGE Clk.
11th Dec^r 1762

His Excellency the Governor came to this House and Order'd the immediate Attendance of the lower House whereupon the Speaker attended by the Lower House waited on His Excellency Accordingly And presented to him the following Acts for His Assent.

1st An Act for Dividing this Province into five several Districts and for Establishing a superior Court of Justice in each &c

2nd An Act for Establishing Inferior Courts of Pleas and Quarter Sessions

3rd An Act to Impower the several Inferior Courts to Try all causes commenced in the late Inferior Courts when the Debt or Damage do not Exceed Fifty Pounds.

4th An Act Directing the method of Appointing Jury men in all Causes &c

5th An Act for making provision for an Orthodox Clergy &c

6th An Act for the better care of Orphans, &c

7th An Act appointing the method of distributing Intestates Estates

8th An Act for the Relief of poor Debtors as to the Imprisonment of their persons.

9th An Act for the further Continueing and Amending an Act for appointing a Militia and also to Amend and Continue One other Act Intituled an Act for appointing a Militia

10th An Act for the more easy recovery of Money due upon Promissory Notes &c

11th An Act to amend and continue An Act for Facilitating the Navigation of Port Bath &c

12th An Act to lay a Tax on the Inhabitants of several Counties of the District of Halifax Superior Court for to Build a Goalers House repair the Prison

13th An Act for Dividing Anson County

14th An Act for Establishing a Town on the Lands of John & W^m Russell Minors near the mouth of Cross Creek by the name of Campbellton &c

15th An Act for Establishing a Town on the Lands of W^m Heritage in Dobbs County

16th An Act to Enable the Com^{rs} of the Church of Edenton to discharge their Contracts &c

17th An Act for Increasing the salarys of Inspectors of Tobacco at Halifax &c

18th An Act to apply the Money already Levied on the Inhabitants of Currituck County by Virtue of an Act Intituled An Act for the Amendment of the Navigation &c

19th An Act to Enable Thomas Bonner Jun^r late Sheriff to collect Taxes &c

20th An Act for Enlargeing the Time allowed for Saving Lotts in the Town of Hertford &c

21st An Act for altering the method of working on the Roads in the Countys of Duplin Cumberland Rowan & Anson

22nd An Act to impower the Com^{rs} therein mentioned to make a Road thro' Colleys Swamp

23rd An Act to impower the Com^{rs} therein ment^d to make a Road through Regan Swamp

24th An Act to Establish a Road in Currituck County.

25th An Act to amend and further Continue an Act to Establish a Ferry from Newbys Point to Phelps Point on Perquimons River.

26th An Act to Establish a Ferry from Solleys Point to Relfes Point

27th An Act for Destroying Vermin in Orange & Other Counties

28th An Act to Encourage Joseph Howell to Build a Bridge over Tarr River

An Act for Establishing Vestries and other Purposes

An Act for Dividing Granville County

An Act for Ascertaining a proper place to Build a Court House &c In Edgecombe County

An Act for Destroying Crows Black Birds & Squirrels on the Sound in New Hanover County

To which Acts his Excellency was pleased to give his Assent Except the four last which he Rejected.

On motion ordered that the following Message be sent to the Assembly to wit

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

As our Clerk Omitted to make a Charge in the Estimate for the Use of the House in which we sit and the fire and Candles found by Mr. Peter Conway, We are to desire that you would make a Resolve that the said Peter Conway should be allowed the sum of Fifteen Pounds for the aforesaid Services

By order

JN^o BURGWIN

Received from the Assembly the foregoing Message concurred with

JN^o ASHE Speak^r

By Order W^m HERRITAGE Clk.

On motion Ordered that the following Message be sent to the Assembly, to wit,

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

On Reading your Resolve for allowing James Davis Two Hundred Pounds to Print the Laws passed this Session &c We think the Sum much too great for the service he is to perform and cannot agree thereto, Therefore would Propose that a Resolve be made to continue the Act Appointing him Printer for six Months longer

By Order

JN^o BURGWIN

11th Dec^r 1762

Then the House Adjourned till Monday Morning 10 °Clock

I hereby certifie that the foregoing Pages contain a true copy of the Journal of the Upper House of Assembly at November Session 1762.

JN^o BURGWIN Clk

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

At an Assembly begun and held at New Bern the third day of November in the third year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith, and so forth, and in the Year of our Lord One Thousand seven Hundred and sixty two, being the first Session of this Present Assembly.

Wednesday the 3^d November 1762.

Received Certificates from the Clerk of the Crown of the return of the Writs for Electing Members for the several Counties and Towns within this Province, to sit and vote in this Present Assembly, as follows, That is to say,

Chowan County—Mr. Francis Corbin, Mr. Edward Vail, Mr. William Boyd, Mr. John Vail, Mr. Joseph Creecy.

Dobbs County—Mr. Richard Caswell, Mr. Fran^s Mackilwean.

Pitt County—Mr. John Hardy, Mr. William Speir.

Craven County—Mr. Joseph Leech, Mr. Tho^s Pollock.

Currituck County—Mr. Will^m Cumming, Mr. Henry White, Mr. Samuel Barnard, Mr. Willis Ethridge, Mr. W^m Farebee.

Pasquotank County—Mr. Tho^s Taylor Sen^r, Mr. Sam^l Swann J^r, Mr. Thos Sawyer, Mr. Joseph Jones, Mr. Lem^l Sawyer.

Onslow County—Mr. Sam^l Swann, Mr. John Starkey.

Carteret County—Mr. John Backhouse, Mr. Rich^d Wallace.

Duplin County—Mr. Jos. Williams, Mr. Felix Kenan.

Tyrrill County—Mr. William Mackey, Mr. Edmund Smithwick, Mr. Stephens Lee, Mr. Francis Ward, Mr. William Currell.

Northampton County—Mr. Ant^r Armistead, Mr. Thomas Pace.

Bertie County—Mr. Cullen Pollock, Mr. George Pollock, Mr. William Gray.

Edenton—Mr. Samuel Johnston.

Hyde County—Mr. Thomas Smith, Mr. George Barrow.

Johnston County—Mr. Needham Bryan, Mr. John Hinton.

Bath Town—Mr. Wyriot Ormond.

Perquimons County—Mr. Benjamin Harvey, Mr. John Harvey, Mr. Thomas Bonner, Mr. William Skinner, Mr. Charles Blount.

New Hanover County—Mr. John Ashe, Mr. Alex^r Lillington.

Brunswick Town—Mr. Mau. Moore.

Beaufort County—Mr. John Barrow, Mr. James Ellison.

New Bern Town—Mr. Alexander Elmsley.

Pursuant to which the Forty five appeared.

Mr. Johnston and Mr. Caswell waited on his Excellency the Governor, and acquainted him that a Majority of the Members of this Assembly were met and being returned brought for Answer that his Excellency said he would send two of the Members of his Majesty's Council to qualify them.

Richard Spaight and John Sampson Esquires two of the Members of his Majesty's Council came to the House and the above Forty five Members took the Oaths of Government by Law appointed for their qualification, Subscribed the test and took their Seats.

His Excellency the Governor sent a Message requiring the attendance of the Members in the Council Chamber immediately.

The Members qualified waited on his Excellency the Governor in the Council Chamber. Then His Excellency directed them to return and make Choice of a Speaker and present him for his approbation.

The Members returned and Mr. Samuel Swann proposed and set up John Ashe Esquire for Speaker, and he was accordingly Chosen, and was placed in the Chair.

Two Members waited on his Excellency the Governor and acquainted him that the Members Agreeable to his Directions had made Choice of a Speaker and desired to know when they should wait on his Excellency and Present him, who on their return, Reported that his Excellency would receive the House at four o'clock afternoon.

Then the House Adjourned till half past 3 o'clock Afternoon.

P. M. The House met according to Adj^t

The House waited on his Excellency the Governor in the Council Chamber and presented John Ashe Esquire for their Speaker.

His Excellency was pleased to approve of their Choice, made a Speech to his Majesty's Council and this House, Mr. Speaker with the House returned, and Mr. Speaker acquainted the House that his Excellency made a Speech to his Majesty's Council and this House, a Copy of which to prevent mistakes he had obtained, and laid the same before the House.

Then on motion ordered the same be read, read the same, and is as follows, to wit,

[For the Governor's Speech see Journal of Upper House—EDITOR.]

Then on motion Mr. Elmsley, Mr. Swann, Mr. Starkey, Mr. Cor-

bin and Mr. John Harvey, are appointed a Committee to prepare an Address in answer to the Governors Speech and lay the same before the House for approbation.

Then the House adjourned till tomorrow morning 10 °Clock.

Thursday 4th November 1762. The House met according to Adjournment

The Clerk of the Crown returned Certificates of the Writs of Elections of Members for the following Counties, to wit, Cumberland, Edgcomb and Halifax whereby it appears that Mr. Hector M^eNeill and Mr. Alexander M^eAlister are Elected Members for Cumberland County Mr. Samuel Ruffin and Mr. Joseph Howell Members for Edgcomb County and Mr. Blake Baker and Mr. John Bradford Members for Halifax County who appeared, Except Mr. Alex^r M^eAlister and also appeared Mr. Thomas Pollock one of the Members of Craven County and Mr. Thomas Taylor one of the Members for Pasquotank County and took the Oaths by Law appointed for their Qualification subscribed the Test and took their Seats in the House.

On motion ordered that the Clerk of the Crown attend the House to answer whether he issued a Writ for Electing Members to serve in this Present Assembly for the County of Granville, Pursuant to which order the Clerk of the Crown appeared, and declared that such a Writ issued from his office for electing Members for the said County of Granville, answered in the affirmative. but no return of the Execution thereof, was yet made.

Resolved, that Thomas Person Sheriff of the County of Granville attend this House to shew wherefore he has not returned the Writ for Electing Members for the said County to sit in this Present Assembly

Ordered that the Clerk make out a Copy of the above order to be served on the said Thomas Person.

Mr. Swann moved that his Excellency be addressed to lay before the House the several repeals and other papers which his Excellency mentions in his Speech at the opening of this Session

Resolved his Excellency be addressed accordingly, as follows

SIR,

The Assembly desire your Excellency will be pleased to lay before them the several repeals and other papers you are pleased to mention in your Speech at the opening of the Session

JOHN ASHE Sp.

Ordered that Mr. Elmsley, Mr. Leech, Mr. Corbin, Mr. Maurice Moore, Mr. John Harvey, Mr. Charles Blount be appointed a Committee for stating and settling the Public Accounts and that Mr. Starkey, Mr. Bartram, Mr. John Barrow, Mr. Armistead, Mr. Smithwick, Mr. Lillington, and Mr. Cullen Pollock on the Claims, in Conjunction with such of his Majesty's Council as they shall think proper to appoint

And that the following Message be sent to his Majesty's Honorable Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

This House have appointed Mr. Elmsley, Mr. Leech, Mr. Corbin, Mr. Maurice Moore, Mr. Jn^o Harvey, and Mr. Charles Blount a Committee of this House to Examine state and settle the Public Accounts of this Province; And Mr. John Starkey, Mr. John Barrow, Mr. Armistead, Mr. Smithwick, Mr. Lillington, Mr. Cullen Pollock on the Claims in Conjunction with such of your Honors as you shall think proper to appoint

JOHN ASHE Sp.

Sent by Mr. Williams and Mr. Mackilwean

Mr. Baker moved that a Committee of Privileges and Elections be appointed and Mr. Corbin, Mr. Baker, Mr. Swann, Mr. Elmsley, Mr. John Barrow, Mr. Starkey, Mr. John Harvey, Mr. Cumming, Mr. Johnston, Mr. Caswell, Mr. Cullen Pollock, Mr. Benjamin Harvey, Mr. Samuel Swann Junr., Mr. Lillington and Mr. Ellison are accordingly appointed

Mr. Swann moved that a Committee of Propositions and Grievances be appointed, and Mr. Elmsley, Mr. John Barrow, Mr. McNeill, Mr. Smith, Mr. Johnston, Mr. Joseph Williams, Mr. Bryan, Mr. Starkey, Mr. Lillington, Mr. Thomas Pollock, Mr. Corbin, Mr. Samuel Swann Junr, Mr. John Backhouse, Mr. Howell, Mr. Bradford, Mr. Ormond, Mr. Currell, Mr. Mackilwean, Mr. Armistead, Mr. Charles Blount, and Mr. Henry White are accordingly appointed

Then the House Adjourned till 4 o'Clock Afternoon

P. M. The House met according to Adjournment

Having received from Mr. Burgwin private Secretary to his Excellency, Copies of Several Papers sent from his Excellency the Governor, the Clerk laid the same before the House, to wit,

1. A Copy of a Representation from the Board of Trade to his

Majesty upon the three Acts passed in the Province of North Carolina in May 1760. Dated 3^d December 1761

2. Copy of the repeal of the three Acts passed in May 1760, with the Copy of an order of Council of 14th December 1761

3. Copy of Letter from Lords of Trade to Arthur Dobbs Esquire Governor of North Carolina dated December 22^d 1761

4. Copy of a Representation from the Lords of Trade to his Majesty upon the three Acts Passed in the Province in North Carolina April 1761: with Sr Matthew Lamb's opinion Dated February 1762

5. Copy of Letter from the Lords of Trade, February 17th 1762

6. Copy of Letter from the Lords of Trade, April 14th 1762.

Ordered the same be read, The same were read

Ordered the several papers above mentioned lye on the Table for Consideration

Then the House Adjourned 'till 10 o'Clock Tomorrow morning

Friday 5th November 1762 The House met according to Adjournment

The Clerk of the Crown returned Certificates of the due Election of Cornelius Harnett Esq^r Representative for the Borough of Wilmington, and also a Certificate of the due Election of John Frohock and John Kerr Esquires Representatives for the County of Rowan, Pursuant to which Mr. Cornelius Harnett appeared

John Sampson and Alexander M^cCulloch Esquires two of the Members of his Majesty's Council came to the House, and the said Cornelius Harnett took the Oath by Law appointed for his qualification, Subscribed the Test and took his Seat in the House.

Mr. Johnston presented the Petition of Peter Blin complaining of an undue Election of Wyriot Ormond Gent for the Town of Bath

Resolved the said Petition be referred to the Committee of Privileges and Elections and that they report their doings thereon to the House

Then the House adjourned till 4 o'Clock Afternoon

P. M. The House met according to Adjournment

Mr. John Harvey produced the affidavit of Thomas Person Esq^r Sheriff of Granville County in which he says that no Writ of Election for Representatives for the County of Granville (if any issued from the Clerk of the Crown) ever came to his hands nor to the hands of any Person to his knowledge, nor that he is any wise privy to the Concealment of the same &c^a

Ordered the same be read, the same is read

Ordered the same lye for consideration

Mr. Swann from the Committee appointed to prepare an address in answer to his Excellency the Governors Speech at the opening of this Session, reported that the Committee had prepared an address in Answer to his Excellency's said Speech and laid the same before the House for approbation, which is ordered to be read, Read the same

Then on motion Resolved the House Resolve into a Committee of the whole House to Consider the said Address

The House Resolved into a Committee of the whole House, and unanimously Chose Mr. Starkey Chairman, after some time spent therein Mr. Speaker resumed the Chair and Mr. Chairman reported that the Committee had under Consideration the said Address, but not having time to go through the whole, desire leave to sit again to morrow.

Resolved the House resolve into a Committee of the whole House to morrow

Mr. Leech laid before the House the Deposition of Benjamin Person regarding the Indisposition of Thomas Person Esq^r Sheriff of Granville County in which is deposed, that the said Thomas Person was on Friday the 29th last Month Ill with a violent cold and Inflammation in one of his Legs, and that he believes was the only reason why the said Thomas did not attend this House, which was read, and likewise it appearing to the House by the affidavit of the said Thomas Person and otherwise that the Writ of Election for Members to serve in this Present Assembly never came to the hands of the said Thomas Person.

It is therefore ordered that his Excellency be Addressed to direct the Clerk of the Crown to issue a Writ for Electing two Members for the said County of Granville to sit and Vote in this Present Assembly as follows, to wit

SIR

It having been made appear to this House that the Writ for Electing Members to sit and Vote in this Present Assembly for the County of Granville never came to the hands of the Sheriff of that County; This House therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue a Writ to Elect two Representatives for the said County to sit and vote in this Present Assembly.

Then the House Adjourned till 10 °Clock Tomorrow Morning

Saturday 6th November 1762 · The House met according to Ad-journment

On Motion ordered Mr. Harnett be added to the Committee of Accounts

Mr. Harvey presented a Certificate from the County Court of Perquimons County thereby Certifying that John Morris of said County is a very poor Lame person and unable to get a Livelihood and recommending him to be exempt from paying public Taxes and doing Public Duties Granted

Mr. Baker presented a Certificate from the County Court of Edgcombe therein Certifying that John Bradly of said County is a poor person and recommending him to be exempt from paying Public Taxes and doing Public Duties, Granted

Mr. Boyd presented a Certificate from the County Court of Chowan thereby Certifying that Jacob Privet of said County is a very Infirm man and sixty three years of Age, and Recommending him to be exempt from Paying Public Taxes Granted

Mr. Smith presented a Certificate from the County Court of Hyde County thereby Certifying that Joshua Walls of said County is a lame man and very poor and recommending him to be exempt from paying Public Taxes and doing Public Duties Granted

Mr. Williams presented a Certificate from the County Court of Duplin thereby Certifying that Richard Adam of said County is a poor, lame and decreped man and unable to get his living and recommending him to be exempt from paying Levies Granted

The order of the Day being read the House Resolved into a Committee of the whole House and Mr. Chairman took the Chair, Then the Committee resumed the debates on the subject Matter of the Address, and after some time spent Mr. Speaker resumed the Chair Mr. Chairman reported that the Committee had considered the subject matter of the said Address and came to several Resolutions thereon, and acquainted the House therewith on which the House

Resolved the same stand the Address of this House and be entered on the Journal thereof, as follows, to wit,

To His Excell^y Arthur Dobbs Esq^{re} Capt: General Governor & Commander in Chief in and over His Majesty's Province of North Carolina.

The Address of the Assembly of the s^d Province

SIR,

We His Majesty's most Dutifull and loyal Subjects the Members

of the Assembly of the Province of North Carolina return your Excellency our thanks for your speech at the opening of this Session of Assembly and beg leave to congratulate your Excell^y on the great and glorious success of His Majestie's arms in the West Indies, in which we can never enough admire the courage and ardour of our troops and seamen which as your Excell^y justly observes neither sickness nor even death itself could abate. *

We rejoyce at the opportunity your Excell^y has at last afforded the Province of considering its interior Government which for some time past your Excellency has been pleased to refuse, but upon such conditions as were deem'd incompatable with its interest.

It is with the greatest concern we learn that His Majesty has been pleased to disallow of so many of our Acts of Assembly, and the more so as many of them in their effects and operation were of the utmost importance to the welfare and happiness of His Majesty's Subjects in this Province. The frequent repeals of our Laws for establishing Courts of Judicature makes us almost despair of ever being able to form a Law for that purpose which may be thought worthy of the royal Approbation, and when we examine the several Papers which your Exc^y has been pleased to lay before us, and consider of the reasons assigned for the repeal of the several Laws heretofore enacted for establishing Courts of Law we doubt we shall with difficulty be able to form any Act that may not be lyable to some or other of the exceptions taken to the several Court Laws already repeal'd, but as we observe the general plan of the Acts for establishing the several Superior and Inferior Courts lately repealed has not been disapproved of we shall proceed to prepare Laws as nearly as we can on the same principles taking care to leave them as little exceptionable as possible.

We do not know that this Assembly has ever made any opposition to or encroachment upon the just Prerogative of the Crown, and if your Excell^y is pleased to understand the appointment and qualification of the late Associate Justices as such an Opposition and Encroachment we desire your Excell^y will be pleased to permit us to mention in excuse of the Members of that Assembly at which the said Justices were appointed, that they had not only the example of our Mother Country as a Precedent but that then and even now the Judges of some other of His Maj.^{'s} Provinces in America are appointed in the same manner, & we humbly conceive it is not an absurd construction of the Act of Parliament for the further limita-

tion of the Crown and better securing the rights and liberties of the subject, to suppose it at least in the reason & intention of it to include as well His Majesty's subjects abroad as those at home, and the short experience we have had of the Act so much complained of convinces us that the utility of Judges of Law depends not more upon their learning and understanding than on their integrity and independence.

We are sorry to observe that the reasons for the repeal of the Laws for establishing Vestries and making Provision for an Orthodox Clergy have not been communicated that we might have taken proper notice of them in re-enacting the said Laws.

The other particulars your Excell^y has been pleased to recommend to us we shall not fail to pay a due attention to.

JOHN ASHE, Speaker

8. Nov^r 1762.

Mr. Starkey presented a Certificate from the County Court of Chowan thereby Certifying that John Owens of said County is an infirm man and recommending him to be exempt from Paying Public Taxes Granted

Mr. Needham Bryan presented a Certificate from the County Court of Johnston thereby Certifying that Stephen Strickland son of Samuel Strickland is an Idiot and incapable of getting his Living, and Recommending him to be Exempt from Paying Public Levies Granted

Mr. Needham Bryan presented a Certificate from the County Court of Johnston thereby Certifying that Charles Bury of said County is Blind and in low Circumstances, and Recommending him to be exempt from paying Public Taxes, and doing Public duties, Granted

Mr. Armistead presented a Certificate from the County Court of Northampton thereby Certifying that Joseph Gardener of said County is aged, his Limbs dislocated, and Troubled with a Rupture which have rendered him incapable of getting a Living, and Recommending him to be exempt from paying Public Taxes and doing Public duties; Granted.

Mr. Leech presented a Certificate from the County Court of Craven thereby Certifying that George Lewis of said County is aged, infirm and poor, and Recommending him to be exempt from paying Public Taxes and working on the Roads Granted

Mr. Leech presented a Certificate from the County Court of Craven

thereby Certifying that Edward M^cSwain of said County is sickly and infirm and recommending him to be exempt from paying Public Taxes and working on the Roads

John Sampson and Alexander M^cCulloch Esq^{rs} Members of his Majesty's Council came to the House, and Mr. William Skinner one of the Members of Perquimons County, and Mr. William Gray one of the Members for Bertie County appeared took the Oaths by Law appointed for their qualification, subscribed the test, and took their seats in the House.

Then the House adjourned till 9 °Clock Monday morning

Monday 8th November 1762 The House met according to Adjournment.

Then the House Adjourned till 2 °Clock Afternoon

P. M. The House met according to Adjournment

Received from the Council a paper purporting [to be] a Message signed by their Clerk only—as follows, to wit

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message relative to the Committee, We have appointed the Honorable John Rutherford, Richard Spaight, and Alexander M^cCulloch Esq^{rs} a Committee of this House to examine state and settle the public Accounts; and the Honorable Lewis De Rossett and John Sampson Esquires a Committee of this House to settle and allow the Public Claims In the upper House November 6th 1762

Resolved the same lye over for Consideration

Two members waited on his Excellency the Governor, and acquainted him the house had prepared an Address in answer to his Speech, at the opening of this Session, and Desired to know when his Excellency would be pleased to receive them, and being returned brought for answer that his Excellency desired the immediate attendance of the House in the Council Chamber

Mr. Speaker with the House waited on his Excellency the Governour in the Council Chamber, and Mr. Speaker presented the Address of this House to his Excellency who was pleased to return an answer thereof, a Copy of which to prevent mistakes Mr. Speaker acquainted the House he had obtained, and laid the same before

the House which is ordered to be read, read the same as follows, to wit

I return you my thanks for your congratulations in the great and Glorious success of his Majesty's Arms in the West Indies.

I am not conscious of having refused you an opportunity of considering the Interior Government of the Province, on the Contrary I have frequently by calling you together put it in your power to take the same into your Consideration and if by endeavoring to Infringe upon his Majesty's Just Prerogatives, I have been obliged to prorogue or dissolve you the blame must lie upon yourselves.

I shall not enter upon any discussion of your Pretensions against the Kings Prerogatives or my Instructions, but if, on your framing any Bills you will attend me with the heads of them, I shall let you know how far I can go in the passing of them.

Mr. Elmsley moved that a Committee be appointed to prepare and bring in a Bill for Establishing Superior Courts of pleas and Grand Sessions and regulating the proceedings therein, and Mr. Swann, Mr. Elmsley and Mr. Starkey are accordingly appointed.

Mr. Elmsley moved that a Committee be appointed to prepare and brings in a Bill for Establishing Inferior Courts of pleas and quarter Sessions within the several Counties in this Province, and Mr. Baker, Mr. Harnett and Mr. Caswell are accordingly appointed.

Mr. Elmsley moved that a Committee be appointed to prepare and bring in a Bill for the better care of Orphans and Security and better Management of their Estates, And Mr. Starkey, Mr. John Harvey, and Mr. Johnston are accordingly appointed.

Mr. Elmsley moved that a Committee be appointed to prepare and bring in a Bill for making provision for an Orthodox Clergy, and Mr. Cumming, Mr. Cullen Pollock and Mr. Barrow are accordingly appointed.

Mr. Johnston moved that a Committee be appointed to prepare and bring in a Bill for Establishing Vestries in the several Parishes within this Province, and Mr. Starkey, Mr. John Barrow, Col^o Benj^a Harvey, Mr. Blount, and Mr. Smith are accordingly appointed.

Mr. Swann moved that a Committee be appointed to prepare and bring in a Bill for Amending and Continuing the Act for Inspection of Tar, Pitch, Turpentine, Beef, Pork &c^a And Mr. Skinner, Mr. Blount, Mr. Caswell, Mr. Harnett, Mr. Lillington, Mr. Backhouse,

Mr. Baker, Mr. Leech, Mr. Sawyer, Mr. Bradford, Mr. Ward, Mr. Barnard, and Mr. Mackilwean are accordingly appointed

Then the House adjourned till 10 °Clock to-morrow morning.

Tuesday 9th November 1762. The House met according to Adjournment

Mr. Swann presented the Petition of Robert Jones jun^r Complaining of an undue Election of a Member to serve in this Present Assembly for the Town of Halifax. Praying the said Sheriff may be called upon to make a return of his Proceedings in the said Election and that the Petitioner may be admitted to prove his Alligations &c^a

Ordered the said Petition be referred to the Committee of Privileges and Elections.

Mr. Swann presented the Petition of Sundry Inhabitants of the said Province Complaining that by [law] free Negroes and Mulatto's are Compelable to Inlist their Wives and their Children at Twelve years of Age. Praying relief

Ordered the same lie for Consideration

Then the House Adjourned till 10 °Clock To morrow morning

Wednesday 10th November 1762. The House met according to adjournment

Mr. Leech presented a Certificate from the County Court of Craven thereby Certifying that John Chilley of said County is greatly afflicted with Convulsion fits, and recommending him to be exempt from Paying Public Taxes.

Ordered he be exempt accordingly during the time his Infirmary continues.

Mr. Leech presented a Certificate from the County Court of Craven thereby Certifying that John Reasonover of said County is infirm, and in very Indigent Circumstances, and recommending him to be exempt from paying Public Taxes. Granted

Mr. Blount moved that a Committee be appointed to prepare and bring in a Bill to continue and amend the Navigation Act, and Mr. Blount, Mr. Leach and Mr. Caswell are accordingly appointed

The Clerk of the Crown returned a Certificate of the due Election of Hugh Waddell and William Bartram, Esq^{rs} representatives for Bladen County, and also a Certificate of the due Election of Nathaniel Alexander and Anthony Hutchins Esq^{rs} Representatives for Anson County

John Sampson and Alexander McCulloch Esq^{rs} two of the Members of his Majestys Hon^{ble} Council came to the House, and Mr. Waddell, Mr. Bartram, Mr. Mackey, Mr. Sawyer, Mr. Vail, Mr. Hutchins, Mr. Alexander, and Mr. John Frohock appeared, took the Oaths appointed by Law for their qualification subscribed the Test and took their Seats in the House

Then the House adjourned till 4 °Clock Afternoon

P. M. The House met according to Adjournment

Then the House adjourned till 10 °Clock Tomorrow morning

Thursday 11th November 1762 The House met according to Adjournment

Then the House adjourned till 3 °Clock afternoon

P. M. The House met according to adjournment

Mr. Swann from the Committee appointed to prepare and bring in a Bill for Establishing Superior Courts of pleas and Grand Sessions and regulating the Proceedings therein, reported that the Committee had prepared the same, which he read in his place, and Delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Johnston and Mr. Baker

Mr. Barrow from the Committee appointed to prepare and bring in a Bill for making Provision for an Orthodox Clergy reported that the Committee had prepared the same, which he read in his place and Delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Cumming and Mr. Hutchins

Henry Eustace McCulloch and Alexander McCulloch Esq^{rs} two of the Members of his Majesty's Council came to the House and Mr. Joseph Jones one of the Members for Pasquotank County appeared took the Oaths by Law appointed for his qualification subscribed the test and took his Seat in the House

Then the House adjourned till 9 °Clock Tomorrow morning

Friday 12th November 1762. The House met according to Adjournment.

Mr. Starkey from the Committee of Privileges and Elections reported that the said Committee had taken the Petition of Peter Blinn referred to them by the House Complaining of an undue return of Wyriot Ormond Gent. for a Representative for Bath Town into Consideration heard the allegations and proofs on both sides and have Resolved that the said Wyriot Ormond is duly Elected and returned a Member for Bath Town.

Then on motion resolved the House Concur with the said report,

Mr. Starkey from the Committee appointed to prepare and bring in a Bill for the Better care of Orphans and Security and Management of their Estates Reported the Committee had prepared the same, which he read in his place, and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Smith and Mr. Taylor.

Mr. Elmsley moved a Committee be appointed to prepare and bring in a Bill for Continuing the Garrisons of Fort Johnston and Fort Granville and other purposes, and Mr. Elmsley, Mr. Starkey and Col^o John Harvey are accordingly appointed.

Mr. Baker from the Committee appointed to prepare and bring in a Bill for Establishing Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province reported the Committee had prepared the same which he read in his place, and delivered in at Table, where the same was again read by the Clerk passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Smith and Mr. Taylor.

Mr. Baker moved for leave to present a Bill to provide Indifferent Jurymen in all Causes Criminal and Civil,

Ordered he have leave accordingly.

Mr. Baker presented the above mentioned Bill which he read in his place and Delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Smith and Mr. Taylor.

Mr. Baker moved for leave to present a Bill for the more easy recovery of Debts due by Promissory Notes, and to render such Notes Negotiable

Ordered he have leave accordingly

Mr. Baker presented the above mentioned Bill which he read in

his place and Delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Baker and Mr. Lillington

Mr. Caswell from the Committee appointed to prepare and bring in a Bill to amend and continue an Act Intituled an Act to regulate the Inspection of Pork Beef, Rice, Flour, Butter, Indigo, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber and Deerskins, reported that the Committee had prepared the same which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Sent the same to the Council by Mr. Baker and Mr. Lillington

Received from the Council the Superior Court Bill Endorsed 12th November 1762, In the Upper House of Assembly read the first time and passed, and,

The Bill for making Provision for an Orthodox Clergy Endorsed 11th November in the upper House of Assembly read the first time and Passed.

Then the House Adjourned till half past 3 °Clock.

P. M. The House met according to adjournment

Received from the Council the following Bills, to wit,

The Bill to Establish Inferior Courts of pleas and quarter Sessions in the Several Counties &c^a

And the Bill for the Better care of Orphans and Security and management of their Estates, Endorsed 12th November 1762 In the upper House of Assembly read the first time and passed, and also,

A Bill to ascertain the Bounds of the several Counties within his Majestys District Endorsed 12th November 1762, In the upper House of Assembly read the first time and passed

On Motion ordered the Bill to ascertain the Bounds of the several Counties within his Majestys District, be read the first time, read the first time passed and ordered to be sent to the Council

Sent the said Bills to the Council by Mr. ——— and Mr. Harnett

Mr. Baker moved for leave to bring in a Bill to lay a tax on the Inhabitants of the several Counties in the District of Halifax Superior Court to rebuild the prison thereof and other purposes

Ordered that he have leave and that he prepare and bring in the same

Mr. Hutchins presented the petition of several of the Inhabitants of Anson County praying a Division of said County, and that a Bill be brought into the House for that purpose

Ordered that a Bill be brought in pursuant to the prayer of the said Petition and that Mr. Hutchins prepare and bring in the same
Then the House Adjourned till 9 o'clock Tomorrow Morning

Saturday 13th November 1762 The House met according to Adjournment

Mr. Kenan presented the petition of several of the Inhabitants of Duplin County Complaining of the great Inconveniences the Inhabitants and others lie under by the neglect of some of the Commissioners of the Roads in said County, Praying a Law may be brought in to vest the Authority of the said Commissioners in the County Court

Ordered Mr. Kenan prepare and bring in a Bill for that Purpose

Mr. Kenan presented a Bill for altering the Method of working on the Roads and appointing Public Ferries within the County of Duplin, which he read in his place and Delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Pollock and Mr. Harnett

Received from the Council the Bill for appointing Jurymen in all Causes Criminal and Civil

The Bill for the more easy recovery, of money due upon Promissory Notes and to render such notes Negotiable, Endorsed 12th November 1762. In the upper House of Assembly read the first time and passed, and,

The Bill to amend and Continue an Act to regulate the Inspection of Pork, Beef, &c^a Endorsed 12th November 1762 In the Upper House of Assembly, read the first time amended and passed

On motion Ordered the Bill for Establishing Superior Courts of Pleas and Grand Sessions and Regulating the proceedings therein be read, read the same,

Then on motion Resolved the House Resolve into a Committee of the whole House to Consider the Subject Matter of the said Bill

The House Resolved into a Committee of the whole House and chose Mr. Starkey Chairman, after some time spent therein, Mr. Speaker resumed the Chair, Mr. Chairman reported that the Com-

mittee had had the said Bill under Consideration and agreed to several Amendments thereto which the Committee read and directed him to report to the House,

Resolved, the House agree to the said Amendments, and that they be inserted in the said Bill accordingly

Ordered the said Bill pass with the amendments and be sent to the Council

Sent the same to the Council by Mr. Pollock and Mr. Harnett.

Mr. Armistead moved for leave to bring in a Bill to prevent Excessive and Deceitful Gaming.

Ordered he have leave Accordingly

Mr. Armistead presented the said Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, and

On motion, ordered the same be rejected.

Ordered that Mr. Bartram, Mr. Mackey and Mr. Frohock be added to the Committee of Claims

Then the House adjourned till 10 o'clock Monday morning

Monday 15th November 1762. The House met according to adjournment

Mr. George Barrow moved for leave to absent himself from the service of the House

Ordered he have leave Accordingly

On motion ordered the Bill to Establish Inferior Courts of pleas and quarter Sessions in the Several Counties in this Province be read the second time, read the same a second time,

Then on motion Resolved the House Resolve into a Committee of the whole House to Consider the Subject Matter of the said Bill

The House Resolved into a Committee of the whole House, and Mr. John Starkey was chosen Chairman who took the Chair accordingly, after some time spent therein,

On motion Mr. Speaker resumed the Chair

Mr. Chairman reported that the Committee had Considered the Subject matter of the said Bill and agreed on several amendments thereto which the Committee had directed him to report to the House and which he reported accordingly,

Resolved they be inserted in the Bill, and The House agree to the said Amendment

Then the House Adjourned till 10 o'clock To morrow morning

Tuesday 16th November 1762 The House met according to Adjournment

Mr. Starkey from the Committee of Priviledges and Elections reported that the said Committee had proceeded to Examine into the Allegations set forth in the Petition of Robert Jones Jun^r Complainining of the undue Proceeding of the Sheriff of Halifax County in taking the poll for Electing a Member for the Town of Halifax and Resolved that the proceedings of the said Sheriff at the said Election being without Writ are Null and Void, and that no Member is Elected for the said Town, and are of Opinion that the Petition of the said Robert Jones Jun^r [be] rejected.

To which the House Concurred

Ordered the Bill to Establish Inferior Courts of pleas and quarter Sessions &c^a, be sent to the Council with the amendments inserted therein yesterday.

Sent the same to the Council by Mr. Barrow and Mr. Hardy.

Mr. Starkey from the Committee appointed to prepare and bring in a Bill for Establishing Vestries and other purposes reported that the Committee had prepared the same, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Barrow and Mr. Hardy.

Received from the Council the following Bills, to wit,

The Bill to Ascertain the Bounds of the several Counties within his Majesty's District. Endorsed 15th November 1762. In the upper House of Assembly read the second time amended and passed

The Bill for altering the Method of working on the Roads and appointing Public Ferries within the County of Duplin. Endorsed 15th November 1762. In the upper House of Assembly read the first time and passed. And

A Bill for appointing Alexander Purdie printer to this Province. Endorsed 16th November 1762. In the Upper House of Assembly, Read the first time and passed.

Mr. Howell presented the petition of several of the Inhabitants of Edgecombe County complaining that the place called Redmans old Field is a very improper place to hold thereat the Court of the said County praying a Law may pass to appoint a Court House to be Built in the Town of Tarborough, for holding thereat the Court for the said County.

Mr. Ruffin presented the petition of several of the Inhabitants of said Edgcomb County complaining that the place called Redmans old Field is a very improper place for holding thereat the Court for the said County, praying a Law may pass to appoint some other place in the said County for holding thereat the said Court

Ordered Mr. Howell prepare and bring in a Bill for fixing a place within the said County for Building thereat a Court House &c^a.

Mr. Howell presented a Bill ascertaining a proper place for Building thereat a Court House, Clerks office, prison, Pillory and Stocks which he read in his place and Delivered in at the Table, where the same was again read by the Clerk passed, and ordered to be Sent to the Council.

Sent the same to the Council by Mr. Howell and Mr. Ruffin.

Mr. Waddell presented the Petition of Several of the Inhabitants of Bladen County, Praying a Law may pass for making a Road through Riggins Swamp at Johnstons Bluff to Wilmington &c^a which was read, and ordered a Bill be brought in pursuant to the Prayer of the said Petition.

Mr. Waddell presented a Bill to Impower and direct the Commissioners of the Districts hereinafter mentioned to lay out and make a Road through Regans Swamp in Bladen County to the Court House in the said County which he read in his place, and Delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Ormond and Mr. Caswell.

On motion ordered the Bill for appointing Alexander Purdie Printer to this Province be read the third time, read the same the first [third] time,

Then on motion, Resolved that by the Antient undoubted and Constitutional right and Privilege of this House all Bills by which any Tax is laid ought to take their rise in this House, and the said Bill in which a Tax is laid having taken its rise in the Council, whereby they have Infringed the said Right and privilege of this House, It is therefore, Resolved *Nem. Con.*—That the said Bill be rejected.

On motion ordered the Bill for the Better care of Orphans &c^a be read the second time, read the same a second time amended and passed.

Ordered the same be sent to the Council.

Sent the same to the Council by Mr. Ormond and Mr. Caswell.

On motion ordered the Bill for directing the Method of appointing Jurymen in all Causes Criminal and Civil, be read the second time, read the same a second time amended and passed.

Ordered the same be sent to the Council.

Sent the same to the Council by Mr. Ormond and Mr. Caswell.

On motion ordered the Bill for altering the method of Working on the Roads in the County of Duplin &c^a be read the second time, read the same a second time, amended and passed.

Ordered the same be sent to the Council.

Sent the same to the Council by Mr. Frohock and Mr. Kenan.

Then the House adjourned till 9 o'clock tomorrow morning.

Wednesday 17th November 1762. The House met according to Adjournment.

The Clerk of the Crown returned Certificates of the Election of Thomas Lloyd and Edmund Fanning Esquires representatives for the County of Orange, and of Robert Harris and Samuel Benton Esq^{rs} Representatives for the County of Granville. Two members waited on his Majesty's Council acquainted them the House desired they would direct some of their Members to come to the House and qualify the aforementioned Members.

Alexander M^cCulloch and Henry Eustace M^cCulloch Esquires Members of his Majesty's Council came to the House and Mr. Thomas Lloyd, Mr. Edmund Fanning, Mr. Robert Harris and Mr. Samuel Benton appeared took the Oaths by Law appointed for their Qualification subscribed the test and took their Seats in the House

Mr. Hutchins pursuant to order brought in a Bill for dividing Anson County &c which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Hutchins and Mr. Sawyer

Mr. Leech presented the petition of James Davis Printer setting forth that the Act of Assembly for appointing the said James Davis printer to this Province Expires with the end of this Session, Praying the said Act may be further continued &c^a

Ordered Mr. Leech prepare and bring in a Bill pursuant to the Prayer of the said Petition

Mr. Harvey moved for leave to bring in a Bill for enlarging the

time allowed for saving Lotts in the Town of Hertford and other purposes

Ordered he have leave accordingly

Mr. Harvey presented the Bill for enlarging the time allowed for saving Lots in the Town of Hertford and other Purposes, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Frohock and Mr. Kenan

Mr. Moore moved for leave to bring in a Bill for Erecting that part of New Hanover County called saint Philips Parish and the Lower part of Bladen County into a separate County &c^a

Ordered he have leave accordingly and that he prepare and bring in the same

Mr. Moore presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Moore and Mr. Harnett

Received from the Council the Bill for Establishing Superior Courts of pleas and Grand Sessions &c^a. Endorsed, 16th November 1762, In the upper House of Assembly read the second time and passed with amendments.

On Motion ordered the Bill to amend and continue an Act to regulate the Inspection of Pork, Beef &c^a be read the second time, read the same a second time amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Harris and Mr. Lloyd.

Received from the Council the following Bills, to wit,

The Bill for dividing the County of Anson,

The Bill for Erecting that part of New Hanover County called St Philips Parish, and the Lower part of Bladen County &c^a

The Bill to Impower and direct the Commissioners of the Districts hereafter mentioned to lay out and make a road thro' Regans Swamp in Bladen County &c^a

The Bill for enlarging the time allowed for saving Lots in the Town of Hertford &c^a

The Bill for ascertaining a proper place for building thereat a Court House prison and stocks in Edgecombe County Endorsed 17th November 1762 In the upper House of Assembly read the first time and Passed—and—

The Bill for altering the Method of working on the Roads and appointing Public Ferries within the County of Duplin &c^a Endorsed 17th November 1762, In the upper House of Assembly read the second time and passed.

Mr. Harris moved for leave to present a Bill for dividing the County of Granville and other Purposes.

Ordered he have leave accordingly

Mr. Harris presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

On motion ordered the Bill for making provision for an Orthodox Clergy, be read the second time, read the same a second time amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Harris and Mr. Lloyd

Then the House Adjourned till 9 o'Clock Tomorrow morning.

Thursday 18th November 1762 The House met according to Adjournment

Mr. Corbin presented the petition of several of the Inhabitants of Chowan County, Praying a tax may be laid on the said Inhabitants not less than three shillings proc. money to discharge the Workman for finishing the the Church at Edenton

Then on motion ordered Mr. Corbin prepare and bring in a Bill pursuant to the prayer of the said Petition

Mr. Waddell presented Certificates from the County Court of Bladen therein Recommending Thomas Bryan Jun^r John Swinney, Hennegan and John M^cFalter all of said County to be exempt from paying Public Taxes and doing Public duties Granted

Mr. Taylor moved for leave to present a Bill to amend and continue an Act Intituled an Act to Establish a ferry across from Solleys Point to Relfe Point whereon the Court House now stands on Pasquotank River

Ordered he have leave accordingly

Mr. Taylor presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent by Mr. Taylor and Mr. Sawyer

On motion ordered the Bill for Establishing Superior Courts of pleas and Grand Sessions and regulating the proceedings therein be

read a third time, read the same a third time amended, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Harnett, Mr. Fanning, Mr. Baker, Mr. Harvey, Mr. Lloyd and Mr. Pollock

Then the House Adjourned till 9 o'clock tomorrow Morning

Friday 19th November 1762 The House met according to Adjournment

Mr. Lillington moved for leave to absent himself from the service of the House till Tuesday next

Ordered he have leave accordingly

Mr. Smithwick presented a Certificate from Tyrrel County Court therein recommending John Blount of said County to be exempt from Paying Public and Parish Taxes Granted

Mr. Smithwick moved that a Committee be appointed to enquire into the complaint of several Indians regarding the pay due to them for their service &c^a and Mr. Starkey, Mr. Bryan, Mr. Williams, Mr. Smithwick and Mr. Hardy are accordingly appointed

Mr. Harnett moved for leave to present a Bill for confirming the Charter of the Borough of Wilmington and other purposes

Ordered he have leave accordingly

Mr. Harnett presented the aforementioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Harnett and Mr. Leech

On motion ordered the Bill to Establish Inferior Courts of pleas and quarter Sessions in the several Counties in this Province be read the third time, read the same a third time amended passed and ordered to be sent to the Council

Sent by Mr. Fanning and Mr. Cumming

Mr. Cumming moved for leave to bring in a Bill to apply the money already levied on the Taxable Inhabitants of Currituck County by virtue of an Act Intituled an Act to amend the navigation of Currituck Inlet

Ordered he have leave accordingly

Mr. Leech pursuant to order presented a Bill for further continuing an Act Intituled an Act, for appointing James Davis printer to this Province which he read in his place, and Delivered in at the Table where the same was again read passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Caswell and Mr. Blount.

Received from the Council the Bill for dividing Anson County &c^a and

The Bill for dividing the County of Granville &c^a Endorsed 17th November 1762 the last Endorsed 18th November 1762, In the Assembly read the first time and passed .

On motion ordered the Bill for Establishing Vestries and other purposes be read the second time, read the second time amended passed and ordered to be sent to the Council

Sent to the Council by Mr. Bartram and Mr. Jones

Received from the Council a paper purporting to be a Message

Then on motion Resolved the same lie for Consideration

Then the House adjourned till 9 o'clock Tomorrow Morning

Saturday 20th November 1762 The House met according to Adjournment

Mr. Starkey moved for leave to bring in a Bill for destroying Squirrels, Crows and black Birds in that part of New Hanover County called New Topsail

Ordered he have leave accordingly

Mr. Starkey brought in the aforementioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Bartram and Mr. Jones

Mr. Smithwick from the Committee appointed to enquire into the Complaint of several Indians &c^a Reported that it has been made to appear to the Committee that the said Complaint is groundless except as to seven pounds and ten shillings which sum Capt Charles Cogdell satisfied them; and also produced an account from Timothy Clear for Provisions and Liquor found and provided for the Indians amounting to fifteen pounds three shillings and ten pence, which the House approved of, and allowed, and Resolved that the said sum be paid the said Timothy Clear out of the Contingent fund by the Public Treasurers and that the said Treasurers be allowed the same on passing their account with the Public

Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have Resolved that Timothy Clear be paid the sum of Fifteen pounds three Shillings and ten pence proc money by the public Treasurers out of the Contingent Fund, and that the said

Treasurers be allowed the same on passing their Accounts with the Public, and desire your Honors Concurrence thereto

JOHN ASHE Sp

Sent by Mr. Bryan and Mr. Williams

The order of the Day being read the House took into consideration the Paper purporting to be a Message from the Council of yesterday, and Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your Message of yesterday evening, We are sorry to find that the Bill for Establishing Superior Courts of Pleas and Grand Sessions within this Province, as passed by us on its third reading has not met with your approbation.

We had before and have again duly considered the several clauses by you proposed to be altered but in Justice to our Country ourselves and Posterity We do not think ourselves at Liberty to concur with you in every of your amendments.

We are truly sensible of the advantages of having Associate Judges And should rejoice to have them on such a footing as might in all probability Answer the purpose of their Appointment, the securing the Lives Liberty and Property of the People but in our Opinion it is better to submit to the Inconveniences you mention than run the risque of having Judges Obtruded on us who perhaps may be utter Strangers to our Laws and must upon your plan hold their appointments on the precarious footing of the pleasure of a Commander in Chief and we know not whom His Majesty may think proper to set over us in that character, We cannot therefore agree that the several Clauses relative to the Associate Judges *dele'd* by us on our third reading should be reinstated As to that part of the Bill respecting Courts of Oyer and Terminer We cannot agree that the same should stand as inserted by you, but will consent that the Governor or Commander in Chief for the time being shall be empowered to Issue a Commission of Oyer and Terminer directed to the Chief Justice or the Associate Judge of the Salisbury District within his District; as the case may be, and that the Clause relating to Jurors on such Commissions should stand as by you inserted, And we do not Know the same was *dele'd* by us on our third reading

To avoid Anarchy and Confusion which must necessarily follow the want of Courts of Law, We will agree that the salary of the Associate Judge by us intended for the Salisbury District be increased

from Fifty to Seventy five pounds for each Court he shall hold, And we do not conceive there is any inconsistency in allowing the Judge of one Court to practice the Law in another As this is common in our Mother Country.

We therefore hope you will agree to the Bill with the alterations above mentioned only, and signifye the same to this House in which case we shall send some of our Members to see them made accordingly

JN^o ASHE Speaker.

By Order W^m HERRITAGE Clk.
20th November 1762

On motion ordered the Bill to Impower and direct the Commissioners of the district hereafter mentioned to lay out and make a road through Regans Swamp in Bladen County, to the Court House in the said County be read the second time, read the same a second time amended and passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Kenan and Mr. Bartram.

Received from the Council the Bill for confirming the Charter of the Borough of Wilmington &c^a Endorsed November 1762, In the upper House read the first time and passed.

On motion ordered the Bill for altering the method of working on the Roads and apointing Public Ferries within the County of Duplin &c^a be read the third time, read the same a third time passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Kenan and Mr. Bartram.

On motion ordered the Bill for enlarging the time allowed for saving lots in the Town of Hertford &c^a be read the second time, read the same a second time passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Kenan and Mr. Bartram

On motion ordered the Bill to ascertain the Bounds of several Counties within his Majesty's district, be read the second time, read the same a second time, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Kenan and Mr. Bartram

John Sampson and Alexander M^cCulloch Esq^{rs} two of the Members of his Majestys Hon^{ble} Council came to the House and Mr. Henry Winborn one of the Members for Hertford County, and Mr. Alexander M^cAlister one of the Members for Cumberland County appeared took the oaths appointed by Law for their Qualification subscribed the test and took their seats in the House

Mr. Gray moved for leave to absent himself from the service of the House till Thursday next

Ordered he have leave accordingly.

Then the House Adjourned 'till 9 o'Clock Monday morning

Monday 22^d November 1762. The House met according to Adjournment

Mr. Armistead moved for leave to present a Bill to prevent abuses in strays

Ordered he have leave accordingly

Mr. Armistead presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Armistead and Mr. M^cAlister

Mr. John Harvey moved for leave to present a Bill, to amend and further continue an Act, Intituled an Act to Establish a Public Ferry from Newby's Point to Phelps Point whereon the Court House now stands on Perquimons River

Ordered he have leave accordingly

Mr. Harvey presented the above mentioned Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Skinner and Mr. Harvey

On motion ordered the Bill for dividing the County of Anson &c^a be read the second time, read the same a second time, amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Harnett and Mr. Leech

Then the House Adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment

Mr. Baker moved for leave to bring in a Bill for adding that part of a Road belonging to the North East District in New Hanover County called Negrohead Point to the Wilmington District,

Ordered he have leave accordingly.

Mr. Baker presented the above mentioned Bill which he read in his place and Delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Mr. Leech moved for leave to present a Bill for Establishing a Post through this Province

Ordered he have leave accordingly

Mr. Leech presented the above mentioned Bill which he read in

his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Harnett and Mr. Leech.

Received from the Council the Bill for altering the Method of working on the Roads and appointing Public Ferries within the County of Duplin &c^a Endorsed 22^d November 1762. In the Upper House of Assembly read the third time and passed

Ordered to be Engrossed

Also the following Message, to wit,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Upon reading your Message in Answer to ours relative to the Bill for Establishing Superior Courts of pleas and Grand Sessions within this Province, We are sorry to find that you have not agreed to our so reasonable Amendments, But we will, in order that it may operate for the purposes intended, agree to *dele* every thing regarding the Associate Justice of Salisbury, and to have one Associate Judge appointed to have equal Authority with the Chief Justice throughout the Province, provided a suitable Salary is allowed for such Associate, so to be Appointed, the equity and necessity of such an amendment being obvious we hope for your Concurrence thereto, and that you will send two of your Members to see such amendments made, otherwise we cannot pass the Bill

22^d November 1762.

Then on Motion Resolved the following Message be sent to the Council, Viz^t

GEN^l OF HIS MAJESTYS HON^{ble} COUNCIL

We are Extreemely sorry to find by your Message of this day that you start new difficulties to the Passing the superior Court Bill We hoped this Increasing the Salary of the Salisbury Associate Justice would have Obviated all further Objections; with respect to Associates with equal power with the Chief Justice We are very sensible they may be of the greatest utility to the Province Provided the manner of their appointment was such as may render them Independent but as it seems we have it not in our power to appoint them on such a reputable footing We cant help Acquainting you

that we cannot with Character to ourselves or Justice to our constituents agree to the amendments proposed by your Message

JN^o ASHE Speak^r

By order W^m HERRITAGE Clk
22^d Nov^r 1762

Mr. Cumming moved for leave to present a Bill to Establish a Public Road from the Court House in Currituck County across the great Swamp to the Bridge on North River &c^a

Ordered he have leave accordingly

Mr. Cumming presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council •

Sent the same to the Council by Mr. Farebee and Mr. Ethridge

Then the House adjourned till 9 °Clock tomorrow Morning

Tuesday 23^d November 1762 The House met according to Adjournment

Mr. Hardy moved for leave to present a Bill for destroying Squirrels in several Counties.

Ordered he have leave accordingly.

Mr. Hardy presented the afore mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent by Col. Taylor and Mr. Hardy.

Mr. Kenan moved for leave to bring in a Bill for Establishing a Town on the North East Branch of Cape Fear River in Duplin County

Ordered he have leave accordingly

Mr. Kenan presented the aforementioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Kenan and Mr. Williams

Mr. Elmsley moved that the Governor be addressed to direct the Clerk of the Crown to issue a Writ for Electing a Member for the Town of Halifax no writ having issued to the Sheriff of Halifax for electing a Member for the said Town at the late General Elections

Received from the Council the following Bills, Viz^t

The Bill to Impower and direct the Commissioners of the District hereafter mentioned to lay out and make a road through Regans

Swamp in Bladen County &c^a. Endorsed 23^d Nov. 1762. In the upper House of Assembly read the second time and passed

The Bill to prevent abuses in Strays.

The Bill to amend and further continue an Act Intituled an Act to Establish a Public Ferry from Newbys point to Phelps Point &c^a

The Bill to amend and Continue an Act Intituled an Act to Establish a Ferry from Solley's point to Relfe's Point &c^a.

The Bill for adding that part of a Road belonging to the North East District in New Hanover County called Negrohead point to the Wilmington District. Endorsed 23rd Nov. 1762. In the upper House of Assembly read the first time and passed.

And the Bill to Ascertain the Bounds of the several Counties within his Majesty's district. Endorsed 23^d November 1762. In the upper House of Assembly read the third time and passed.

Then the House Adjourned till 3 °Clock Afternoon

P. M. The House met according to Adjournment

Mr. Armistead moved for leave to absent himself from the service of the House.

Ordered he have leave accordingly

Then the House adjourned till 9 °Clock Tomorrow morning.

Wednesday 24th November 1762. The House met according to Adjournment.

Mr. Swann moved that a Committee be appointed to prepare and bring in a Bill for dividing this Province into five several districts and for Establishing a Superior Court of Justice in each of the said districts, and regulating the Proceedings therein, And Mr. Swann, Mr. Baker, and Mr. Starkey are accordingly appointed.

Then on motion Resolved the House Resolve into a Committee of the whole House to Consider the Subject matter of the said Bill, The House Resolved into a Committee of the Whole House to consider and choose Mr. John Harvey Chairman who took the Chair accordingly, after some time spent therein, the Committee came to several Resolutions, and directed Mr. Chairman to report the same to the House.

Then on motion Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had agreed to several amendments to the said Bill which he read in his place, and to which amendments the House concurred, and ordered the same to be inserted in the Bill.

The same are Inserted accordingly, then the question was put if the said Bill pass, and was carried in the Negative.

On motion ordered the following Bills be read, to wit,

The Bill for dividing the County of Granville and other Purposes a second time, read the same a second time, amended passed and ordered to be sent to the Council.

The Bill to amend and continue an Act Intituled an Act to Establish a Ferry from Solleys Point to Relfes Point &c^a a second time, the same is read a second time, and the question put if the Bill pass, and passed in the Negative.

The Bill to amend and further continue an Act Intituled an Act to Establish a Public Ferry from Newby's Point to Phelps Point &c^a a second time, read the same a second time passed and ordered to be sent to the Council.

Sent by Mr. Harris and Mr. Blount.

The Bill to prevent Abuses in Strays a second time, and the question put if the said Bill pass and was carried in the Negative.

Mr. Ormond moved for leave to absent himself from the service of the House till Monday next.

Ordered he have leave accordingly.

Then the House adjourned till 9 o'clock tomorrow morning.

Thursday 25th November 1762 The House met according to adjournment

Mr. Baker moved for leave to absent himself from the service of the House

Mr. Smithwick moved for leave to absent himself from the service of the House,

Ordered he have leave accordingly

Mr. Kenan moved a Committee be appointed to bring in a Bill to continue and amend the Militia Law, and Mr. Harvey, Mr. Waddell, Mr. Harnett, Mr. Caswell and Mr. Kenan are accordingly appointed.

Mr. Bartram moved for leave to present a Bill to Impower and direct the Commissioners of the district herein mentioned to lay out and make a road from John Howards Ferry on Black River thro' Colleys Swamp to the N^o W^t River in Bladen County

Ordered he have leave accordingly

Mr. Bartram presented the aforementioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, Passed and ordered to be sent to the Council.

On motion ordered the Bill for ascertaining a proper place for

Building thereat a Court House, Clerks office, prison and stocks for the County of Edgcomb be read the second time, read the same a second time, passed and ordered to be sent to the Council

Mr. Baker according to order brought in a Bill for laying a Tax on which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Then the House adjourned till 4 °Clock in the afternoon

P. M. The House met according to Adjournment

Mr. Elmsley moved for leave to present a Bill appointing the Method of distributing Intestates Estates,

Ordered he have leave accordingly

Mr. Elmsley presented the aforementioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Mr. Harnett moved for leave to present a Bill for the Encouraging the raising Hemp and Flax

Ordered he have leave accordingly

Mr. Harnett presented the above mentioned Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Gray and Mr. M^cNeil.

Mr. Elmsley presented the Petition of John Campbell with an account against the Public, Praying an allowance for two Cannon delivered to Captain M^cNair for the use of Fort Johnston

Ordered the same be referred to the Committee of Claims

Then the House adjourned till 10 °Clock Tomorrow morning.

Friday 26th November 1762. The House met according to Adjournment

Mr. Swann from the Committee appointed to bring in a Bill to divide this Province into five several districts, and for Establishing a Superior Court of Justice in each of the said districts and regulating the Proceedings therein, Reported that the Committee had prepared the said Bill which he presented to the House,

Ordered the same be read, read the same passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Johnston and Mr. Baker

Mr. Barrow moved for leave to present a Bill to Impower Thomas

Bonner Jun^r to receive and collect the Taxes due in the Counties of Beaufort and Pitt, for the Year 1760.

Mr. Barrow presented the said Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Currell and Mr. Sawyer

Mr. Caswell presented a Petition of several of the Inhabitants of the upper part of Craven County Praying that the upper part of Craven County running on a direct line from the Mouth of South West Creek to Harrison's Ferry on Trent River may be added to Dobbs County

Mr. Caswell moved for leave to present a Bill pursuant to the prayer of the said Petition, on which the question was put and Passed in the Negative.

Mr. Corbin pursuant to order presented a Bill to enable the Commissioners of the Church of Edenton to discharge the Contracts by them made with the workmen employed in Finishing the inside of the said Church, which he read in his place and delivered in at the Table where the same was again read by the Clerk, Passed and ordered to be sent to the Council.

Sent by Mr. Boyd and Mr. Vail

On Motion ordered the Bill for adding that part of a Road belonging to the North East District in New Hanover County called Negro-head point to the Wilmington district, be read a second time, read the same a second time, then the question was put if the said Bill pass, and passed in the Negative, and the same is rejected.

Received from the Council the following Bills, Viz^t

The Bill for destroying Squirrels in several Counties

The Bill to apply the Money already Levied on the Taxable Inhabitants of Currituck County &c

The Bill for establishing a Post through this Province

The Bill for Establishing a Town on the North East Branch of Cape Fear River in Duplin County.

The Bill to Establish a Public Road from the Court House in Currituck County, across the Great Swamp &c^a—and—

The Bill for destroying Squirrels Endorsed, 23^d November 1762, In the Upper House of Assembly read the first time and passed

The Bill to lay a Tax on the Inhabitants of the several Counties in the District of Halifax Superior Court, to repair the Public prison, thereof, &c^a

The Bill to direct and Impower the Commissioners of the district

herein mentioned to lay out and make a road from John Howards Ferry on Black River through Colley's Swamp &c^a Endorsed, 26th November 1762, In the upper House of Assembly read the first time and passed.

The Bill for enlarging the time allowed for saving Lots in the Town of Hertford,

The Bill for dividing the County of Anson and other purposes, Endorsed 23^d November 1762 In the upper House of Assembly read the second time and passed

The Bill to amend and further continue an Act, Intituled an Act, to Establish a Public Ferry from Newby's Point to Phelps Point &c^a in Perquimons County, and Endorsed 26th November 1762, In the upper House of Assembly read the second time and passed, and

The Bill for ascertaining a proper place for Building thereat, a Court House prison, Pillory and Stocks in Edgcombe County Endorsed, 26 November 1762, In the Upper House of Assembly read the second time and passed with Amendments

Mr. Elmsley moved for leave to present a Bill for Increasing the Salaries of the Inspectors of Tobacco, at the Ware House in the Town of Halifax

Ordered he have leave accordingly

Mr. Elmsley Presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent by Mr. Lloyd and Mr. Taylor

Received from the Council the Bill for dividing this Province into five several districts and for Establishing a Superior Court of Justice in each of the said districts, and regulating the Proceedings therein Endorsed, 26th November 1762, In the upper House of Assembly read the first time and passed

On motion ordered the Bill for dividing this Province into five districts and for Establishing a Superior Court of Justice in each of the said Districts, and regulating the Proceedings therein be read a second time, read the same a second time amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Lloyd and Mr. Taylor.

Then the House Adjourned till 9 o'Clock Tomorrow Morning

Saturday 27th November 1762 The House met according to Adjournment

Mr. Moore moved for leave to present a Bill for laying out a Town

on the Lands of John and William Russell Minors sons of John Russell deceased on the West side of the west Branch of Cape Fear River near the Mouth of Cross Creek by the name of Campbelton and other purposes

Ordered he have leave accordingly

Mr. Moore presented the afore mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Moore and Mr. Bartram.

On Motion ordered the Bill for destroying Squirrels &c^a in that part of New Hanover County called New Topsail Sound, be read a second time Read the same a second time, amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Lillington and Mr. Kenan.

Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to Adjournment

Then the House Adjourned till Monday Morning 9 o'clock.

Monday 29th November 1762. The House met according to Adjournment

Mr. Bryan ordered the Bill for destroying Squirrels in several Counties be read a second time, read the same a second time, amended passed and ordered to be sent to the Council

Sent by Mr. Hutchins and Mr. Winborn

Received from the Council the Bill for Dividing this Province into five several Districts and for Establishing a Superior Court of Justice in each of the said Districts, and Regulating the Proceedings therein. Endorsed 29th November 1762. In the Upper House of Assembly read the second time and passed.

It having been signified to the Members of this House that the Bill for Increasing the Salary of the Inspectors of Tobacco at the Ware House in the Town of Halifax has been considered in the Council as a Private Bill, and stopt for the non Payment of Fees.

On Motion Resolved *Nem. Con.* The same is not such a private Bill as Intitles the officers of either House to fees thereon,

Resolved that no fees due on any Bill that may be presented to this House, but such as relate to and confer a Particular Emolument on Particular Persons, and that all Bills relating to Particular Roads, Ferries, Bridges, Inspections, all Bills for establishing Towns and dividing Counties may be presented and passed without fees and

that heretofore no fees have ever been Demanded on any such Bill in this House.

Received from the Council the following Bills, Viz^t

The Bill for appointing the Method of Distributing Intestates Estates.

The Bill to enable the Commissioners of the Church of Edenton to discharge the Contracts by them made with the Workmen employed in Finishing the inside of the said Church, and,

The Bill for Increasing the Salary of the Inspectors of Tobacco at the Ware House in the Town of Halifax. Endorsed 29th November 1762. In the upper House of Assembly read the first time and passed.

On Motion ordered the Bill for Dividing this Province into five several Districts &c, and Regulating the proceedings therein be read the third time, read the same the third time amended, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Frohock and Mr. Baker.

Then the House adjourned till 5 °Clock Afternoon

P. M. The House met according to Adjournment

Mr. Sawyer moved for leave to absent himself from the service of the House

Ordered he have leave accordingly

Mr. Jones moved for leave to absent himself from the service of the House

Ordered he have leave accordingly

Then the House Adjourned till Tomorrow morning 11 °Clock

Tuesday 30th November 1762 The House met according to Adjournment

Then the House Adjourned till 3 °Clock Afternoon

P. M. The House met according to Adjournment

Then the House Adjourned till 8 °Clock Tomorrow morning

Wednesday 1st December 1762 The House met according to Adjournment

On motion ordered the Bill for Erecting that Part of New Hanover County called St Philips Parish and the Lower part of Bladen County into a Seperate County by the name of County, be read a second time, read the same a second time,

Then Mr. Moore moved for leave to alter the Title of the said Bill.

Ordered he have leave, and the same is accordingly altered.

Ordered the said Bill pass with amendments and be sent to the Council.

Sent the same to the Council by Mr. Moore and Col^o Waddell.

On motion Resolved that Mr. Swann, Mr. Elmsley and Mr. Baker prepare an address to his Majesty, in Conjunction with his Majestys Council to request his Majesty that he would be graciously pleased to repeal the Act for appointing Tower Hill for fixing the seat of Government at, and to appoint as the most proper place for fixing thereat the seat of Government, and that the following Message be sent to his Majestys Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have Resolved to address his Majesty in Conjunction with your Honors to repeal the Act appointing Tower Hill for fixing the seat of Government at, and to appoint some other place as more proper for that Purpose, and have appointed Mr. Swann, Mr. Elmsley, and Mr. Baker a Committee of this House to join such of your Honors as you shall think proper for that Purpose

JOHN ASHE Sp.

1st December 1762

Ordered the Bill to Impower and direct the Commissioners of the district hereafter mentioned to lay out and make a road through Regans Swamp in Bladen County to the Court House in Bladen County, be read the third time, read the same a third time passed and ordered to be sent to the Council,

Sent the same together with the above Message by Mr. Bartram and Mr. Ethridge

Received from his Excellency the Governor a Written Message, as follows,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

By the Act Intituled the Tower Hill Act, passed in December 1758 the General Assembly Purchased from me a Tract of Land called Tower Hill for four hundred and Fifty pounds Proclamation Money at the Legal Proportion of Proclamation Money to sterling, as I paid the Value in English Bills at that proportion, and by the said Act still in force, I was ordered to be paid that sum by the Commissioners

as soon as the dividend of the £50,000 which was to be fixed for this Province should be paid into our Agents hands in London, the Money has been Lodged for some time, but no way fixed for me to receive the principal and four years Interest due this Month, since the purchase from which time I never Interfered with The Land nor received any Benefit from it, I therefore depend upon the justice of this Assembly that they will take the same into their Consideration, and that they would give proper Directions that I may be paid the sum due to me out of the money now Lodged that the Public may avail themselves of their Purchase

ARTHUR DOBBS

December 1st 1762

Resolved the same lie for Consideration

On motion ordered the following Bills be read a second time Viz^t

The Bill to apply the Money already Levied on the Taxable Inhabitants of Currituck County by Virtue of an Act Intitled an Act for the Amendment of the navigation of Currituck,

The Bill to Establish a Public Road from the Court House in Currituck County across the great Swamp to the Bridge on North River near the Indian Town, Read the said two Bills a second time amended, passed, and ordered to be sent to the Council, and,

The Bill for Establishing a Town on the North East Branch of Cape Fear River in Duplin County, read the same a second time passed and ordered to be sent to the Council

Mr. Harvey from the Committee appointed to bring in a Bill for Continuing and amending an Act, for appointing a Militia &c^a reported the said Committee had prepared the said Bill which he read in his place and Delivered in at the Table where the same was again read by the Clerk passed, and ordered to be sent to the Council,

On motion ordered the following Bills be read, Viz^t

The Bill to enable the Commissioners of the church of Edenton to discharge the contracts by them made with the workmen employed in Finishing the Inside of the said church be read the second time, read the same a second time passed and ordered to be sent to the Council.

The Bill to impower and direct the Commissioners of the district herein mentioned to lay out and make a Road from John Howards Ferry on Black River thro' Colley's Swamp &c^a. Read a second time amended passed, and ordered to be sent to the Council.

The Bill to amend and further continue an Act Intitled an Act to

Establish a Public Ferry from Newbys Point to Phelps Point whereon the Court House now stands in Perquimons County be read the third time, read the same a third time, passed and ordered to be sent to the Council.

Mr. Caswell moved for leave to present a Bill to amend an Act Intituled an Act for the relief of Poor Debtors as to the Imprisonment of their persons.

Ordered he have leave accordingly.

Mr. Caswell presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

On motion ordered the Bill for ascertaining a proper place for building thereat a Court House, Prison, Pillory and Stocks in Edgcomb County be read a third time, read the same a third time amended passed and ordered to be sent to the Council.

Sent the above nine Bills by Mr. Caswell and Mr. Howell.

Received from the Council the following Message, Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On Reading the third time the Bill for dividing the Province into five several districts and for Establishing a Superior Court of Justice in each of the said districts and regulating the Proceedings therein, We propose the following Amendments, Viz^t

That one Associate should be inserted instead of two for the districts of Wilmington, Newbern, Edenton and Halifax.

That the said Associates should receive the same fees as the Chief Justice upon the Proving of Deeds, Acknowledgements of Letters of Attorney &c^a

That on Granting Original Attachments the party Praying shall swear to his debt to the best of his knowledge

That Three Justices should be inserted instead of three Freeholders to Inspect whether Goods attached are Perishable,

That no Associate should be appointed in the Salisbury District the Associate Judge being Sufficient having only that Court to attend, to which if you agree, we desire you will send such of your Members as you shall think proper to see the above Amendments Inserted In the upper House 1st December 1762

On Reading the above Message Resolved the following Message be sent to the Council in answer thereto, Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

On reading your Message relative to the amendments by you proposed to the Bill for dividing this Province into five several districts and for Establishing a Superior Court in each of the said districts and regulating the Proceedings therein, this House agree thereto, and send Mr. Harvey and Mr. Harnett, and Mr. Cumming three of the Members thereof, to see the same inserted

JOHN ASHE Speaker

1st December 1762

Then the House Adjourned till 4 °Clock Afternoon.

P. M. The House met according to Adjournment

On motion ordered the Bill appointing the Method of Distributing Intestates Estates be read the second time, read the same a second time, passed and ordered to be sent to the Council

The Bill for increasing the Salarys of the Inspectors of Tobacco at the Ware House in the Town of Halifax be read the second time, read the same the second time passed and ordered to be sent to the Council

The Bill for laying a tax on the Inhabitants of the district of Halifax Superior Court and other Purposes be read the second time, read the same a second time amended passed and ordered to be sent to the Council

Sent the above three Bills to the Council by Mr. Elmsley and Mr. Baker

Received from the Council the following Message, Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message relative to addressing his Majesty to repeal the Act appointing Tower Hill for fixing the seat of Government and appointing some other place more proper for that purpose have appointed the Hon^{ble} Jn^o Rutherford Lewis De Rossett and John Sampson Esquires a Committee of this House to Join the Committee of yours for that purpose, In the upper House 1st December 1762

Then the House Adjourned till 9 °Clock Tomorrow Morning

The House met according to Adjournment

On Motion ordered the Bill for dividing the County of Anson and

for other purposes be read the third time, read the same a third time amended passed, and ordered to be sent to the Council

Sent by Mr. Hutchins and Mr. Alexander

Received from the Council the Bill for dividing this Province into five several districts and for Establishing a Superior Court of Justice in each of the said Districts and Regulating the proceedings therein, Endorsed, 1st December 1762, In the upper House of Assembly read the third time amended and passed, and

Ordered to be Engrossed,

On Motion ordered the Bill for the more easy recovery of money due upon Promissory Notes, and to render such notes Negotiable, be read the second time, read the same a second time amended passed and ordered to be sent to the Council

Sent by Mr. Hutchins and Mr. Alexander

Mr. Fanning moved for leave to bring in a Bill for destroying Vermin in Orange County and Granville County,

Ordered he have leave and that he prepare and bring in the same.

On Motion ordered the Bill for Enlarging the time for saving Lots in the Town of Hertford, be read the third time read the same the third time Passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Sawyer and Mr. Barrow

On Motion ordered the Bill for Establishing a post through this Province be read the second time, read the same a second time passed and ordered to be sent to the Council

Sent by Mr. Sawyer and Mr. Barrow.

Received from the Council the Bill directing the method of appointing Jurymen in all Causes Criminal and Civil, Endorsed, 2^d December 1762, In the upper House of Assembly read the second time amended and passed

And also the Following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill to Establish Inferior Courts of pleas and quarter Sessions in the Several Counties in this Province We propose the following Amendments, Viz^t

To *set* the following Clause, in the second Page, "Provided always that nothing herein contained shall be construed or deemed to extend to any Persons qualifying under a General Commission of the peace"

To *dele* in several places in the said Bill the words, "Superior Courts of Pleas and Grand Sessions" and insert Superior Courts of

Justice, and in the last Clause to *dele* the words "first of December" and to insert the first day of January, to which if you agree, we desire you will send such of your Members as you think proper to see the same made.

In the upper House—2^d December 1762.

Mr. Taylor moved for leave to present a Bill to establish a ferry from Solley's Point to Relfe's Point &c

Ordered he have leave accordingly

Mr. Taylor presented the above mentioned Bill which he read in his place, and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent by Mr. Sawyer and Mr. Barrow

Resolved the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your Message of this day relating to the Bill for Establishing Inferior Courts of pleas and quarter Sessions, We think your Amendment respecting the Gen^l Commissioners of the peace unnecessary, because we know of no such Commissions in use amongst us, and think the Introduction of them of Pernicious Consequence, besides we are of opinion such Commissions are against Law, therefore we hope you will pass the Bill without this Amendment, if so we shall send some of our Members to see the other Amendments made

2^d December 1762.

JOHN ASHE Sp.

Mr. Baker from the Committee appointed to prepare an address to his Majesty reported that the Committee have prepared the same, which he presented to the House.

Ordered the same be read, read the same, and Resolved the same stand the Address of this House, and be entered on the Journal thereof, and is as follows, to wit.

To the Kings most Excellent Majesty.

The Humble Address of the Assembly of North Carolina

MOST GRACIOUS SOVEREIGN.

We your Majesty's most dutiful and Loyal Subjects the Assembly of North Carolina beg leave to Express our sincere and unfeigned

Joy on the Glorious success of your Majesty's Arms in the present just and necessary War, in the Course of which the greatest Lustre has been reflected on your Majesty's wise and prudent Administration, and which we doubt not will Terminate in the Glory and Honor of your Majesty and lasting peace and security of your subjects.

Permit us most Gracious Sovereign to assure your Majesty of our most Firm and Loyal attachments to your Majesty's family and Government which we shall on all Occasions exert our most strenuous and ardent efforts to support and defend with our Lives and Fortunes: From a due sense of your Majesty's Paternal regard for your Subjects in General, and recollecting with the strongest Sentiments of Gratitude the many Instances of your Royal favour and Benevolence to your Distant Colonies, We most humbly beg your Majestys Permission to represent, That Your Majesty's Subjects in this Province, have for many years past been subjected to the greatest disadvantages and difficulties for want of a place Established for the seat of Government.

The place appointed at Tower Hill on Neuse River in the year of our Lord one Thousand seven Hundred and Fifty eight has since been found entirely unfit and Improper for that Purpose lying at a great distance from any navigable Water and at Certain Seasons of the year Extremely difficult of access, to most of the Inhabitants of this Province, for which reasons there does not appear the least Probability, that the same will ever be settled and Inhabited by a sufficient Number of Inhabitants for accomodating the Officers of Government, Members of the General Assembly, and others Concerned in Transacting Public Business with any tolerable degree of Convenience

Having it therefore in Charge from our Constituents to use our utmost endeavours to obtain a speedy redress of this Grievance, and having fully and Impartially Examined as well the situation and extent of this your Majesty's Province, as the Number of Inhabitants in the Several Counties thereof, We most humbly Pray, your Majestys leave to recommend to your Majesty the Town of New Bern in Craven County as being in our Humble opinion more Central and Convenient than any other part of this Province for holding thereat, the Court of Chancery keeping the Records of the Secretary's office, and Transacting the Business of the Public; and Humbly implore your Majesty that you will be graciously^d pleased to repeal the Act appointing the said Tower Hill for the Seat of

Government and that your Majesty will signify your Royal approbation of the Town of New Bern, as a proper place for the purpose aforesaid, whereby we may be permitted to Erect a suitable House for the Residence of your Majesty's Governors and such other Edifices as may be requisite of the safe keeping the Public Records, and for other public Uses

Received from the Council The Bill to amend and Continue an Act Intituled an Act to Regulate the Inspection of Pork, Beef, Flour, Butter &c^a Endorsed 2^d December 1762 In the Upper House of Assembly read the second time amended and passed.

Resolved the following Message be sent to His Excellency the Governor Viz^t

To His Excellency Arthur Dobbs Esquire Captain General Governor &c^a

SIR

This House have taken into Consideration the many disadvantages and Inconveniences to which this Province has long been Exposed from the want of a Proper place Established for the seat of Government, and being desirous, as far as lies in our Power to procure a Redress of this Grievance, have Resolved to present their Humble Address to his Majesty beseeching him that he would be Graciously pleased to repeal the Act of Assembly passed at Edenton in 1758 for fixing the Seat of Government at Tower Hill, and to signify his Royal approbation of the Town of New Bern as a proper place for the purpose aforesaid, and being duly sensible how far the success of such Address depends on your Excellencys Concurrence with an approbation of the Same, beg leave to request your Excellency would be pleased to assist, with your best Endeavours our Humble Sollicitations for removing the Grievances aforesaid

JOHN ASHE Sp.

2^d December 1762.

Received from the Council the Bill to lay a tax on the Inhabitants of the Several Counties of the district of Halifax Superior Court &c^a Endorsed, 2^d December 1762, In the upper House of Assembly read the second time, amended and passed, and,

The Bill for Encouraging the raising of Hemp and Flax, Endorsed, 2^d December 1762, In the upper House of Assembly read the first time and passed,

Mr. Howell moved for leave to bring in a Bill to Encourage Joseph Howell to build a Bridge over Tar River at or near the place called Howells Ferry at Tarborough in Edgcombe County

Ordered he have leave accordingly

Mr. Howell brought in the aforementioned Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, Passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Howell and Mr. Ruffin

Then the House Adjourned till 4 °Clock Afternoon

P. M. The House met according to Adjournment

Mr. Caswell moved for leave to present a petition of the Inhabitants of Dobbs County praying a Town may be laid and Established on the Land of William Herriage in the County aforesaid, on the N^o side of Neuse River, at a place called Atkins Banks &c^a

Then on motion ordered that Mr. Caswell present a Bill pursuant to the Prayer of the said Petition

Ordered he have leave Accordingly

Mr. Caswell Presented the aforementioned Bill which he read in his place, and delivered in at the Table where the same was again read by the Clerk Passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Caswell and Mr. Mackilwean

Mr. William Boyd one of the Members of this House Informed the House that he was insulted and contemptuously abused by one Christopher Neale, and moved that the said Christopher Neale be brought before this House, to answer for the said Contempt,

Ordered the said Christopher Neale be sent for in Custody of the Serjeant at Arms, to answer at the Bar of this House for such his said Contempt, and that Mr. Speaker issue his Warrant accordingly

Then the House Adjourned till 9 °Clock Tomorrow morning

Friday 3^d December 1762 The House met according to Adjournment.

The Serjeant at Arms acquainted the House that he had taken into his Custody Christopher Neale pursuant to Mr. Speakers Warrant for that Purpose.

Ordered the said Serjeant bring the said Christopher Neale to the Bar of this House.

Christopher Neale appeared at the Bar of this House and being charged with abusing and Contemptuously using Mr. Boyd one of

the Members of this House, in Contempt and Breach of the Privileges of this House.

The Allegations against the said Christopher Neale, and the proofs and allegations of the said Christopher Neale, the House on hearing, Resolved that the said Christopher Neale be discharged from Custody without paying fees

Mr. Fanning pursuant to order presented a Bill for distroying vermin in Orange and Granville Countys, which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Mr. Baker moved for leave to present a Bill to amend an Act, Intitled an Act, concerning Servants and Slaves.

Ordered he have leave accordingly

Mr. Baker presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read, passed, and ordered to be sent to the Council

On motion ordered the Bill to amend and Continue an Act to Regulate the Inspection of Beef, Pork, Rice, Flour, Butter &c^a be read the third time, read the same a third time, amended, passed and ordered to be sent to the Council

Sent by Mr. Lloyd and Mr. Lillington.

Received from the Council the Bill to Impower and direct the Commissioners of the District herein mentioned to lay out and make a Road from John Howards on Black River &c amended and passed.

The Bill for Erecting that part of New Hanover County called Saint Philips Parish &c^a into a Separate County &c^a Endorsed 3^d December 1762, In the upper House of Assembly read the second time and Passed.

The Bill for destroying Squirrels and Crows and Blackbirds in that part of New Hanover County called New Topsail Sound, Endorsed 2^d December 1762, In the upper House read the second time and Passed, and,

The Bill for the further Continuing and amending an Act, for appointing a Militia and also to amend and continue one other Act Intitled an Act, for appointing a Militia Endorsed, 3^d December 1762, In the upper House of Assembly read the first time and passed

The Bill to Impower Thomas Bonner Jun^r late Sheriff of Beaufort County, to receive and Collect an arrearages of Taxes due in the County of Beaufort, Endorsed, 3^d December 1762, In the upper House of Assembly, read the first time and passed, and,

The Bill for Establishing a Town on the Lands of John and William Russell Minors, sons of John Russell deceased, on the West side of the North West Branch of Cape Fear River &c^a Endorsed 3^d December 1762. In the upper House of Assembly read the first time and passed, and,

The Bill for dividing the County of Granville and other purposes, Endorsed 3^d December 1762. In the upper House of Assembly read the second time and passed.

The Bill to Encourage Joseph Howell to Build a bridge over Tar River &c Endorsed 3^d December 1762, In the upper House of Assembly read the first time and passed.

The Bill to Enable the Commissioners of the Church of Edenton to discharge the Contracts by them made &c^a

The Bill appointing the Method of Distributing Intestates Estates

The Bill for Increasing the Salaries of the Inspectors of Tobacco at the Ware House in the Town of Halifax, and,

The Bill for destroying Squirrels in several Counties, Endorsed 3^d December, 1762 In the upper House of Assembly read the second time and passed.

The Bill to amend an Act Intitled an Act, for the relief of Poor Debtors as to the Imprisonment of their persons, and

The Bill for Establishing a Town on the land of William Herri- tage at a place called Atkin's Banks in Dobbs County. Endorsed 3^d December 1762. In the upper House of Assembly read the first time and passed.

The Bill for establishing Vestries and other Purposes, Endor-ed 3^d December 1762. In the upper House of Assembly read the second time amended and passed.

On motion ordered the Bill to Impower Thomas Bonner Jun^r late Sheriff of Beaufort County to Collect the Arrearages of Taxes due in the Counties of Beaufort and Pitt be read the second time, read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr. Lloyd and Mr. Lillington.

Received from the Council the following Message, Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading your Message of Yesterday we cannot but observe with equal surprise and concern upon that manifest want of Decorum which appears upon the face of it; a Proper Respect is certainly due by the different Branches of the Legislature to each

other, and we are sorry to find ourselves under a necessity in this Public Manner of resenting the mode of Expression which you have made use of, in your last Message, Taxing us as a Branch of the Legislature with insisting upon the Introduction of Commissions unknown, contrary to Law, and in their Consequences Pernicious, are charges that we cannot pass over in silence Especially as we are fully convinced that you cannot be Ignorant that General Commissions to enable the Members of his Majesty's Council and officers of the Crown to act as Conservators of the peace, are neither unknown to you in their consequences or against Law, We therefore must insist upon the amendments proposed by us to the Bill for Establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province; to which if you agree, you will send such of your Members as you think Proper to see the same made.

3^d December 1762. In the upper House.

The same being read, ordered that Mr. Elmsley, Mr. Johnston, and Mr. Starkey prepare an Answer to the foregoing Message, and present the same to the House.

Then the House Adjourned till 4 °Clock Afternoon.

P. M. The House met according to Adjournment.

On Motion ordered the Bill for Establishing a Town on Cross Creek on the Land of John and William Russell sons of John Russell deceased, be read a second time, read the same a second time amended passed, and ordered to be sent to the Council

Sent by Mr. M^eNeil and Mr. M^eAlister

Mr. Elmsley from the Committee appointed to prepare an Answer to the Message of this day to the Council reported that the Committee had prepared the same which he read in his place as follows, to wit,

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

We are sorry to Observe our Message of yesterday relateing to the Bill for Establishing Inferior Courts should have been so far misunderstood by you as to be thought Void of Decency and Decorum. We are truly sensible a proper respect is certainly due from the different Branches of the Legislature to each other and We flatter ourselves this House has not been hitherto wanting in that respect. But with concern we are obliged to observe that if the mode of Expression in our Message only is to be thought a sufficient foundation

for the singular complexion of yours We despair of being ever able to escape the Imputation of the want of Decency and Decorum.

We are well satisfied that general Commissions to Enable the Members of His Majestys Council and the Officers of the Crown to Act as Judges of the Inferior Courts are not only new but altogether unnecessary, And as they can be of little benefit and may be prejudicial to the Public We think the Introduction of them ought to be avoided; Whether such Commissioners are against Law or not, can not be made a Question as no part of the Bill tends to Invalidate them, and if they should not be agreeable to our Consideration as in our Opinion they are not, Its surely improper to give a sanction to them; therefore we hope you will pass the Bill with the Amendments agreed to by us in our former Message as we cannot agree to any other, that so the Bill may pass into a Law.

JOHN ASHE Speaker

By Order W^m HERRITAGE Clk
3^d December 1762

The order of the day being read regarding the Consideration of his Excellency's Message, Resolved the same lie over till To morrow for Consideration.

Then the House Adjourned till 9 °Clock Tomorrow Morning.

Saturday 4th December 1762. The House met according to Adjournment

Received from the Council the following Bills—Viz^t

The Bill for Ascertaining a proper place for building thereat a Court House Prison, Pillory and Stocks in Edgcombe County, and

The Bill to amend and Further Continue an Act Intitled an Act to Establish a Public Ferry from Newby's Point to Phelps Point whereon the Court House now stands in Perquimons County. Endorsed 2^d December 1762. In the upper House of Assembly read the third time and passed.

Ordered to be engrossed.

The Bill for making Provision for an Orthodox Clergy. Endorsed 4th December 1762. In the upper House of Assembly read the second time and passed, and

The Bill to Impower and direct the Commissioners of the districts hereafter mentioned to lay out and make a Road thro' Regans Swamp in Bladen County to the Court House in the said County, Endorsed

2^d December 1762. In the upper House of Assembly read the third time and Passed

Ordered to be Engrossed

On Motion ordered the Bill to amend an Act, Intituled an Act for the relief of Poor debtors as to the Imprisonment of their Persons be read the second time, read the same a second time, amended passed, and ordered to be sent to the Council

The Bill for Establishing a Town on the Land of William Herri- tage called Atkin's Banks in Dobbs County &c^a be read a second time, read the same a second time, amended passed and ordered to be sent to the Council

On motion ordered the Bill for laying out a Tax on the Inhabit- ants of the district of Halifax Superior Court &c^a be read the third time, read the same a third time amended passed and ordered to be sent to the Council

Sent the above three Bills by Mr. Caswell and Mr. Baker.

The order of the day being read the House took into considera- tion the Message from his Excellency of the 1st Instant, regarding the payment of £450 Pro^e due to his said Excellency for the Land called Tower Hill, and Resolved that his Excellency the Governor be paid by the Public Treasurer the sum of four Hundred and Fifty pounds Proc Money with Lawful Interest for the same from the 23^d November which was in the year 1758, until the same shall be paid, and that the following Message be sent to his Excellency Viz^t

To His Excellency Arthur Dobbs Esq^r Captain General Governor
&c^a

SIR—

This House have Resolved that your Excellency be paid the sum of £450 proc money with Interest by Bills to be drawn at the Current Exchange for that sum on the money belonging to this Province in the hands of James Abercrombie and Samuel Smith Esquires in London

JOHN ASHE Sp

Mr. Gray moved for leave to absent himself from the service of the House

Ordered he have leave accordingly

Mr. Pace moved for leave to absent himself from the service of the House

Ordered he have leave accordingly.

Resolved, that the Treasurers of this Province be Impowered to draw by Bills at the highest Current Exchange on James Abercrombie and Sam^l Smith Esq^{rs} for whatever sum or sums of Money shall be in their Hands of the Proportion of the Parliamentary Grant, allowed to this Province, and that the money arising therefrom after deducting the sum of £650, for discharging Debts owing by the Province to Mr. Jouvencal and Mr. Bacon to be applyed by the said Treasurers in aid of the Tax for defraying the Contingent charges of Government, and that a Copy of this Resolve and the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have Resolved that the Treasurers be impowered by Bills of Exchange to Draw for the Money allowed to this Province by Parliament, and now in the hands of James Abercrombie and Samuel Smith Esquires to which resolve we desire your Honors Concurrence

JOHN ASHE Sp.

Then the House adjourned till 4 °Clock afternoon

P. M. The House met according to Adjournment

On motion ordered the Bill for destroying Vermin in Orange and Granville Countys &c^a be read the second time, read the same a second time amended passed and ordered to be sent to the Council.

Sent by Mr. Moore and Mr. Swann

On motion ordered the Bill to Encourage Joseph Howell to Build a bridge over Tar River at or near the place called Howells Ferry &c^a be read the second time, read the same a second time amended passed and ordered to be sent to the Council

Sent by Mr. Moore and Mr. Swann

Then the House adjourned till 9 °Clock Monday morning

Monday 6th December 1762 The House met according to Adjournment

On motion ordered the Bill for the further Continueing and amending an Act, for appointing a Militia, and also to amend and Continue one other Act, Intitled an Act for appointing a Militia be read the second time, [read the second time,] amended passed and ordered to be sent to the Council

Sent to the Council by Mr. Bartram and Mr. Benton

Received from His Excellency the Governor the following Message Viz^t

MR. SPEAKER

The Great Number of Bills before you necessary to be passed has prolonged this Session to five weeks, and for the convenience of the Members it will be necessary soon to put an end to the Session by a Prorogation, besides my health, requires that I should return home before the Winter sets in; I must therefore Recommend it to you to Expedite all the necessary Bills before you, and to postpone such as may lie over until next Session, and only to proceed to such things as are at present necessary for the Welfare and Safety of this Province

ARTHUR DOBBS

On motion ordered the Bill for dividing the County of Granville and other purposes be read the third time, read the same a third time, amended passed and ordered to be sent to the Council

On motion ordered the Bill for Destroying Squirrels Crows and Black Birds in that part of New Hanover County called New Topsail Sound be read the third time, read the same a third time amended passed and ordered to be sent to the Council

Sent the above two Bills by Mr. Bartram and Mr. Benton

On motion ordered the Bill for the Encouraging the raising of Hemp &c^a be read the second time, read the same a second time and amended

Then the motion was made that the said Bill with the Amendments pass, the question was put and passed in the negative and the said Bill is rejected.

On motion ordered the Bill for erecting that part of New Hanover County called St Philips Parish be read a third time, read the same a third time, Then the motion was made that the said Bill pass and the question put and passed in the Negative, and the said Bill was rejected accordingly

Received from the Council the following Message Viz^t

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

On reading a third time a Bill for dividing the County of Granville and other Purposes We find you have on your third Reading left a Blank in the said Bill which we suppose was through mistake, and ought to have been filled up with the words Prince George, and tho our Inserting the words was agreeable to the Title of the

Bill yet as our amending on our third Reading even in the most Trivial Expression might have a Tendency to Interrupt that Confidence which ought to subsist between the two Houses, we thought necessary to acquaint you of such mistake, that you might send such of your Members as you think proper to see the same rectified 6th December 1762 In the upper House

On reading the above Message Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In answer to your Message regarding the mistake in the Bill for dividing the County of Granville and other purposes by leaving a Blank therein, which you Mention ought to be filled up with the words (Prince George) If such a Blank was left, it was thro' the mistake of the Clerk and we now send two of the Members of this House to see such mistake rectified by Inserting the said words you mention

JOHN ASHE Sp.

6th December 1762

Sent by Mr. Moore and Mr. Swann

On motion ordered the Bill for Increasing the Salarys of the Inspectors of Tobacco, at the Ware House in the Town of Halifax be read the third time, read the same a third time, passed, and ordered to be sent to the Council

On motion ordered the Bill for destroying Squirrels in several Counties be read the third time, read the same a third time, amended passed and ordered to be sent to the Council

On motion ordered the Bill to Establish a Public Road from the Court House in Currituck County across the great Swamp to the Bridge on North River near the Indian Town be read the third time, read the same a third time, Passed and ordered to be sent to the Council

On motion ordered the Bill to Impower and direct the Commissioners of the district herein mentioned to lay out and make a Road from John Howards Ferry on Black River thro Colleys Swamp on the North West River in Bladen County be read the third time, read the same a third time amended passed, and ordered to be sent to the Council

Sent the above four Bills by Mr. Hutchins and Mr. Ward
Then the House Adjourned till 4 °Clock Afternoon

P. M. The House met according to Adjournment

On Motion ordered the Bill to Impower Thomas Bonner Jun^r late Sheriff of Beaufort County to receive and collect the arrears of Taxes due in the Counties of Beaufort and Pitt, be read the third time, read the same a third time, Passed, and ordered to be sent to the Council

On Motion ordered the Bill appointing the Method of distributing Intestates Estates be read the third time, read the same a third time, amended passed, and ordered to be sent to the Council

Sent the above two Bills by Mr. Elmsley and Mr. Swann

Received from the Council the Bill for the more easy recovery of money due upon Promissory Notes and to render such Notes Negotiable. Endorsed 6th December 1762. In the upper House of Assembly read the second time amended and passed

The Bill for the further Continuing and amending an Act for appointing a Militia, and also to amend and continue one other Act, Intitled an Act for appointing a Militia. Endorsed 6th December 1762. In the upper House of Assembly read the second time and passed, and

The Bill for Destroying Squirrels, Crows and Blackbirds in that part of New Hanover County called New Topsail Sound. Endorsed 6th December 1762. In the upper House of Assembly read the third time and passed.

Ordered to be Engrossed

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN,

In answer to your Message relative to the amendments we proposed to the Bill for Establishing Inferior Courts of pleas &c^a We find that you have at last proposed an amendment that may answer the end We had in View, and therefore agree that the Penal Clause should be extended only by the Justices of the Inferior Courts, and desire you'll send some of your Members to see the Same and the other amendments you before agreed to made in the Bill

In the upper House 6th December 1762.

MR. SPEAKER AND GENTLEMEN.

On reading a third time the Bill to lay a tax on the Inhabitants of the Several Counties of the districts of Halifax Superior Court to

repair the Public prison thereof, and other purposes, We propose to strike out the name of Peter Copeland, and Insert in his stead the Hon^{ble} Alexander McCulloch Esq^r to which if you agree, We desire you will send some of your Members to see the Alteration made.

Resolved the following Message be sent to his Majesty's Council
Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House herewith send two of the Members thereof, to see the Amendments proposed in their Message sent this day to you, to the Bill for Establishing Inferior Courts of Pleas and quarter Sessions in the several Counties in this Province, and also to see the name of the Hon^{ble} Alexander McCulloch Esq^r Inserted in the Bill to lay a tax on the Inhabitants of &c, in place of Peter Copeland as it stood in the Bill when sent to you.

JN^o ASHE Speak^r.

6th December 1762.

Sent by Mr. Elmsley and Mr. Swann.

Then the House Adjourned 'till 9 o'Clock Tomorrow Morning.

Tuesday 7th December 1762. The House met according to Adjournment

On Motion ordered the Bill for the further continueing and amending an Act for appointing a Militia, and also to amend and Continue one other Act Intitled an Act for appointing a Militia be read the third time, read the same a third time amended passed and ordered to be sent to the Council

On Motion ordered the Bill to Enable the Commissioners of the Church of Edenton to discharge the Contracts by them made with the Workmen Employed in finishing the inside of the said Church be read the third time, read the same a third time passed and ordered to be sent to the Council

On Motion ordered the Bill for the more easy Recovery of money due upon Promissory Notes &c^a be read the third time, read the same &c passed and ordered to be sent to the Council

On Motion ordered the Bill for appointing Jurymen in all Causes Criminal and Civil be read the third time, read the same a third time, amended passed and ordered to be sent to the Council

Sent the above four Bills by Mr. Ormond and Mr. Ward

On Motion ordered the Bill to amend an Act Intituled an Act, Concerning Servants and Slaves be read the second time, read the same the second time then the Motion was made that the said Bill pass, and the question put, and passed in the Negative, and the said Bill is Rejected

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have taken into consideration the necessity of Establishing a seat of Government in this Province, Have Resolved that an Humble Address be Presented his Majesty requesting him to signify his Royal disallowance of the Act for appointing Tower Hill the seat of Government; and that we should be pleased to approve of the Town of New Bern as a proper place for Transacting the Business of the Public an address for that purpose is herewith sent for your Concurrence, and approbation

JOHN ASHE Sp

7th December 1762

On motion ordered the Bill for making Provision for an Orthodox Clergy be read the third time, read the same a third time amended passed and ordered to be sent to the Council

On motion ordered the Bill for Establishing Vestries and other purposes be read the third time, read the same a third time, passed and ordered to be sent to the Council

Sent the above two Bills by Mr. Baker and Mr. Frohock

Received from the Council the following Bills Viz^t

The Bill for the more easy recovery of Money due upon Promisory Notes, and render such Notes Negotiable

The Bill directing the Method of appointing Jurymen in all Causes Criminal and Civil and

The Bill to Establish a public Road from the Court House in Currituck County across the great Swamp to the Bridge on North River near the Indian Town, Endorsed 7th December 1762, In the upper House of Assembly, read the third time and passed

Ordered to be Engrossed

The Bill for Establishing Inferior Courts of pleas and quarter Sessions in the Several Counties in this Province, and,

The Bill for dividing the County of Granville, and other purposes, Endorsed 7th December 1762, In the upper House of Assembly read the third time amended and passed

Ordered to be engrossed

And also, The Bill to Encourage Joseph Howell to Build a Bridge over Tar River at or near the place called Howells Ferry at Tarborough in Edgecombe County, Endorsed 7th December 1762, In the upper House of Assembly, read the second time, amended and passed Received from the Council the following Message Viz^t .

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

This House have been informed by a Member of the Committee of Correspondence that Letters have been received from Mr. Couchet Jouvencal the agent of this Province since the last Assembly, we desire you would send those Letters, and also Copies of the Letters that have been wrote to him by the Committee of Correspondence for our perusal

7th December 1762—In the upper House

The Committee of Correspondence having acquainted the House that they have not wrote to the agent any Letters since the last session of Assembly for want of having had Instructions from the House to enable them so to do; and that they have received one Letter only from the said Agent of this Province since the sitting of the last Assembly

Ordered the said Committee lay the said Letter before his Majestys Hon^{ble} Council for their perusal

Received from the Council the following Bills, Viz^t

The Bill for destroying vermin in the County of Orange and other Counties.

The Bill to amend an Act, for the relief of Poor debtors as to the Imprisonment of their persons

The Bill for Establishing a Town on the Land of William Heritage at a place called Atkin's Banks in Dobbs County Endorsed 7th December 1762. In the upper House of Assembly read the second time and passed

The Bill for Establishing a Town on the Land of John and William Russell, Minors sons of John Russell, deceased &c^a and

The Bill Establishing a post through this Province Endorsed 7th December 1762, In the upper House of Assembly, read the second time, amended and passed

Then the House Adjourned till 9 °Clock To morrow morning

Wednesday 8th December 1762 The House met according to Adjournment

On motion ordered the Bill for destroying Squirrels in the Several Counties of Orange &c^a be read the third time, read the same a third time amended passed and ordered to be sent to the Council

On motion ordered the Bill to amend an Act, Intituled an Act, for the relief of poor Debtors, as to the Imprisonment of their persons be read the third time, read the same a third time, amended passed and ordered to be sent to the Council

On motion ordered the Bill for Establishing a Town on the Land of William Herritage called Atkins Banks &c^a be read the third time, read the same a third time, amended passed, and ordered to be sent to the Council

Sent the above three Bills by Mr. Caswell and Mr. Kenan.

Received from the Council the Bill for Increasing the Salarys of the Inspectors of Tobacco at the Ware House in the Town of Halifax.

The Bill for the further continuing and amending an Act for appointing a Militia, and also to amend and continue one other Act Intituled an Act for Appointing a Militia, and the Bill for Enlarging the Time allowed for saving Lots in the Town of Hertford and for other purposes, read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to encourage Joseph Howell to build a Bridge over Tar River at or near the place called Howells Ferry at Tarborough in Edgecomb County be read the third time, read the same a third time, amended passed, and ordered to be sent to the Council.

On motion ordered the Bill for Establishing a Town on the Lands of John and William Russell minors &c^a be read the third time, read the same a third time amended passed and ordered to be sent to the Council.

Sent the above two Bills by Mr. Swann and Mr. Elmsley.

Received from the Council the following Message, Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

We have taken into Consideration your Message relating to Addressing his Majesty to repeal the Tower Hill Act and to fix upon New Bern as the Seat of Government and an Address drawn up by you for our concurrence, and Approbation, We will agree to approve and concur with you in the said Address and that the same should stand the Address of both Houses, Provided the Words "Council and" are Inserted in two places, to which if you agree, you will send

such of your Members as you think proper to see the same done. In the upper House, 8th December 1762.

On Reading the above Message—

Resolved the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House agree to your amendments proposed to the Address relative to the seat of Government, and now send two of our Members to see the same made

JOHN ASHE Sp.

8th December 1762.

Mr. Harnett from the Committee of Accounts reported the Committee had settled and allowed sundry accounts Exhibited by several Accountants with the Public and laid the same before the House for Concurrence.

The same were read and concurred with except as p the Exception entered in the report Book of the said Committee.

Received from the Council the Bill for the Better care of Orphans and security and management of their Estates Endorsed 8th December 1762, In the upper House of Assembly read the second time and passed

Mr. Harnett Chairman of the Committee of Accounts reported that there is paid into the Committee by John Starkey Esquire Public Treasurer of the Southern district the Sum of £246.19.5 on the Sinking Fund, and the Sum of £669.5.11 in Treasurers Notes Interest Included, and also £108.15.11 in notes uttered the second time and that Thomas Barker Esq^r Treasurer of the Northern district hath also paid into the said Committee £1,463.16.6 on the sinking fund, and the sum of £341.6.11 in Treasurers Notes Interest Included, which said several sums amounting in the whole to the sum of Two Thousand Eight Hundred and Thirty pounds four shillings and eight pence, are by Law to be Burnt, therefore, Resolved that the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

The Chairman of the Committee of Public Accounts hath reported that John Starkey Esquire Public Treasurer of the Southern district has paid into the hands of the said Committee Two Hundred and Forty six pounds nineteen shillings and five pence on the Sinking

fund, and the sum of six hundred and sixty nine pounds five shillings and eleven pence in Treasurers Notes Interest Included, and also One Hundred and eight pounds fifteen shillings and eleven pence in Notes uttered the second time, and that Thomas Barker Esquire Public Treasurer of the Northern District hath also paid into the said Committee, One Thousand four Hundred and sixty three pounds sixteen shillings, and six pence, on the Sinking fund, and the sum of Three Hundred and Forty one Pounds six shillings and eleven pence in Treasurers Notes Interest Included, which said several sums amounting in the whole to the sum of Two Thousand Eight Hundred and Thirty Pounds four shillings and eight pence are by Law to be burnt: This House have therefore appointed a Committee of the whole House to join a Committee of yours at the House of Richard Cogdell in New Bern at 5 °Clock tomorrow afternoon to see the same done

JOHN ASHE Sp.

8th December 1762

On motion ordered the Bill for the better care of orphans and security and management of their Estates be read the third time, read the same a third time passed and ordered to be sent to the Council

Sent the same with the above Message by Mr. Baker and Mr. Frohock.

On Motion ordered the Bill for Establishing a post thro' this Province be read the third time, read the same a third time, then the Motion was made that the said Bill pass, and the question put and passed in the negative and the said Bill is rejected.

Then the House Adjourned till 4 °Clock Afternoon

P. M. The House met according to Adjournment

Received from the Council the following two Messages—Viz^t

MR. SPEAKER AND GENTLEMEN.

On reading a third time the Bill to amend and continue an Act, Intituled an Act to regulate the Inspection of Pork Beef, Rice &c^a, We would propose the following Amendments Viz^t That there should be two Inspectors in the Town of Wilmington, That the Collectors should have two shillings and eight pence for Granting a Certificate of his having Administered the Oath to Masters of Vessels. That the Breadth of staves ascertained in the Bill should be clear of sap.

That the Clause allowing Inspectors to have Assistants should be struck out as it must have a Tendency to many Frauds, and there cannot be any necessity for such assistants, the Inferior Court having by the Bill a Power to appoint more than one Inspector in any Town where necessary.

That the Clause allowing Provisions to be kept three months after Inspection without reinspection before Shipping should be *dele'd*, as there is a Clause in the Bill directing it to be done should such provisions remain longer on hand than Thirty days which we think will have better effect. To which if you agree we desire you will send some of your Members to see the same made

8th December 1762. In the upper House of Assembly.

MR. SPEAKER AND GENTLEMEN.

On reading the third time the Bill for Establishing Vestries and other purposes We observe that you have *dele'd* the Clause in the said Bill Impowering the Governor or Commander in Chief on Vestries refusing to qualify to nominate and appoint others in their room and stead and as you must be sensible that on such Emergences a power must be lodged some where We propose that that Clause should be reinstated, to which amendments if you agree, we desire you will send some of your Members to see the same made

8th December 1762. In the upper House.

Received from the Council the Bill for the Better care of Orphans and security and management of their Estates. Endorsed 8th December 1762. In the upper House of Assembly read the third time and passed

Ordered to be Engrossed

The Bill to amend and further Continue an Act, Intituled an Act for Facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort. Endorsed 8th December 1762. In the upper House of Assembly read the first time and passed

Then the House Adjourned till 9 o'clock Tomorrow Morning

Thursday 9th December 1762. The House met according to Adjournment

On Motion ordered the Bill to amend and further Continue an Act, Intituled an Act for facilitating the Navigation of Port Bath, Port Roanoke, and port Beaufort be read the first time, read the same the first time, Passed and ordered to be sent to the Council

Mr. Baker moved for leave to present a Bill to Impower Inferior Courts of Pleas and quarter Sessions to try all Causes commenced in the late Inferior Courts where the Debts Damages and things sued for does not exceed Fifty pounds Proc Money.

Ordered he have leave accordingly.

Mr. Baker presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk [and] passed

On Motion ordered the Bill to ascertain the bounds of the several Counties in his Majesty's district of this Province be read, read the same, then the Motion was made that the Bill pass, and the question put and passed in the Negative, and the said Bill is rejected.

Received from the Council the Bill to lay a Tax on the Inhabitants of the several Counties of the district of Halifax Superior Court to repair the Public Prison and other Purposes.

The Bill to Impower and direct the Commissioners of the District herein after mentioned to lay out and make a Road from John Howards Ferry on Black River thro' Colleys Swamp to the N^o West River in Bladen County, and,

The Bill appointing the Method of Distributing Intestates Estates, Endorsed 7th December 1762—In the upper House of Assembly read the third time and passed

Ordered to be Engrossed.

Mr. Starkey Chairman of the Committee of Public Claims reported that the said Committee had settled and allowed sundry Claims which he laid before the House, the same were read, and after several amendments and allowances therein made, ordered the same be sent to the Council for Concurrence

Sent the same to the Council,

Received from the Council the following Message, Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading the third time the Bill for making provision for an Orthodox Clergy, We propose to insert the following Clause Viz^t

“And be it further Enacted by the authority aforesaid that no Dissenting Minister of any Denomination whatsoever shall presume on any Pretence to Marry any Persons under the penalty of Forfeiting Fifty Pounds Proclamation Money for every such offence to be recovered by any person suing for the same by action of Debt, Bill, plaint or Information in any Court of Record having Cognizance thereof, wherein no Essoign Injunction, Protection, Priviledge or

Wager of Law shall be allowed or admitted of one half to the use of the Informer, the other half to the use of the Parish wherein the offence shall be committed." To which if you agree we desire you will send some of your Members to see the same Inserted—In the upper House 8th December 1762.

Received from the Council the following Bills Viz^t

The Bill for Establishing a Town on the Land of William Her-ritage at a place called Atkins Banks in Dobbs County

The Bill to amend an Act Intituled an Act for the relief of poor Debtors as to the Imprisonment of their Persons, and,

The Bill for destroying Vermin in the County of Orange and other Counties therein mentioned Endorsed 9th December 1762 In the upper House of Assembly read the third time and passed Ordered to be engrossed

The Bill to amend and further continue an Act Intituled an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort, and,

The Bill to apply the Money already Levied on the Taxable Inhabitants of Currituck County by virtue of an Act Intituled an Act for the Amendment of the navigation of Currituck Inlet, Endorsed 9th December 1762. In the Upper House of Assembly, read the second time and passed. And, also,

The Bill to Impower the several Inferior Courts of pleas and quarter Sessions to try all Causes commenced in the late Inferior Courts where the Debt Damages or things sued for does not exceed fifty Pounds Proc Money, Endorsed 9th December 1762 In the upper House of Assembly read the first time and passed

Received from the Council the Address of this House to His Majesty, Endorsed, In the upper House of Assembly, the aforementioned Address was read and Concurred with

(Signed) JAMES HASELL P. C.

Received from the Council the Bill for Establishing a Town on the Lands of John and William Russell Minors sons of John Russell deceased, on the West side of the North West branch of Cape Fear River near the mouth of Cross Creek by the name of Campbellton and other Purposes, Endorsed 9th December 1762 In the upper House of Assembly read the third time and passed Ordered to be engrossed

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your Message regarding the several amendments by you proposed in the Bill to amend and Continue an Act to regulate the Inspection of Pork Beef &c^a We must observe that by *deleing* the Words Pork, Beef and Rice in the clause respecting the reinspection &c^a if any of the Articles shall lie Twenty days before shipped, after they shall have been Inspected will answer the end proposed by your Message regarding the Clause allowing provisions to be kept three Months after Inspection &c^a

To the other amendments this House cannot agree

And also in answer to your other Messages the one received this day regarding the amendments proposed by you to the Bill for making provision for an Orthodox Clergy the other regarding the amendments in the Bill for establishing vestries and other purposes, to which amendments this House cannot agree therefore hope you'll pass the said Bills without them, that the Clerk in order to Expedite the Business of the Assembly may have the same Engrossed

JOHN ASHE Sp

9th December 1762

Sent by Mr. Baker and Mr. Leech

Received from the Council the Bill to enable the Commissioners of the Church of Edenton to discharge the Contracts by them made with the workmen employed in finishing the inside of the said Church Endorsed, 9th December 1762, In the upper House of Assembly read the third time and passed Ordered to be engrossed

On motion ordered the Bill to apply the money already Levied on the Taxable Inhabitants of Currituck County by virtue of an Act Intituled an Act to amend and improve the navigation from Currituck Inlet through the district of Currituck County to Albemarle Sound be read the third time read the same a third time passed and ordered to be sent to the Council

On motion ordered the Bill to Impower the several Inferior Courts of Pleas and quarter Sessions to try all Causes Commenced in the Inferior Courts where the Debt Damages or things sued for does not exceed Fifty Pounds Proc Money be read the second time, read the same a second time, passed and ordered to be sent to the Council

On motion ordered the Bill to amend and further Continue an Act, for facilitating the navigation of Port Bath, Port Roanoke and

Port Beaufort, be read the second time, read the same a second time,
Passed and ordered to be sent to the Council

Sent the above three Bills by Mr. Baker and Mr. Leech

Whereas the Law appointing James Davis Printer to this Province Expires at the end of this Session of Assembly, and there being no provision made to continue the said Law therefore it is Resolved that James Davis be continued Printer to this Province for and during the space of six months and from thence to the end of the next Session of Assembly and no longer, and that he have the same Salary fees and allowances paid him as was allowed by the above mentioned Law, and that the following Message be sent to his Majesty's Honble Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

The Law appointing James Davis Printer to this Province will expire at the end of this Session of Assembly and there being no Provision to Remedy the Inconveniences of having this Province without a Printer, This House have therefore Resolved that the said James Davis be continued Printer to this Province for and during the space of six months, and from thence to the end of the next Session of Assembly and no Longer, and that he have the same salary fees and allowances paid him as was allowed him by the above said Law, and desire your Honors Concurrence thereto

JOHN ASHE Sp.

9th December 1762

Sent by Mr. Baker and Mr. Leech

Ordered that the thanks of this House, be given to the Reverend James Reid for his sermon preached at the beginning of this Session of Assembly, Recommending the Establishing Public Schools for the Education of Youth, and that he be desired to furnish the Printer with a copy thereof, in order that the same may be printed and dispersed in the several Counties within this Province

Then the House Adjourned till 4 °Clock Afternoon

P. M. The House met according to Adjournment

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message of Yesterday relative to burning the several Sums paid on the sinking fund into the Committee of Ac-

counts, The Chairman of our Committee having made a Report similar to that of your Committee: This House have appointed a Committee of the whole House to see the sum you Mention Burnt at the House of Mr. Richard Cogdell in New Bern at 5 °Clock this Afternoon

9th December 1762—In the upper House

Then the House Adjourned till 9 °Clock Tomorrow Morning

Friday 10th December 1762 The House met according to Adjournment

Received from the Council the following Bills Viz^t

The Bill for making provision for an Orthodox Clergy

The Bill for Establishing Vestries and other Purposes Endorsed, 9th December, 1762, In the upper House of Assembly read the third time and passed

Ordered to be engrossed

The Bill to amend and further continue an Act Intitled an Act, for facilitating the navigation of Port Bath, Port Roanoke, and Port Beaufort. Endorsed 9th December 1762. In the upper House of Assembly read the third time and passed.

The Bill to Impower the several Inferior Courts of Pleas and Quarter Sessions to try all Causes commenced in the late Inferior Courts where the Debt, Damages or things sued for does not exceed fifty Pounds Proc. money. Endorsed 9th December 1762. In the upper House of Assembly read the second time and passed.

On motion ordered the Bill to amend and further continue an Act, Intitled an Act for facilitating the navigation of Port Bath, Port Roanoke, and Port Beaufort be read the third time, read the same a third time and passed.

On motion ordered the Bill to Impower the several Inferior Courts of Pleas and Quarter Sessions to try all Causes commenced in the late Inferior Courts where the Debt &c^a does not exceed Fifty pounds &c^a be read the third time, read the same a third time and ordered to be sent to the Council.

On motion ordered the Bill to Establish a ferry from Solley's point to Relfes Point whereon the Court House now stands in Pasquotank County be read the second time, read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr. Smith and Col^o Taylor.

Mr. Boyd moved for leave to absent himself from the service of the House,

Ordered he have leave accordingly.

Received from the Council the Bill to Establish a Ferry from Solley's Point to Relfes Point whereon the Court House now stands in Pasquotank County. Endorsed 10th December 1762. In the upper House of Assembly read the second time and passed.

On motion ordered the said Bill be read a third time, read the same a third time amended passed, and ordered to be sent to the Council.

Sent by Mr. Sawyer and Mr. Jones,

Received from the Council the following Bills, to wit,

The Bill to Impower the Inferior Courts of Pleas and Quarter Sessions to try all Causes commenced in the late Inferior Courts where the Debt &c^a does not exceed fifty Pounds Proc. money.

The Bill to apply the money already Levied on the Taxable Inhabitants of Currituck County by Virtue of an Act Intituled an Act to amend and improve the navigation from Currituck Inlet thro' the district of Currituck County to Albemarle Sound—and

The Bill to encourage Joseph Howell to build a bridge over Tar River at or near the place called Howells Ferry at Tarborough in Edgecombe County. Endorsed 10th December 1762. In the upper House of Assembly Read the third time and passed.

Mr. Moore moved for leave to present an Address to his Excellency the Governor.

Ordered he have leave accordingly

Mr. Moore presented the afore mentioned Address which was read, and Resolved the same stand the Address of this House, be entered on the Journal thereof, and presented to his Excellency Viz^t

To His Excellency Arthur Dobbs Esquire, Captain General, Governor and Commander in Chief in and over his Majesty's Province of North Carolina.

SIR—The House having taken into consideration the Loyalty and obedience to his Majesty of his Subjects in this Province so repeatedly manifested by the large Grants which have been made from time to time towards the defence of his Majestys rights and Possessions in North America during the Course of the present War beg leave to request your Excellency to recommend to his Excellency General Amherst that he will be pleased to Certify to your Excellency as soon as conveniently may be the number of and time the Troops raised in this Province for his Majesty's Service in the years 1760 and 1761, have been employed in such service to the end that

our agent in England may be Instructed to make Representation thereof to his Majesty, and apply for a reimbursement to this Province of a part of the great Expence which it hath incurred in the raising Cloathing and Paying such Troops

JOHN ASHE Sp.

10th December 1762

Sent the above to his Excellency.

Received from his Excellency the following Written Message, Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Having been informed that your House have Resolved that there should be only a Commissioned officer at 2 shillings p diem and Ten men allowed for the Defence of Fort Johnston, and an officer at the like pay and five men for Fort Granville; I find myself under a necessity of observing to you upon the Insufficiency of that Provision, and that I cannot answer the acceptance thereof to his Majesty. I am therefore to desire that you would reconsider this matter, and (as the smallest provision which can be made) agree to a Resolve for allowing an Ensign (in full Pay) a Corporal Serjeant and twenty five men for the defence of Fort Johnston, and the stores and ammunition which are lodged there; and a Serjeant and Ten Men at Fort Granville; to remain in Service 'till I receive authentic Accounts of a Ratification or cessation of Arms, and no Longer.

I apprehend you will think this a reasonable measure, but should you not, I must inform you that I shall in that Case be under a necessity of raising a Company of Militia for the defence of those Forts and the stores and ammunition lodged therein which will be attended with double the expence to the Country.

ARTHUR DOBBS.

10th December 1762.

Resolved that the Committee of Correspondence be charged with the Address of this House, to his Majesty regarding the fixing the Seat of Government at Newbern, under the Seal of this Province to the Agent thereof in London with directions to him to solicit the same.

Then the House Adjourned 'till 4 °Clock Afternoon.

P. M. The House met according to Adjournment

Received from the Council the Bill for Establishing a Ferry from

Solley's Point to Relfes Point whereon the Court House now stands in Pasquotank County, Endorsed 10th December 1762, In the upper House read the third time and passed.

Ordered to be Engrossed.

Resolved the following Message be sent to his Excellency the Governor,

TO HIS EXCELLENCY ARTHUR DOBBS ESQ^r CAPTAIN GENERAL, GOVERNOR &C^a

SIR We beg leave to acquaint your Excellency that our Resolve in relation to the appointment of Ten men and a Commissioned officer to preserve the Guns and ammunition now in Fort Johnston, and Also five men at Fort Granville was rather considered by us as a means to preserve the said Forts than to repel any Hostile attempts that may be made upon our Trade and Navigation, and that after most seriously considering your Excellencys Message we think we have no reason to recede from our former resolve as the eve of a peace Justifies the same, and renders numerous Garrisons the less necessary.

We have that assurance in your Excellencys Protection as to believe should an Enemy invade this Province not only in the vicinity of Fort Johnston and Fort Granville but elsewhere every Act of Assembly that will accord with your Excellencys most just disposition to preserve this Province and his Majestys Subjects will be put in Execution.

JOHN ASHE Sp

10th December 1762

Sent by Mr. Swann and Mr. Smith

Then the House adjourned till 9 o'clock Tomorrow morning

Saturday 11th December 1762. The House met according to Adjournment.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL.

In answer to a Message from his Excellency the Governor this House have Resolved that the sum of four hundred and fifty pounds proc Money (with Interest) being the purchase Money for the Tower Hill Land he paid to his Excellency by Bills to be drawn at the Current Exchange out of the Money in the hands of James Aber-

crombie and Samuel Smith Esquires in London to which this House desire your Honours Concurrence.

JOHN ASHE Sp

11th December 1762

Sent by Mr. Swann and Mr. Smith

Received from the Council the Message from this House of this day sent to them regarding the payment of £450, to his Excellency for the purchase Money of the Land called Tower Hill, Endorsed, In the upper House 11th December 1762, Concurred with

JAMES HASELL P.

Received from the Council the following Message Viz^t

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

Anthony DuBoice having the last Session of Assembly put in a Claim for Ferriages of some Soldiers which was not then allowed of, but as we perceive that you have allowed this Session Joseph Motts Ferriages of some soldiers, Three pounds proc Money we would propose to you to make a Resolve to allow the said DuBoice six pounds the rate of his Ferry being twice as much as that of Motts In the upper House of Assembly, 11th December 1762.

On Reading the above Message, Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your Message regarding the allowance to Anthony DuBoice for Ferriages of some Soldiers, This House Resolve that the said sum of six pounds agreeable to your said Message be paid to the said DuBoice for Services aforesaid

JOHN ASHE Sp.

11th December 1762.

Resolved the Treasurers provide new Gowns for the Door keeper and Mace Bearer to the Council, and also to the Doorkeeper and Mace Bearer to this House and that they pay the Charge thereof out of the Contingent fund, and be allowed the same on passing their Accounts with the Public

Sent the following Message to the Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have Resolved that the Treasurers do provide new Gowns for the Door keeper and Mace Bearer to the Council, and also to the Door keeper and Mace Bearer to this House, and that they pay the Charge thereof out of the Contingent fund, and that they be allowed the same on passing their accounts with the public, to which desire your Honors Concurrence

JOHN ASHE Sp.

December 11th 1762.

Sent by Mr. Jones and Mr. Williams

The Chairman of the Committee of Accounts reported that the Committee of the whole House and also the Committee of the Council met at the House of Richard Cogdell in New Bern the 9th Instant, and that the several Sums mentioned in the Message from the House to the Council of the 8th Instant were burnt.

Resolved the following Message be sent to his Excellency the Governor Viz^t

To His Excellency Arthur Dobbs Esquire, Captain General, Governor &c^a.

SIR—It appearing to this House that no Writ for Electing a Member for the Town of Halifax to sit and vote in this Present Assembly came to the hands of the Sheriff of Halifax by reason whereof no member for that Town could be regularly Elected and the said Town is not thereby represented in this Assembly; Therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue a Writ to the Sheriff of Halifax County for Electing a Member for the said Town to sit and vote in this present Assembly.

JOHN ASHE Sp.

11th December 1762.

Received the following Message from the Council Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On considering your Resolve of the 9th Instant relative to the Treasurers being Impowered to draw for the money allowed this Province by the Parliament of Great Britain—We cannot agree thereto, But if you will make a Resolve of your House to Impower the Treasurer of the Southern District to draw for any sum not exceeding three Thousand pounds sterling for the highest Advance

that can be got towards the discharging of the Debt due by the Public for Contingencies and payment of the Governor, and no other purposes whatsoever; and that the Treasurer shall before he draw the said Bills enter into Bond with security in the Sum of £10,000 proc Money payable to the Governor and Commander in Chief for the time being, Conditioned for his well and faithfully complying for the same, and that he be allowed one p C^t for the same, We will agree to such a Resolve.

On reading the above Resolve and considering the same Resolved this House cannot concur thereto

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN

On reading the Resolve of your House for Continuing James Davis Printer to this Province, We cannot agree thereto, but if you will make a Resolve to Impower him to print the Laws passed this Session and the Journals of this Assembly and allow him an adequate sum for the same and for transmitting the Laws to the several Counties we will concur therewith

11th December 1762—In the upper House

Resolved that James Davis Printer do print the Laws passed this Session and the Journals of this Assembly, and Transmit the said Laws to the several Counties in this Province, and that he be paid by the public Treasurers for the same, the sum of Two Hundred pounds proc Money, and that the following Message be sent to the Council, to wit

GENTLEMEN OF HIS MAJESTYS COUNCIL,

This House have resolved that James Davis printer do print the Laws passed this Session and the Journals of this Asssmbly, and Transmit the said Laws to the several Counties in this province, and that he be paid by the Public Treasurers for the same the sum of Two hundred pounds proc Money to which desire your Honors Concurrence

JOHN ASHE Sp.

11th December 1762

Received from the Council the two Messages sent from this House to them the one regarding the Resolve that the Treasurers provide

Gowns for the door keepers and Mace Bearers to the Council and this House; The other regarding the allowance to Anthony Du Boice of six pounds for ferriages of some soldiers, Endorsed 11th December 1762 In the upper House Concurred with

JAMES HASELL P.

Received from the Council the Message sent them the 20th November regarding the Payment of £15.3.10 To Timothy Clear for Provisions and Liquor found the Indians this Assembly, Endorsed, 11th December 1762, In the upper House Concurred with

Resolved the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

We are sorry this House cannot agree to the purport of your Message relative to Impowering the Treasurer to draw for only part of the money belonging to this Province in the hands of Mr. James Abercrombie and Samuel Smith Esquire as we Conceive it highly Necessary to draw for the whole of that money, least it should return into the Treasury, and thereby cause an Expence to this Province which should our Resolve take effect will be avoided. We therefore hope your Honors will Concur with the Resolve of this House sent you relative to the said Money

JOHN ASHE Sp

Sent by Mr. Moore and Mr. B. Harvey

His Excellency the Governor sent a Message to this House requiring the immediate attendance thereof, in the Council Chamber with the Engrossed Bills

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber and Mr. Speaker presented him the following Bills to wit

The Bill for Establishing Superior Courts of Justice &c^a &c^a

To all which his Excellency was pleased to assent (Except) the Bill for appointing Vestries,

The Bill for dividing the County of Granville,

The Bill for appointing a place for building thereat a Court House &c^a in Edgcombe County, and the Bill for destroying Squirrels, Crows and Blackbirds in that part of New Hanover County Called New Topsail Sound, which his Excellency was pleased to reject Then desired the House to return and finish the business before them

Mr. Speaker with the House returned and Mr. Speaker acquainted the House he had presented the foregoing Thirty two [*sic*] Bills

The Committee of Correspondence acquainted the House that they had received from Couchet Jouvencal Esquire agent of this Province a Copy of the Minutes of the Proceedings of the right Hon^{ble} the Lords Commissioners for Trade and Plantations in regard to a Representation made to them by his Excellency Arthur Dobbs Esq^r his Majestys Governor of this Province in his Letter to them dated in December 1761, against the Lower House of Assembly as sitting up some Extraordinary Claims and pretentions mentioned in his said Letter, and their Lordships opinion thereon, and laid the same before the House, and it appearing that the several Articles whereon the said Representation was founded were not justly and fairly Represented to their Lordships, Therefore Resolved that the Committee of Correspondance answer and explain the several Matters in the said Charges Mentioned

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

As our Clerk omitted to make a Charge in our Estimate for the use of the House in which we sit, and the fire and Candles which have been found by Mr. Peter Conway, we are to desire that you would make a Resolve that the said Peter Conway should be allowed the sum of fifteen pounds for the aforesaid services, 11th December 1762, In the Assembly Concurred with

Received from the Council the report of the Committee of Claims, Endorsed 10th December 1762 In the upper House the foregoing reports were read and Concurred with

JAMES HASELL P. C.

Received from the Council the reports of the Committee of Accounts Endorsed 11th December 1762. In the upper House the foregoing reports were concurred with but the Exception made disapproved of, and it is the opinion of this House that a Ballance of Three Hundred and seventy four pounds and two pence is due to Col^o Waddell for the Services mentioned in the said Reports

JAMES HASELL P. C.

Resolved that — *Vide* the Resolve of a former session of Assembly at Wilmington regarding the non concurrence of the Council to the report of Committee of Claims or Accounts [*sic*]

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY—

On reading your Resolve for allowing James Davis Two Hundred pounds to Print the Laws passed this Session &c^a We think the sum much too great for the Service he is to perform and Cannot agree thereto therefore would propose that a Resolve be made to Continue the Act appointing him printer six months longer

11th December 1762

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your Message regarding the printer, We must observe that it is our opinion an Act cannot be continued by a Resolve of the two Houses therefore do not think it Consistent to concur with your proposals

JOHN ASHE Sp.

11th December 1762.

Sent by Mr. Kenan and Mr. Williams

Then the House Adjourned till 9 °Clock Monday Morning.

His Excellency was pleased by Proclamation to Prorogue this Assembly

1763.

[B. P. R. O. AM. & W. IND. VOL. 214.]

Governor Dobbs to Secretary Lord Egremont.

BRUNSWICK 23^d Feb^r 1763.

MY LORD,

This accompanies a Duplicate of my letter to Your Lordship of the 30th of April last to which I beg leave to refer and to the printed Journal herewith sent for the proceedings of the Assembly therein mentioned. I must also refer your Lordship to the Minutes of Council now sent to the Board of Trade for their Resolution touching the recruiting for His Maj. service and augmenting the Garri-

sons last summer and to which I have referred your Lordship in my other letter,

I am now to acknowledge the receipt of His Maj. orders relative to the form of prayer for the Royal Family which came to hand last week and was immediately published. This morning I had the Honor of Your Lord's dispatches with the Preliminaries of Peace and His Maj. Proclamation for a cessation of Hostilities which I have ordered to be forthwith published. Permit me to felicitate Your Lordship upon this occasion as well in regard of the British Empire in general as of Your Lordship's being instrumental from your distinguished station in bringing about so glorious an event.

I am with the greatest respect &c.,

ARTHUR DOBBS.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Macdowell to the Secretary (Ext.)

BRUNSWICK, Feb^y 23^d 1763.

REV^d SIR:

I was just got into a very comfortable state after my 9 years of great fatigue, severe duty and small allowance to support me, having only, what my Poor Parish, could afford which was not better than £50 Sterl p ann^m , but considering the excessive high prices of everything here, was not so good as £20 Sterl. at home, but just before this happend I had the happiness of having the Societys allowance of £50 Sterl p ann^m and last session our assembly was so kind as to allow all the Clergymen in the Province an augmentation in their Salary, having raised it from £100 proc. money, to £100 Sterl. that is an adition of £13.6.8 a year. And his Excellency Gov^r Dobbs has been so good to me, to promise me £20 per year for officiating as Chaplain in his family, which I had done for some time until this woful sickness obliged me to desist, and I have been kept confined all this winter to my chamber; only some few days when I have been able I have officiated to my inhabitants of the Town of Brunswick. Just before I was taken so bad, that I have not been able to ride about, I was out at one of my Chapels and administered the Sacrament of the Lords Supper for the first time in that Chapel to 6 Communicants; I was able also to administer the Eucharist in Town at Xmas, and had as usual 12 Communicants, whereof 2 were negroes, I have likewise baptized 7 children during my sickness, one

of them a mulatto, and married several Couples that came to me from the County ———.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 60.]

Letter from Governor Dobbs to the Board of Trade

BRUNSWICK 23^d February 1763

MY LORDS

My Letters and Dispatches of my last having miscarried in the Packet, I herewith send you a duplicate of my letter, and now enclose the Speech, Addresses and Messages of last Assembly with the Journal of the Upper House, and a printed Journal of the Lower House, having not got the written Journal from the Clerk, which I hope to send you per next ship with the Bills passed, which I can't send by this ship bound to London upon the cessations taking place this day, having this morning received Lord Egremont's orders to proclaim it, and shall then send you my remarks upon the Bills passed or rejected this last Session. I have also sent a Copy of the Northern and Southern Treasurers Accounts to be laid before the Lords of the Treasury to let them see how slightly they are passed by the Assembly, without a regular charge of the Taxables or Arrears due by the Sheriffs, & think proper to remind your Lordships that the Bills of Supply which appointed them Treasurers without mentioning any time to limit them expires next June with the Fund, & therefore want to know His Majesty's resolution whether he will appoint any or again leave them to be appointed by the General Assembly, and if so whether it be proper to allow any Member of the Assembly to be Treasurer.

I must also inform your Lordships that the Assembly addressed me to recommend New Bern to His Majesty as a place fit for the Seat of Government, and to repeal the Tower Hill Act, I told them I could not recommend it as a healthy situation, having been thrice at death's door from its low stagnated situation & bad water, and as to its being most central, that depends upon the manner of His Majesty's fixing the Boundary Line upon S^t Augustine & Florida's being added to His Majesty's Acquisitions on this Continent, as our Council has represented a proper Boundary to be now fixed which will be laid before you upon Gov^r Boone's complaint against me for endeavouring to quiet Huey & Crymble's Associates in their Patents

from His Majesty in this Province, which they pretend to claim to be in their Province,

I am My Lords &c

ARTHUR DOBBS.

P. S. Mr. Spaight being lately dead, I beg leave to recommend Mr. Maurice Moore and Captain Benjamin Heron as proper persons to succeed him in the Council.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 61.]

The Answer of Arthur Dobbs Esq^{re} Governor of North Carolina to two Queries from the Lords Commissioners of Trade and Plantations not before Answered.*

23rd Feb^{ry} 1763

Quere 3^d. What is the present state of the Trade of the Province, the number of shipping belonging thereto, their Tonnage, and the number of seafaring Men, with the respective increase or diminution within ten years last past, and to what causes is the increase or Diminution to be inscribed? Are any Trades, Works or Manufactures set up or about to be set up in the Province under your Government, which are or may prove hurtful to Great Britain? If there are any such how may they be suppressed diverted or restrained.

Answer. In my Answer to the other Queries I informed your Lordships of the Trade of this Province, which is far from being in a flourishing condition. It is carried on as well by Inland carriage from Virginia and South Carolina, as by Shipping to the several Ports. I have not been able to obtain a complete account of the number of shipping etc. owing to the death and removal of Officers. I now subjoin the best account I could procure, and is at a medium of many years, viz^t Number of shipping 296 (mostly small) Tonnage 11,862, and seafaring men about 1,500, whereof the proportion of the several ports is as follows,

| | Ships. | Tons. |
|----------------------|--------|-------|
| Port Brunswick ----- | 90 | 4830 |
| “ Beaufort ----- | 73 | 2740 |
| “ Bath ----- | 30 | 1163 |
| “ Roanoke ----- | 97 | 3052 |
| “ Currituck ----- | 6 | 77 |
| | 296 | 11862 |

* For the answer to other queries see page 605 *ante*.

I must observe that the Tonnage as above estimated is deemed about a third short of the real burden of the Vessels, the same being taken from the several registers wherein it is usual not to insert above two thirds of the true Tonnage. I must also observe that the above account comprehends the total number of shipping trading annually to this Province, not above 50 of them being owned here. I do not find any increase or Diminution in the Shipping though from the increase of Inhabitants by Births as well as Migrations from the Northern Colonies it were reasonable to expect it, and am of opinion would have been sensibly increased, if not checked by the present war, and the enlarged Inland Trade from Virginia.

There are no Trades, Works or Manufactures, nor likely to be in this Province, which may prove hurtful to Great Britain.

Quere 4. What Quantity and sorts of British Manufactures do the Inhabitants annually take from hence?

Answer. The British Manufactures imported by shipping into this Province are computed at a Medium of some years past to amount to £28,500 per ann. whereof about a third is brought from Great Britain directly, the rest Coastways from Boston, New York, Philadelphia, etc. These Manufactures consist of coarse linens, and woollens and all kinds of clothing, hard ware, nails, earthen ware, pewter and tin manufactured, powder and lead, stationery and haberdashery wares, It is not easy to estimate the Quantity brought Inland from Virginia, but from the number of Factors from that Colony dispersed through the Province it must greatly exceed the Import into any of our sea ports. The Quantity from South Carolina by Land is much smaller. These Manufactures are of the same kinds with the above, and too often such as are become unsaleable at the place of their Import

ARTHUR DOBBS.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

His Excellency Arthur Dobbs Esquire &c., To Arthur Howe Gentleman Greeting.

Out of the confidence I have in your Loyalty &c., and in Virtue of His Majestys Royal Commission and Authority I do by these Presents Nominate constitute and appoint you Publick Register of and for the county of Chowan in the said Province To Have hold &c.

Given under my hand and Seal at Brunswick the fourth day of March 1763 &c

ARTHUR DOBBS.

By his Excellencys Command
BENJAMIN HERON Sec^y

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 71.]

Letter from Governor Dobbs to the Board of Trade

BRUNSWICK March 7th 1763

MY LORDS,

I wrote and sent to your Lord^{sh}s what Papers and Journals I had ready relating to the late Session of Assembly last month, to which I refer your Lordships, since that time I have got the Attested Copies of the several Acts passed last Sessions which I now send under the Province Seal. The most material Bills which any way relate to Great Britain or the Government in General, or to Trade, have separate Seals annexed to them, the other Bills which only concern the interior parts of the Province, as not so material to Britain, are joined under one Seal which contains several together.

You will find by the Journals the great struggles we had to keep in such parts of the superior Court Bill as His Majesty approved of after their having laid aside the obnoxious Clauses objected to as being against His Majesty's Prerogative, particularly of having Judges appointed with proper Salaries, which the Council insisted on, that they were obliged to drop the first Superior Court Bill, and bring in another Bill with a different Title, and though in several Clauses it will be found improper, yet I was obliged to comply with it as a temporary Expedient for 2 years, until His Majesty's pleasure can be known with alterations or Amendments may be made to it before it expires, otherwise the Province must have remained without Courts of Justice, and at present I can't get proper persons to accept of being Associate Judges.

The Superior Court Bill I also passed for the same Term of two years, as it depended upon the other, after they had struck off the Clauses objected to, and lessened the Sum from 50 to £20 this Currency.

I also passed an Orphan Bill separate which limits the Estate to £20 value this Currency.

The Assembly also brought in an Orthodox Clergy Bill, and a

Bill for establishing Vestries, I was at a great loss to know the true reasons given for the Repeal, as your Lordships Letter of June last only mentioned the Repeal, & said you would send me over the Reasons for it, and objections made to it, and no such letter has since come to my hand, only the order for the Repeal from the Council, I therefore told them I would pass temporary Bills provided they would make the Clergyman one of the Vestry, & to preside in it according to my Instructions, and the Orthodox Clergy Bill if they would give up the Advowson and Presentation to the Crown, this last they would not do, but gave the Crown a power to try the Parson if irregular or immoral. I therefore found myself under a Dilemma either to pass the Bill without a temporary Clause, which they concealed from me until the last day that they sent the Bill ready engrossed for the passing in order for my perusal, or deprive the Clergy of the stipend allowed to them this I thought more advisable than to have no Established Clergy in the Province.

I find the principal objection they have against the Clergy's being Established by the presentation of the Crown and Induction is the difficulty they find in having them suspended or degraded upon Account of immoralities or neglect of their cure, as there are no Bishops nor persons invested with Episcopal power to censure or degrade them, and most those who come over ordained in England come to get bread without a View to the cure of souls, and in that case could not be removed by them. This objection can only be obviated by recommending it to His Majesty to erect Bishopricks in the present extensive Empire of British America with the Apostolic powers of Ordination, Confirmation and of the suspending and degradation of immoral or irregular Clergymen or for neglect of their cures without any Ecclesiastical Courts which may effect the bodies or Estates of men but only of expulsion from their Community & absolution after shewing themselves penitent for their Crimes, I should then hope that they would give up by a Law the presentation & powers of Induction to the Crown, notwithstanding the prevailing Sectaries here.

As to the Vestry Bill I told them I would pass it with a temporary Clause for 2 years, provided they would make the Clergyman one of the Vestry and to preside in it, this several assured me they would comply with, and this Bill they kept back to the last from being engrossed and compared until within half an hour of passing the Bill, thinking I would overlook it, upon which as I found it without allowing the Clergyman to be one, or making it temporary

I rejected the Bill, until I could have Instructions about it with the Reasons for repealing it.

I think it also proper to inform your Lordships that a Bill for dividing New Hanover County tho' petitioned for by the Majority of the County was rejected by the Assembly, because it was in His Majesty's district, because I refused passing a Bill for dividing Granville County in the Northern District, without further Instructions from His Majesty, until a greater number of Counties should be made in His Majesty's District to counterbalance the Northern 5 Member Counties who at present out vote and overrule the Southern Members & refuse all Taxes, for these five, 5 Member Counties all hang together & overrule the Assembly, & all these Counties together very little exceed one of the Western Counties, so that without lessening their influence they are at present a clog upon Government, as well as upon Lord Granville's Agents in his private Estate. If the Assembly should make this a point I hope you will think it advisable that His Majesty should again recall the Instructions I had to allow the Assembly to erect Counties, & allow of the Governor's erecting them by Charter. Before this point was started they had passed a Bill for dividing Anson County, & erecting Mecklenburgh County being the Western Frontier and very far extended.

I am my Lords &c

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23. P. 224.]

To the King's most Excellent Majesty

WHITEHALL March 15th 1763

MAY IT PLEASE YOUR MAJESTY,

We have had under our consideration an Act passed in your Majesty's Province of North Carolina in April 1761, entitled

An Act to dock the entail of certain lands therein mentioned vesting the Fee simple thereof in Blake Baker, and for setting other Lands in lieu thereof for the same Uses.

This Act appears to have been passed with the consent of all the parties concerned and in exact conformity to the Regulations prescribed by your Majesty's Instructions to your Governor of North Carolina with respect to the passing of private Acts. And Sir Matthew Lamb, one of your Majesty's Counsel, whom we have consulted upon this Act, has reported to us his Opinion, that it is not liable to

any Objection in point of Law. For these Reasons and as it contains the proper Clause suspending its Operation, until it shall have received your Majesty's approbation We beg humbly leave to lay the said Act before your Majesty for your Royal Allowance and confirmation

Which is most humbly submitted

C. TOWNSHEND
SOAME. JENYNS
ED. BACON
JOHN YORKE
EDMOND THOMAS
GEO. RICE
ORWELL.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Secretary Lord Egremont to Governor Dobbs

WHITEHALL 18th February 1763

SIR,

It is with the highest Satisfaction I am now able to acquaint You, that Mr. Neville, Secretary to His Majesty's Embassy at the Court of France, arrived here on Tuesday last in the Afternoon, with the Definitive Treaty of Peace between His Majesty, & the Most Christian & Catholick Kings, signed at Paris on the 10th Instant, to which the Portuguese Ambassador acceded the same Day; I most sincerely congratulate You on the Completion of this great & salutary Work, & you will make the proper Communication of this happy Event within Your Government.

I am Sir, &c

EGREMONT

March 16th

P. S. The Mail for N^o America not being yet dispatched gives me an Opportunity to add that the Ratifications of the Definitive Treaty were exchanged on the 10th Ins^t between all the Four Powers.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from Secretary Lord Egremont to Governor Dobbs.

WHITEHALL 16th March 1763.

SIR,

As the Removal of the French & Spaniards from the Countries which extend from the Colony of Geōrgia to the River Mississippi, & which are now ceded to His Majesty, will undoubtedly alarm, & increase the Jealousy of the Neighbouring Indians, the King judges it to be indispensably necessary to take the earliest Steps for preventing their receiving any Impressions of this kind, & for gaining their Confidence and Good Will, without which it will be impossible for this Nation to reap the full Benefit of it's Acquisitions in that Part of the World.

The French & Spaniards in Florida & Louisiana have long, & too successfully, inculcated an Idea among the Indians, that the English entertain a settled Design of extirpating the whole Indian Race, with a View to possess & enjoy their Lands; & that the first Step towards carrying this Design into Execution would be to expell the French & Spaniards, the real Friends & Protectors of the Indians; In order to prevent the ill Effect of these Suggestions, which our taking Possession of those Countries will seem to verify, It is His Majesty's Pleasure, that You Should, in Concert with the Governors of Virginia, South Carolina, & Georgia, without Loss of Time, immediately invite the Chiefs of the Creeks, the Choctaws, Cherokees, Chickasaws, & Catabaws, to a Meeting with them, & the Indian Agent for that Department, at Augusta in the Province of Georgia, or any other Place equally convenient for the several Parties, At which these Chiefs are to be apprized, in the most prudent & delicate Manner, of the Change which is going to take Place. In doing This, the King judges it to be absolutely necessary, not only to avoid every Expression which might awake the Fears, or point out the Dependance of the Indians upon Us, but to use every Means to quiet their Apprehensions, & gain their good Opinion.

For this Purpose it would be proper to recur to the original Causes of the War with the French; To mention, & dwell upon, the several Cruelties they exercised, during the Course of it; The Arts they employed, the groundless Stories they propagated, among the Indians, in order to excite their Jealousies, to alienate their Affections from

this Nation, & to provoke them to commit Such Violences, as His Majesty was at length compelled to resent. That, by the same insidious Arts, they had so far wrought upon the Credulity of the Spaniards, as to involve them in their Quarrel, & it's Consequences. That, thro' the Special Favour of Providence, the Wisdom of the King, & the Courage of his Troops, all these mischievous Practices and Designs have been discovered & defeated.

In order to prevent the Revival of such Disturbances & Troubles, by Repetitions of the same dangerous Proceedings, His Majesty found himself obliged to insist in the Treaty of Peace, that the French and Spaniards Should be removed beyond the River Mississippi, to the End that the Indians, & his White People, may hereafter live in Peace & brotherly Friendship together; That the English feel a particular Satisfaction in the Opportunity which their Successes afford Them, of giving the Indians the most incontestable & substantial Proofs of their good Intentions & cordial Desire to maintain a sincere & friendly Correspondence with them. That these Proofs will consist, 1st, in a total Oblivion & Forgiveness of all past Offences, fully persuaded that they were entirely owing to the deceiving Arts of the French, & no ways to be attributed to any Ill Will in them; 2^{dly}, In opening & carrying on so large a Traffick with them, as will supply all their Wants; 3^{dly}, In a continual Attention to their Interests, & in a Readiness upon all Occasions to do them Justice; & lastly, in the most solemn Assurances, that those Forts, now ceded to Us, by means of which the French really did intend to subvert their Liberty, & accomplish those evil Designs, which they artfully imputed to Us, Shall never be employed but to protect & assist them, & to serve for the better Convenience of Commerce between the Indians & Us, & the Cultivation of Friendship & Good Will between them & the Subjects of His Majesty. And Should the Indians retain any Jealousy or Suspicion that the Forts situated in the heart of the Indian Country, such as Albama, Tombegbi & Fort Loudon, may be made Use for Purposes not favourable to them, & express a Desire, that they Should be destroyed, I make no Doubt but their Representations on that Head will be most graciously received by the King, & that His Majesty will readily comply with any reasonable Request, in order to give the most satisfactory Proofs of his Intentions to fulfill the friendly Declarations, which You Shall make in his Name, to the Indians, the Sincerity of which it is highly important they should be convinced of, in order to prevent those

Evils, which must necessarily happen, if a thorough Confidence in His Majesty's Government is not established upon a solid Footing.

I am, Sir, &c

EGREMONT

P. S.

I am to inform You, that in order to try every Method which may contribute towards so desirable an Object as that of gaining the Good Will & the Confidence of the Indians, His Majesty has thought proper to direct a certain Quantity of Goods to the Amount of £4,000, or £5,000, to be purchased & sent to Charles Town in South Carolina, to be distributed in such Proportion & in such Manner, among the Indians, as shall be judged proper, at the Meeting, directed by this Letter to be held at Augusta or elsewhere. A list of those Goods (which are actually bought, & will be soon embarked) will be sent with them to the Governor of South Carolina.

Letter from Secretary Lord Egremont

WHITEHALL 26th March 1763

SIR,

His Majesty having been pleased to order the Peace to be proclaimed, in the usual manner, on Tuesday last, I have the King's Command to transmit to you herewith inclosed the Proclamation issued on that Occasion, and am to signify to You His Pleasure, that you cause the same to be published in all the proper Places within Your Government, To the End, that all His Majesty's trading Subjects do take notice of His Royal Will and Pleasure therein, and conform themselves thereto accordingly.

I am Sir &c

EGREMONT.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Stewart to the Secretary (Extract.)

BATH, NORTH CAROLINA, March 20, 1763.

REV^d SIR :

As the time for my writing again draws nigh and there may not be another opportunity again of writing for some months, I make bold to inform the Society that the state of my Parish is much as when I wrote last, and that I baptized since the date of my last 29 white and 7 Black children, and administered the Sacrament to 76 persons, I observed to the Society likewise, the division of my

Parish and the upper part of it, now Pitt County, having lately employ^d a person who calls himself a Presbyterian Minister. My attendance there has not been thought so necessary this winter; one thing I would recommend to the Society, and hope they will not take it amiss, to be cautious of recommendations from No. Carolina, for many, it is probable, will be the attempts to impose on them, the Person whom I mentioned above is a native of Ireland. Educated as he says at Shrewsbury, calls himself John Alexander, and says he had a Presbyterian Congregation in the north of Ireland, from whom he had liberty 3 years to travel thro' America. He is between 25 and 30 years of age, tho' he calls himself younger, a small man and marked with the Small Pox. He wrought upon the People so much in Pitt County that they were preparing a recommendation for him to the Bishop of London and the Society and I had many enemies because I refused to sign the recommendation, but he discovered himself by his unguardedness and overhot temper too soon, and by that means stopped their proceedings. I thought proper to mention this to the Society, lest the same person should obtain letters recommendatory either from the South part of this Province where it is probable he will attempt it, or from South Carolina, for it is certain, he is an unworthy person. The Laws of this Country being repealed, the assembly rather than give the Episcopal Ministers a seat in their vestries, have made no vestry act, so that at present tho' the Law ascertains a Salary to the Orthodox Clergy, yet as there is no Vestry to lay a tax for that purpose, we must serve for the Society's bounty, and how insufficient that is to maintain a family in this Colony, every one that knows it must be a judge of.

I am, Reverend Sir,

The Society's dutiful and your Obed^t Serv^t

ALEX: STEWART,

Miss^y at St. Thom., Bath Town.

[FROM NORTH CAROLINA LETTER BOOK S. P. G.]

Mr. Macdowell to the Secretary, Extract.

BRUNSWICK Mar. 26, 1763

REV^d SIR

How different are my letters now in this my tedious sickness from what they would have been in these 9 years past, the time I

have been in this province. Instead of acquainting the ven^{ble} Society with my negotiations in the ministry; all I can acquaint them now is, that I am a poor invalid; & from one of the most stirring active ministers that ever came into America, can scarcely now leave my room, or bear the least breath of air. Nay upon the alteration of the weather I am so affected & tormented with excruciating Pains that I cannot lie in bed, but am obliged to sit almost the half of the night. This has been a fatal year to us Europeans here, his excellency Gov^r Dobbs has been in a very bad way all this winter, having lost the use of his legs, occasioned by cold he caught in Nov^r at the gen^l assembly. And his nephew Mr. Spaight one of the Kings council & your late secretary is lately dead, he came over with his excellency and was a very sprightly gay young man. But many have I seen since I have been here, hearty & Gay & Brisk one week & the next attended to their grave. This is a dismal climate & when one gets sickly here, I have hardly ever known an instance of his recovering. For which reason I am obliged to determine to leave the Province, But would fain wait for the Societys leave & will do nothing without acquainting them.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

NORTHAMPTON, April 6, 1763.

REV^d SIR,

Your Letter of July 16. 1762, not coming to hand till the end of Jan^y when all the Vestries of the Province were dissolved, I could not apply to any vestry of the Parishes, wherein I have or do now officiate, for a certificate of my behaviour. As there was no prospect of vestries being soon re-establish'd I laid your complaint before the former churchwardens, as I chanced to meet with them, they assured me as soon as they could conveniently meet, [they would] undeceive the ven^{ble} Society by transmitting a true account of my behaviour attested before a Justice of the Peace, this they did on Good Friday, when assembled to celebrate the Sacrament of the Lords Supper & I now send it enclosed, the Rev^d D^r Bearcroft signified to me several years ago that Gov^r Dobbs complained against me: So that I make no doubt his being the author of the Present complaint. upon his arrival I waited on him & he soon convinced me he would act quite contrary to what was reported of him. Among other things I told him I was well assured that the deputy secretary & deputy auditor had been guilty of abominable frauds & forgeries in the Kings

Land office; upon which he was seized with a violent passion & I withdrew, the deputy auditor was his countryman & without any other thing to recommend him, his excellency has ever since been loading him with Power & dignity, he appointed him an assistant judge & has also recommended him to a seat in the council. His excellency seems to have a natural antipathy to every one that acts uprightly in a public office, Mr. Francis Corbin the Earl of Granville's agent in this Province, I dare say acted conscientiously, I had frequent opportunities of observing him; his excellency appointed a general assembly at Edenton to demolish the said Corbin, but his efforts proved ineffectual, the above mentioned deputy auditor publicly countenanced the mob, against the Earl of Granville's Land office, when it was his business to suppress it, as he was Col^o of the county & still is. when his excellency & the deputy auditor, with their confederates found it was impossible to get a vestry in Edgecombe that would not employ me, they divided the parish in a most ridiculous manner, & by a notorious act of injustice, threw the expenses of the 2 preceeding years upon the Parish they expected I would settle in, only to save appearances they gave the collections of the Parish Taxes, to the said parish of Edgcombe, tho' they knew the taxes had not been collected by reason of the opposition they themselves had made to it, but this not having the desired effect, they divided the county after the same manner, which gave his excellency the opportunity of appointing a Sheriff in Edgcombe who managed the election of vestries in Edgcombe, so that they have had no vestry for several years & consequently no churchwardens; The Sheriff knowing that the Parish money can't be taken from but by churchwardens. It would be an endless task to enumerate all the little dirty tricks, they have used to drive me away. In short I have been so persecuted by the Gov^r & his accomplices, that I have several times laid down my office, with a resolution to settle in Virginia, but have been diverted from it, even after I was on the road, by the importunities of the people & were it not to oblige them, they are so fond of me, I would not stay one day in the Province, where Fraud, injustice & oppression are triumphant; if Gov^r Dobbs complains against me for great misbehaviour, why did not he take the law of me? he never can have greater advantages this way. I have told 2 Chief Justices to their Faces, how grossly they misbehaved in suits, for the recovery of Parish Taxes from Sheriffs who had squandered them away, when the captain of the above mob being put into the commission of the peace stood candidate at an election of Bur-

gesses in Edgcombe, with all the influence of the Gov^{rs} Faction in these parts & had got the huzzah on his side, I painted the scoundrel in his proper colors & overset his election, 'tis true he came up to me with his myrmidons & began to chatter, but I soon stopt his mouth by telling him I was ready to prove again, what I had charged him with. I have been offered as good security as I could desire for the payment of my salaries here, if I would cease inspecting the vestry accounts & rejected it with indignation: after these & many such instances, no wonder the tools of Power should look on me with an evil eye; But all the ill natured ridiculous stories they invent make no impression on the people, who when they have a chance, vote in such vestrymen, as they think will employ me. Is it to be supposed that the people think I neglect my duty when they have several times offered me a better maintenance by subscription, than I had on the Establishment; In the Parish of St. George N. Hampton where I reside, there is a church & 3 chapels. There are 2 places besides, where I preach now & then on a week day. I officiate monthly by subscription in Bertie county on week days & have thrice administered the sacrament there last year. I have also officiated in Hertford county. Since my last of Nov^r I baptized 286 white children, and one adult & 54 Blacks, the communicants are generally from 20 to 30. I am

Rev^d Sir, your most humble servant,

JAMES MOIR.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Earl to the Secretary (Ext).

N^o CAROLINA EDENTON Apr. 12, 1763.

REV^d SIR,

Since my last to you I have baptized in this Parish 37 white & 3 Negro Infants & administered the sacrament of the Lords Supper to 31 communicants. I have made 2 journeys to Berkeley & S^t Johns Parishes at the instance of the respective parishioners & Baptized 150 white & 8 black infants and 3 black adults, there are many sectaries interspersed in the several Parishes I visit, but are not so numerous as they have been some years ago; hope that by the blessing of God upon my endeavours, they will continue to decrease more & more & be at last brought into one fold.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

Know all men by these presents That We John Edwards, William Pace & Joseph Smith of Northampton County in the Province aforesaid, are held & firmly Bound unto James Washington Esq^r and the rest of the Justices of the County Court of Northampton, in the sum of One Thousand Pounds proclamation money; to the which payment Well & truly to be made and done; We bind ourselves our heirs Executors & Administrators Joyntly and severally unto the said Justices and their successors for the time being firmly by these presents; Sealed with our Seals and Dated the fourth day of May in the Third year of His present Majesty's Reign Anno Domini 1763

The Condition of the above Obligation is such; That Whereas the above bound John Edwards in consequence of a Recommendation from the said Justices to Benjamin Heron Esq^r Secretary and Clerk of the Pleas for y^e Province of N^o Carolina, is Nominated and appointed Clerk of the Pleas and Crown for the County of Northampton by a Commission under the hand & Seal of the s^d Benjamin Heron Esq^r bearing date the ninth day of January 1763:

Now if the said John Edwards shall safely preserve and keep the Records of the said Court, and faithfully Discharge the Duty of his said Office according to the best of his skill and Judgment; That then s^d Obligation to be void & of no Effect, otherwise to remain in full force and Virtue.

J EDWARDS [Seal]

W^m PACE [Seal]

JO^s SMITH [Seal]

Sealed and Delivered in presence of

W^m RUFFIN

THO^s PACE

NORTHAMPTON COUNTY—SS }
May Court 1763 }

The within written Bond was Acknowledged in open Court, in due form of Law; and was Ordered to be Registered.

Test

J EDWARDS Clerk

Registered in Book C. Page. 62.

Test

J EDWARDS Pub. Reg^r.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

To the Worshipful the Speaker and Gentlemen of the Assembly.

The petition of Sundry of the Inhabitants of the Counties of Northampton Edgecombe and Granville.

HUMBLY SHEWETH

That by one Act of Assembly passed in the year 1723, Intituled "An Act for an Additional Tax on all free Negroes, Mulattoes, "Mustees and such Persons Male & Female, as now are or hereafter "shall be intermarried with any such Persons resident in this Government." Amongst other Things it was enacted That all free Negroes &c. that were or shou'd thereafter be Inhabitants of this Province Male & Female being of the Age of twelve Years & upwards shou'd be deemed Tythables and as such should yearly pay the same Levies and Taxes as other Tythable Inhabitants.

That many Inhabitants of the s^d Counties who are Free Negroes & Mulattoes and persons of Probity & good Demeanor and chearfully contribute towards the Discharge of every public Duty enjoined them by Law. But by reason of being obliged by the s^d Act of Assembly to pay Levies for their Wives and Daughters as therein mentioned are greatly Impoverished and many of them rendered unable to support themselves and Families with the common Necessaries of Life.

Wherefore your Petitioners would humbly pray in behalf of the s^d Free Negroes &c. That so much of the said recited Act as compels such of them as Intermarry with those of their own complection to pay Taxes for their Wives & Daughters may be repealed or that they may be otherwise relieved as to your Worships in your great Wisdom seem meet.

And your Petitioners as in Duty bound shall pray &c.

GRANVILLE COUNTY

| | |
|--------------------------|------------------------|
| WILL ^m EATON | JOHN HAWKINS |
| PHI ^t HAWKINS | GEORGE JORDIN |
| THO ^s LOWE | JN ^o SALLIS |
| PATRICK LASHLEY | PHIL. PRYOR |
| FRA ^s KING | JN ^o BOWIE |
| AARON FASSOL | JOHN JONES |
| THO ^s DULANY | JOHN WADE |

| | |
|--------------------------------|-------------------------|
| ZACK BULLOCK | GÉORGE CUTTLOE |
| JOHN WILLIAMS Jun ^r | THOMAS WOODLIEF |
| JOHN GIBBS | WILLIAM FORKNER |
| AND ^w HAMPTON | MARTON DICKSON |
| MOSES COPPACK | AMANWALL FORKNER |
| W ^m JOHNSON | LEOPOLD FALLON |
| JONAS PARKER | JAMES SMITH |
| RICH ^d HARRIS | W ^m SMITH |
| AMOS NEWSOM | JO ^s BRANTLY |
| SHURLEY WHATLEY | JAMES BRANTLY |
| JN ^o GLOVER | ED ^w YOUNG |
| JOHN MARTIN | |

EDGCOMB COUNTY.

| | |
|--|------------------------------|
| JO ^s JN ^o ALSTON | W ^m IRBY |
| WILL ^m ANDERSON | JOSEPH STRICKLAND |
| THO ^s WOOD | BENJ ⁿ SHERROD |
| JOHN JONES | JACOB STRICKLAND |
| AUGUSTIN CURTIS | NATHAN JOYNER |
| JOHN NOLAND | EBENEZER FOLSOM |
| BENJ. NEVILL | W ^m ADAMS |
| JOHN CHENEY | WILLIAM RICHASON |
| JOHN FISH | RICHARD M ^c KINNE |
| JAMES BROWN | |

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 75.]

The humble Representation of Couchet Jouvencal Agent for the Province of North Carolina to the Board of Trade

16th May 1763

The underwritten Agent for His Majesty's Province of North Carolina, having in Consequence of your Lordships Commands, transmitted to his Constituents the Proceedings of the Board of May 28th and June 2nd 1762 in regard to Governor Dobbs' three Articles of Complaint against the Lower House of Assembly, is directed humbly to represent to your Lordships in Answer to the—

1st—That by the Charter of the said Province, granted by King Charles the Second to the late Lords Proprietors of Carolina, they humbly conceive the Laws and Constitutions passed for the good and happy Government of the said Province, or to the private utility of particular Persons, are to be passed by, and with the advice,

assent and approbation of the Freemen of the said Province, or the greater part of them, or of their delegates or deputies, as by the said Charter (to which they beg leave to refer your Lordships) doth at large appear, and that no Assembly from the first settlement of the Province, ever proceeded to the passing of Laws, or any other business without such majority until the year 1746, when a Law was passed by a minority of the Representatives of the People, whereby it was enacted that fourteen Members of the House of Assembly and the Speaker should be a sufficient Quorum to pass Laws or do any other Act or Acts that any Assembly in the Province had been before accustomed to do by a larger number, which gave great dissatisfaction and caused much disturbance and Confusion in the Province during the few Years it was in force, that upon the said Act being afterwards repealed by His late Majesty's Order in Council the Assembly returned to their Ancient and approved Constitution settled by the said Charter and have never since deviated from it, except in one instance which happened in June 1760, An Assembly being then suddenly called on a very pressing occasion to meet at Cape Fear (almost immediately after the Members had attended a very long Session in April and a short one in May before) when upwards of thirty Members about three or four less than a Majority met and after making a resolve that it should not be thereafter drawn into precedent passed a Law for granting an Aid of £12,000 Proclamation money to His Majesty for Augmenting the Forces in the pay of the Province to 300 effective men, exclusive of officers for the defence thereof against the Cherokees and other Indians, who were then committing depredations and murders on the Frontiers Inhabitants, and for other purposes in the said Act mentioned, and one other Law for appointing a Militia—and that should fifteen Members be constituted a Quorum to proceed upon Business, it might afford an opportunity to eight evil designed Persons, the Majority of that Quorum, to pass Bills which might be carried into Laws, destructive of the Rights, Liberties, and Properties of His Majesty's good Subjects in the Province.

The House therefore humbly hope, after the many instances of the loyalty and dutiful behaviour of the Assembly of the said Province, and their sincere and firm Attachment to His most sacred Majesty and His illustrious House, and of their zeal for the service of the Crown. They will not justly incurr the severe censure of disobedience & undutifulness, in adhering to their ancient Constitution settled by Charter, until it is altered by Law, which it might speedily be, if His Majesty would be graciously pleased to instruct His Gov^r

to give His Assent to a Law for constituting a certain number, which the House humbly propose might not be less than one third part of the present whole representatives of the several Counties and Towns in the Province, a Quorum to proceed on Business, and pass Laws, and that eight of them may have power to adjourn the House from day to day, and to send for the absent members, until the said number appeared, this they humbly conceive might be for His Majesty's service, and would not give uneasiness and dissatisfaction to their Constituents.

With regard to the 2^d The House do not recollect that any Person, chosen a Representative for any Town or County without His Majesty's Writ for that purpose was ever admitted into the Assembly as a member thereof, since His late Majesty was pleased, above thirty years ago by his order in Council, to repeal the Act passed in 1715 relating to the Biennial and other Assemblies except in the case mentioned by the Governor of the Member chosen for the Town of Halifax in the year 1760, which was occasioned by the then Assembly misconstruing a Clause in the Act for erecting the Town of Bath, passed in the same year with the above mentioned Act, which has never since happened, as the Assemblies have considered it, as your Lordships do, unconstitutional, and they are at a loss to find what could be the Governor's motive to trouble your Lordships so long after with a charge against the Assemblies of the Province in general for a mistake, he let pass unnoticed at the time, committed by one of them only in particular, and which it was not likely would ever happen again.

3^{dly}. That the several Assemblies of that Province have been always ready and willing to pass Laws for incorporating any settlement into a County or Town, or for the dividing of Counties, when from the number, abilities, and other circumstances of the Petitioners it appeared reasonable or any ways for their advantage, as may evidently appear by the several Laws that have already from time to time been passed for such purposes.

That the Council indeed for good reasons, as the House suppose, appearing to them, have sometimes refused to pass the Bills for such Laws, and the Governor hath likewise refused his assent to such, after they had passed both Houses, as may appear by their Journals, but they do not recollect that any such Bills have ever been refused or rejected in the Assembly, except one brought into the House on a Petition for dividing of New Hanover County, which must be the refusal the Governor complains of, and which was oc-

casioned by it being made appear to the House, that altho' there were upon the list 2670 Taxable persons, 509 only of them were white persons including servants the others being all negro slaves. That the said County was but of a moderate extent, & bounded by the Ocean on one side, and on all other sides by other Counties, and not larger than several other Counties that have double the number of white Inhabitants. That there was already one of the Superior Courts, and the Inferior Court of the said County held within the same, and that by dividing the said county, and Establishing another Court at Brunswick, as directed by the Bill, would be very expensive and oppressive to the Inhabitants in general, the whole number whereof being not more than will necessarily be obliged to attend the one or other of the two Superior and four Inferior Courts, yearly held in the said County, as Justices, Officers, Jurors, Evidences & Suitors, whereupon the Assembly postponed dividing the said County till by an increase of the white Inhabitants it might become less prejudicial to them, and more reasonably necessary to do it, and the Assembly humbly submit it to your Lordships, whether in so doing they justly deserve Censure,

The said Agent is likewise directed to express the great grief and concern with which the Assembly observed by your Lordships report on the Act for Establishing Superior Courts (a Copy whereof Governor Dobbs was pleased to lay before them) that the principal if not the only points in which the said Act appeared exceptionable to your Lordships, and occasioned your laying the same before His Majesty for His Royal Disapprobation were the Provisions made therein regarding the Qualification of the Judges, and the duration of their Commissions, as the Assembly humbly apprehend that without such Provisions, the Lives, Liberties and Properties of His Majesty's Subjects in that Colony will ever be very precarious, and that it is more than probable they will often illegally be deprived of them, either by ignorance in some Judges (before whom they may happen to be brought in question) of the Laws by which they ought to be adjudged & decided, or the want of virtue and sufficient fortitude in others to judge and determine as Right and Justice may require, in Cases where the private Resentment and Interest of an arbitrary, Despotick Plantation Governor, his Creatures or Favourites happen to be concerned, Knowing the Consequence thereof will be the loss of their Offices, if held by his appointment, and if by appointment from England, a Suspension, and the great difficulty and expence (if they should be able to undergo it) of a solicitation at the Boards

in England to get restored, against the powerful Interest, or false and partial Representation of such a Governor.

These Considerations alone induced the Assembly in the first draft of the Bill for the said Act, to make the aforesaid Provisions, and not the view of compelling the Governor to appoint three particular persons, to whom such Qualifications were particularly adapted, as they find has been unjustly affirmed to your Lordships. Neither did the Governor appoint either of the Three Persons they have reason to believe he alluded to, in his Representation against the said Law, but did from amongst others, likewise qualified agreeable to the said Act, Commission three judges, who indeed, together with the present Chief Justice, discharge their Duty with such integrity, uprightness & Ability as gave a dignity and reputation to the several Courts wherein they presided, and a general Satisfaction to the Inhabitants of the Colony and the Merchants and others Trading and Sojourning therein, beyond what had ever been observed there before.

The Assembly humbly presume, that had your Lordships adverted to the Statute of the 11th and 12th of William the Third Chapter 2nd, which doth not appear to be confined to His Majesty's Subjects in Great Britain alone, but to extend to His Subjects in general, and the Statute of the 13th of His late Majesty George the Second of glorious memory, Chapter 7th which is a plain declaration of every branch of the Legislature in England, that the Subjects in His Majesty's Colonys are entitled to all the Privileges of the People of Great Britain, and also to the early and important instance of His present Majesty's gracious regard for the Rights and Liberties of His Subjects, in recommending to His Parliament from the Throne in the first year of His Reign, to supply a defect in the former of the said Statutes, by passing an Act to prevent the Judges Commissions ceasing & determining even on the demise of the Sovereign your Lordships would not have considered the aforesaid Provision as subversive of the Constitution and Restrictive of His Majesty's just Rights and Prerogatives.

It likewise appears to the Assembly that your Lordships have been misinformed in regard to the Jurisdiction of the Inferior Courts in His Majesty's Colonys in North America, as it is evident there are few of them but have power to adjudge and determine in Civil Actions to the value of Twenty five Pounds Sterling, & that the inferior Courts in the next adjoining Colony of Virginia, as well as those of some other Colonies, have in such Actions, an unlimited Juris-

diction, with a right of appeal only to the Superior Court; and as no inconvenience appeared from the Inferior Courts in the said Colony of North Carolina having power to try and determine in Civil Actions as far as fifty Pounds Proclamation money equal in value to Twenty five Pounds Sterling only, but on the contrary His Majesty's Subjects found great benefit and advantage from it in the easy and speedy recovery of such small debts, Filial Portions, Legacies etc without much trouble and expence, the Assembly were sensibly grieved and concerned to find one principal exception your Lordships took to the late Act for Establishing those Courts, was the power given them to try and determine even to so small a value as the aforementioned Sum.

The said Agent has it also in Charge humbly to request that your Lordships will be pleased to direct the Governor to Assent to a Law for applying the Money, (formerly allotted to the Province of North Carolina out of one of the Parliamentary grants to the Colonies,) in aid of the Tax for defraying the Contingent Charges of Government as the Assembly find that the said money, together with that arising by the above Tax, will scarcely be sufficient to pay off the large Debt due from the Public and payable out of the Contingent Fund, which has been occasioned by the extraordinary Expences of the Government during the Course of the War, as they cannot possibly at present lay a further Tax for the payment thereof, those already laid for Contingencies of Government, sinking the large Sums that from time to time have been granted by the several Assemblies in aid to His Majesty for his Service, in carrying on the War against the common Enemy, together with the several necessary county and Parish Taxes payable to [by] their Constituents, being as much as their Circumstances can bear, they, therefore humbly desire that the said money may be applied to the purposes above mentioned, and not to any other, nor be, in any manner disposed of without the consent and concurrence of the whole Legislature, as it was originally ordered to be.

The Assembly likewise humbly pray, that the monies allotted for Schools, Glebes, and Public Buildings, by a Law passed in November 1754, and which has long laid under a suspending Clause may by His Majesty's Royal allowance be applied to the pious purposes originally intended, for altho' part of the said money has, upon an extraordinary exigency during the War, been borrowed and employed for His Majesty's Service, a Tax was laid for replacing it, so

that it still remains to be applied for the purposes intended by the said Act, as soon as His Majesty shall be graciously pleased to signify his Approbation thereof.

COUCHET JOUVENCAL.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 74.]

Letter from Governor Dobbs to the Board of Trade.

BRUNSWICK, 17th June 1763.

MY LORDS,

I had the honour of your Lordships of the 9th of March Ult. the 20th May acquainting me with your being Constituted the board for Trade and Plantations with the several orders and letters from his late Maj^{ty} in 1752 in what manner I shall correspond with you which I shall punctually follow and must believe that the order I received from the late Secretary Mr. Pitt that the several recommendations for places in America were to be transmitted through his office has been restored to your Board as formerly. I received only on the 12th inst. from the post office in Virginia indorsed by the Postmaster in New York as received by him the 1st of April last the several following Papers Two additional Instructions dated the 9th of December 1761 relating to the Indians and to the Judges places being to be held during pleasure. A copy of the letter to the Lieut^t Governor of New York of the 11th of December 1761 upon the same points which the other Colonies are to observe and a duplicate of a letter to me dated the 14th of April 1761, with a letter from Secretary Pownal dated the 10th of December 1761, it is surprising to me that those Letters of so old a date should be so long in coming to me by which means I could neither acknowledge the receipt of them sooner nor follow the Instructions though they principally regard the Northern Indians, as we have no complaints or leagues with the Catawba Indians who are now reduced to less than fifty men, the Tuskaroras and Meherrens being also reduced, and in Lord Granville's district, I shall now take care to obey these Instructions.

I hope my Answer to the two Queries I was obliged to postpone and my dispatches relative to the transactions of last Session are now safe with you as they left this Harbour after the ratification of the peace in March. I have nothing further to add, but am with due respect &c

ARTHUR DOBBS.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Reed to the Secretary

NEWBERN, June 26. 1763

REV^d SIR

My last was on the 27 of Dec^r 1762 by 3 different conveyances & which I hope you have duly received, since that time it has pleased God to restore our Gov^r to a perfect state of health, his recovery indeed is very surprising, for he had for a considerable time lost the use of both his feet. I am in great hopes that it will please God to prolong his life to hold another Assembly, for the Clergy are still destitute of any legal provision, or encouragement & have nothing to subsist upon but the benevolence of the Society I have not received any stipend at all from my Parish for upwards of 14 months, nor have I the least expectation of receiving one Shilling till some vestry Law be enacted, for as long as there is no vestry Law, no tax can be laid for the Clergys Stipend & tho the Sheriffs have now a whole years collections in their hands yet as there is no vestry to call them to account, they do not choose to part with the money on any terms or security whatsoever, the misfortune is they too often stand in need of it themselves. For the generality of the Sheriffs are very extravagant, to say no more, & very frequently spend the Public money not one in 10 I believe I might say in 20, can ever make up their accounts by which means the Clergy are frequently kept a long time out of their Stipends. The Assembly is to meet I believe about Oct^r next when our Gov^r will endeavour if possible to get a better vestry Law enacted than any of the former ones, that have been repealed. It would be much better for the Clergy, than it has been if their Stipends were paid out of the public treasury as in S^c Carolina. I have had some conversation with our governor about such a Law, who approved of it very much & told me he would write to the Bishop of London to know whether it would be agreeable to his Lordship, which if he has done I doubt not but his Lordship will immediately concur; all our former Laws have laid the Clergy under very great difficulties in receiving their Stipends the Churchwardens used to send us to the Sheriff and the Sheriff to send us back again to the Churchwardens. It is not long ago since I had the misfortune to be sent backwards and forwards & played off in this manner for 12 months successively. The case was this. An

extravagant Sheriff had spent the Parish money as fast as he had collected it, and I was obliged to shift as well as I could, until he had received another years collection. were the Clergy to be paid out of the Public Treasury, this grievance would be entirely removed & if the Bishop of London should think proper to signify his approbation of such a Law I am sure it would be warmly recommended by our Governor & likewise backed by 1 or 2 *Leading* members of the assembly and *very probably* would be enacted; enclosed you have my Not. Parish for 6 months past. I have visited St. John's Parish as usual & baptized 26 white children & administered the sacrament of the Lord's Supper to 42 Communicants. Mr. M^cDowell of Brunswick lately informed me that the Society had granted my request of some books which he daily expected with some for himself, for which favour I return my sincere & hearty thanks, the receipt of them will be very agreeable to Sir

Your most obliged obd^t &

humble servant

JAMES REED Mis^r in Craven County

[B. P. R. O. AM. & W. IND. VOL. 214.]

Governor Dobbs to Secretary Lord Egremont

15 July 1763.

MY LORD,

I have the honor of Your Lordship's letter of the 26th March on the 8th inst. with His Majesty's commands to proclaim our glorious Peace which has secured to us so great an Empire upon this Continent which I have accordingly done I before acknowledged the receipt of Your Lordship's letter about the Indian Congress which is appointed at Augusta on the 15th of October to which Capt. Stewart has invited the Indians but I dont hear that the presents are yet arrived at Charles Town I propose God willing to attend it as it appears still more necessary by the breaking out of the Indians to the Northward.

I am with great respect My Lord &c

ARTHUR DOBBS

[B. P. R. O. AM. & W. IND. VOL. 214.]

Governor Dobbs to Secretary Lord Egremont

BRUNSWICK 17 July 1763

MY LORD,

I had the Honor of Your Lordship's letter of the 27th Nov. 1762 along with your letters of the 18th February and 16th March it is with the greatest pleasure that I congratulate Your Lordship upon the ratification of the glorious Treaty which has confirmed to His Majesty and Britain the sole Empire of this Northern Continent Eastward from Mississippi to the Polar Circle and has procured to us an extensive trade to all parts of the Globe and the Empire of the Ocean As to the American Islands they may be hereafter easily gained while we keep the Dominion of the Sea in case the French should ever be so mad as to renew the War.

I have according to your Orders notified it over the Province and shall proclaim it in form when I shall receive further orders. I shall attend the Indian Meeting if my Health permit at present Mr. Fauquier and I think it will be more convenient and less expensive and more desirable to the Indians to hold it at Charles Town which we have mentioned to Gov. Boone and Capt. Stewart.

It gives me exquisite pleasure that His Majesty approves of what I did for his service in raising the Recruits I hope before this time the Duplicates of my letters are got safe to England.

After this glorious acquisition which has answered my most sanguine and endeavours to promote I have nothing to wish for but the opening the trade to Hudson's Bay and discovery of the passage to the Western American Ocean which I have laboured to obtain these thirty years and then I should die in peace

I am My Lord &c

•ARTHUR DOBBS.

I beg Your Lordship will allow me to recommend Mr. Benjamin Heron the Acting Secretary of this Province to be appointed one of the Council of North Carolina in the room of Mr. Spaight.

[FROM MSS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

Know all men by these Presents that we Rob^t Rowan of Bladen

County, Lodwick Tanner of Johnston County, Richard Grove of Cumberland County and Richard Caswell of Dobbs County All of the Province of North Carolina Gentlemen are held & firmly Bound unto Joseph Lane John M^cCullers and David Holliman Esq^{rs} & others their Brethren Justices of the inferior Co^t of pleas and quarter Ses^s for said County & their successors in the full and Just sum of one thousand pounds proc. Money To be paid to the s^d Joseph Lane John M^cCullers & David Holliman & their Brethren Justices as aforesaid or their successors for which payment well and Truly to be made we binde our selves & each of us our heirs executors & administ^r in the whole & for the whole jointly and severally firmly by these presents Sealed with our seales & Dated this 19th Day of July Anno Dom: 1763.

The Condition of the above obligation is such that Whereas the above Named Robert Rowan by Commission Under the hand & seal of Benjⁿ Heron Esq^{re} Clerk of the pleas of this Province is Constituted & appointed deputy Clerk of the pleas of the Inferior Co^t of pleas & Quarter Ses^s for the said County of Johnston Now if the said Rob^t Rowan shall well & safely keep all records & proceedings of the s^d Court & truly honestly & Faithfully in all things Execute the s^d office during his Continuance therein then the above obligation is to be void & of none Effect otherwise to be & remain in full force power & virtue

ROB^t ROWAN [Seal]

LOD TANNER [Seal]

RICH^d GROVE [Seal]

RICH^d CASWELL [Seal]

Signed Sealed & Delivered

in presence of

NATH^l JONES

JOHN MACKELROY

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

HALIFAX 17th Sept^r 1763

DEAR SAM [SAMUEL JOHNSTON]

Enclosed you have the Late Gov^{rs} agreem^t in 1745. Observe the Late Gov^r binds himself to Grant the Lands—1,200,000 (but does not Release H M) H. M. Not a Word said about the fees, only that the Gov^r was to pay all fees to Rice Rowan Gould—that is to the Secretary and Surveyor Gen^l to which if you include the Gov^{rs} own fees

will amount to above £3000 St^r. which you Can cast up from the table of fees Note also that by His Majesty's Warrant for these Lands H. M. was to pay these officers their Lawfull fees.

Q. Whether or not—for divers other good Causes and Considerations as ment^d in the Release—may not be understood these fees—which will amo^t to a Considerable larger sum than all would be Charged by H. M. against the Gov^r including the sums he was security for (as in Serjeant's Case)—Will this Clause bar Mr. H. M.

I have as yet got no other acc^t which Mr. Harvey has promised to send me the first opportunity, and which when obtained shall be sent you.

Observe H. M. declares his having Reced but £1800 for these lands sold &c. I have been told of £3000 by him Reced for these lands—that alone is Sufficient Cause of action in Chancery—but of all these you'll Judge more distinctly when you receive the papers. Mr. H. M. expects when that bond of Serjeants is paid up there will be due to him, £2000 St^r.

Yours

JN^o RUTHERFORD.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Moir to the Secretary

N. HAMPTON, Oct 20, 1763

REV^d SIR:

Since my last of April, at the earnest request of the people of Edgecombe (there being no vestry in the Province) I officiated in that Parish in the months of May and July and baptized 283 white and 6 black children. Before the expiration of my year in No. Hampton the Parishioners insisted on my continuing to officiate among them, and assured me they would give me full satisfaction either by subscription or by voting in a vestry to do it by the first opportunity, to which I consented and have baptized in this and the neighboring counties of Bertie and Hertford 238 white and 56 black children, the communicants are often from 10 to 30, and seldom above 30 as I administer the Sacrament in the different Chapels and sometimes in private houses when the Church and Chapels are inconvenient to the aged and infirm.

The general assembly of this Province is to meet next december, some members of my acquaintance desire me to be there promising

to use their utmost efforts to encourage a regular ministry as the only effectual means to stop the inundation of Sectaries, which are chiefly owing to the vestry acts, the generality of the inhabitants being much inclined to the offices of our Church, but I have little hopes of Success, having often represented among others the inconvenience of one and the same persons collecting the Parish taxes, and taking the Poll at the election of vestries. My Salaries in Edgcombe for the three last years I officiated there are still due. Gov^r Dobbs taking the advantage at the division of the county to appoint a Sheriff who managed the election of vestries so, as that the Parish had no vestry for several years before the repeal of the last vestry act, to prevent being sued for the money in his hands. The Parishioners are sensible of the injustice done me & resolve to choose a vestry that will oblige the Sheriff to refund. they also importune me to reside in their Parish. I have not drawn for my salary this last year, hoping the venerable society will give me leave to come to London next Summer.

I am Rev^d Sir, your most ob^t Humble Servant,

JAMES MOIR.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Stewart to the Secretary

GLEBE NEAR BATH N. CAROLINA Nov 6 1763

REV^d SIR:

As soon as my health would permit, I set out for the benefit of the sea air, to a part of Hyde County called Atamuskeet (this Place I formerly informed the society) is separated by an impassable morass from the other parts of that county and is only to be come at by water and upwards of 70 miles from Bath, while I was there I preached twice at the Chapel and baptized 64 white children one Adult white, 11 black adults and 11 do. infants, and at the other chapels in Hyde County 42 white infants and 5 black do. the remains of the Attamuskeet, Roanoke and Hatteras Indians, live mostly along that coast, mixed with the white inhabitants, many of these attended at the Places of Public Worship, while I was there & behaved with decency seemed desirous of instruction & offered themselves & their children to me for baptism. & after examining some of the adults I accordingly baptized, 6 adult Indians, 6 Boys, 4 Girls & 5 Infants & for their further instruction (at the expence of

a society called Dr. Bray's associates, who have done me the Honor of making me Superintendant of their schools in this Province, have fixed a school mistress among them, to teach 4 Indian & 2 negro boys & 4 Indian girls to read & to work & have supplied them with Books for that purpose & hope that God will open the eyes of the whites everywhere that they may no longer keep the ignorant in distress but assist the charitable design of this Pious society & do their best endeavours to increase the kingdom of our Lord Jesus Christ.—The baptisms in this Parish have been since I wrote last 63 white infants & 2 adult whites. 17 Black infants & 1 adult, number of communicants, inhabitants &c. as much as usual, so that the number baptized by me in all is 236.—I have nothing to add to the society but that I am now living in the 1st Glebe House ever finished in this Province, & tho' I have much impaired my health, by fatigues & duty in so large a district, yet that I go thro' with it cheerfully, as I hope for a more lasting inheritance for myself hereafter & if it please God to spare me, but a little to put every thing in order in this Parish that my successor may find a comfortable subsistence

I am Rev^d Sir your obd^t & humble Servant

ALEX. STEWART.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

To all to whom these presents shall come—I George Augustus Selwyn of Matson in the County of Gloucester Esq^r send Greeting Whereas by virtue of several Grants passed under the Seal of his Majestys Province of North Carolina to John Selwyn Esq^r my Late Father Deceased I the said George Augustus Selwyn am Intitled to Two several Tracts of Land The one commonly called by the name of the Tract N^o 1 and the Other By the name of the Tract N^o 3 Each of them containing One hundred thousand acres of Land situate in the said province of North Carolina Which said two Tracts are part of a much Larger Quantity of Land in the said province heretofore Directed to be Granted to Murray Crymble, James Huey and their associates in such proportion as should be required of them upon certain Terms and Conditions in the said Grant specified And whereas Divers parts of the said two Tracts of Land N^o 1 and N^o 3 have been settled and improved According to the Terms and True meaning of the said Original Grants and several Other parts thereof have not Been settled and improved

whereby the same ought to be surrendered unto the Crown Now Know ye That I the said George Augustus Selwyn Have revoked annulled and made void &c and make void to all Intents and authorities by me at any time heretofore Given or Granted to any person or persons whomsoever to do or Transact any matter or thing whatsoever Touching or concerning the said two Tracts of land in North Carolina Called N° 1 and N° 3 so Granted to the said John Selwyn as herein before is mentioned And I the said George Augustus Selwyn for Divers good causes &c appoint Henry McCulloch of Chiswick in the County of Middlesex Esq^r and Henry Eustace McCulloch of N° Carolina aforesaid Esq^r Jointly and severally each of them and such person or persons as shall be Legally appointed by them or either of them for me in my name and in my behalf to surrender and yield up unto the said Governor or Commander in Chief of his Majestys province of North Carolina &c all such parts of the said Land as were not on the twenty fifth day March 1760 settled and improved according to the terms True Intent and meaning of the said Original Grants And &c to make Seal Execute and Deliver all such Deeds as shall or may be necessary &c and concerning all such parts of the Lands contained in the said Two Tracts N° 1 and N° 3 as shall not be so surrendered and yielded up but retained for the use of me the said George Augustus Selwyn my heirs and assigns I authorize and empower my said Attorney &c to Plott or run out the same in the best or most advantageous manner And from time to time to advance and pay all such sum and sums of Money as shall be necessary for the plotting or running out the same or any part thereof or Otherwise in relation thereto (which sum and sums so advanced are to be paid by and out of the money arising by sale of the said Lands as hereinafter is mentioned but not to be in any other manner borne or paid by me the said George Augustus Selwyn) And further I do hereby authorize and Empower the said Henry McCulloch and Henry Eustace McCulloch &c to Grant Bargain Sell and Convey all every or any part or parts of the said Lands contained in the said Tracts N° 1 and N° 3 as shall be retained to my use &c unto any person or persons as shall be willing to purchase the same for the best and most adequate price that can be got for the same &c and in my name to Seal Execute and Deliver such Deeds and Conveyances Bargains And sales for the absolute sale of all and singular the said parts of the said Lands as shall be reserved to me as aforesaid with such covenants clauses and agreements &c and out of the monies

which shall arise by the sale of the said premises in the first place to Deduct and retain to his and their own use all such monies as shall be expended in Plotting and Running out the said Lands and also all such reasonable Costs Charges and Expenses as they or either of them shall be put unto or Expend in the execution of all or any of the matters aforesaid And in the next place by and out of the moneys arising by such sale to pay and satisfy all such Quit Rents or other Rents as are made payable to the Crown and have accrued due or shall hereafter accrue due for all such parts of the said Lands as are or shall be reserved to my use as aforesaid from and after the said Twenty fifth day of March 1760

In Witness whereof I have hereunto set my hand and seal the Twenty first day of November 1763 &c

G AUGUSTUS SELWYN [Seal]

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23, p. 232.]

To Governor Dobbs.

WHITEHALL, Dec^r 15th 1763.

SIR,

The Agent for the Assembly of North Carolina having requested in the name of his constituents that we would direct you to assent to a Law for applying to the Contingent Service of the Government, the money allotted to the Province out of the Parliamentary Grant to the Colonies and such request appearing to us to be both just and reasonable, we would recommend to you to give your Assent to any proper Law, which the Council and Assembly may frame and pass for this purpose unless you shall have any particular reasons for refusing that Assent and if you have you will forthwith acquaint us what those Reasons are.

We are Sir &c

HILLSBOROUGH
SOAME. JENYNS
ED. ELIOT
ED. BACON
GEO. RICE

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Reed to the Secretary (Ext^t)

NEW BERN Dec^r 26th 1763.

REV^d SIR,

The clergy still continue destitute of any legal encouragement, in North Carolina, the assembly, were to have met at Wilmington the 14th of this inst^t but yesterday I received information that on the 20th there was not a sufficient number of members then arrived to make a house & that it was the current opinion there would be no session of Assembly this winter, Wilmington is not at all central, but a remote part of the Province, where 'tis quite inconvenient for the majority of the assembly-men to attend & our Gov^r is too infirm to meet them at any other place. In short the Province is in great confusion for want of the seat of government being fixed & the approaching dissolution of the Governor, presents us with a gloomy prospect, upon his decease I expect that old quarrels will be renewed old grievances repeated & the whole Province disunited & divided into the old Parties of North & South. The Benevolence of the Society therefore is the only support of the Clergy, at Present & I am afraid will continue so to be for a considerable time—

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

By His Excellency Arthur Dobbs Esquire Captain General and Governor in Chief in and over the said province

To Ann Snell, Michael King, James Kennan and Robert Warrin Greeting.

You and every of you are hereby strictly Ordered and Directed personally to be and appear before me in Council at Wilmington on the first Tuesday in February next Then and there to Testify the truth of What you know in a Certain Charge then and there to be made against the Rev^d Mr. William Miller Minister of the Parish of S^t Gabriel in said County of Dupplin By Joseph Williams Esq^r in behalf of the Inhabitants of said County.

Herein you are not to fail as you shall Answer the Contrary at your peril.

Given under my hand at Wilmington the Twenty Seventh day of December in the Fourth year of His Majestys Reign Anno Domini 1763.

THOMAS RUTHERFORD C^k C^l

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 72.]

Memorial of Jn^o Dalrymple Esq^{re} Comm^d^{er} of Fort Johnston in N^o Carolina. to the Board of Trade

The Humble Petition of John Dalrymple Esq^{re} Captain and Commander of Fort Johnston in North Carolina.

SHEWETH,

That the Petitioner having served upwards of thirty years an officer in His Maj^{ty}'s Army was appointed Captain and Commander of Fort Johnston by General Braddock.

That some time after he obtained leave from the Commander of His Majesties Forces then in America to return to England and then by His Majesty's most gracious favour had a new Commission for the said Fort Johnston dated October twenty seventh one Thousand seven hundred and sixty.

That on the Petitioners return to take the Command of the said Fort he waited on Governor Dobbs who with many circumstances of severity put the Petitioner under arrest and confined him in an open Barrack with Sentinels over him on pretence of his having gone to England without his leave although the Gov^r had superceded him before he went to England and appointed another in his place.

That your Petitioner still continues a close prisoner, the Governor refusing to release him unless he will give it under his hand that he had been disobedient to Orders and broke the Articles of War.

Under these unhappy circumstances your Petition^r humbly begs your Lordships will take his Case into consideration and order such redress as your Lordships shall see meet.

And your Petitioner shall ever pray.

Reed 30th May 1763

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 57.]

The Memorial of Charles Berry Esq^{re} Chief Justice of His Majesty's Province of North Carolina to the Board of Trade

Your Memorialist humbly Sheweth, That in the year of our Lord

1759, he was by His late Majesty appointed Chief Justice of the Province of North Carolina, and since his Demise has been Continued in the said Office by His present Majesty, and that by the Tenour of his Commission your Memorialist was to hold execute and enjoy his Office, with all & singular the Rights, Profits, Priviledges, and Emoluments thereto belonging in as full and ample manner as any Chief Justice had held or enjoyed or of Right ought to have held & enjoyed the same. In Consequence of which appointment your Memorialist hath hitherto enjoyed the said office with its Emoluments, among which not the most inconsiderable was the power of appointing Clerks of the Courts wherein he presides. This Privilege founded on the Principles of the Common Law by which Judges had the Appointment of their own Clerks had been enjoyed by your Memorialist's Predecessors in Office in the said Province. And as the Reputation and Interest of the Chief Justice greatly depends on the Fidelity and ability of the Clerks, whose duty requires them to record his Judgment and collect his Fees, it is humbly apprehended that the power of such appointment cannot be exercised by any other person without manifest injury to his office. Notwithstanding which your Memorialist has been given to understand that Benjamin Heron Esq^{re} under a Commission lately obtained from the Governor of the aforesaid Province appointing him Clerk of the Pleas within the same, claims a right to the appointment of Clerks as well of the Superior as Inferior Courts of Pleas in derogation of the authority Your Memorialist has to appoint such Clerks, and in great Prejudice of his Office. He therefore humbly prays the premise being considered, that the said Benjamin Heron may be restricted from attempting the exercise of his Office in such manner as may interfere with his your Memorialist's power of appointing the several Clerks in the respective Courts in which he presides.

Reced March 16th 1763.

BOARD OF TRADE JOURNALS.

[B. P. R. O. JOURNALS B. T. VOL. 71.]

Wednesday, March 2^d 1763.

Present

| | |
|--|-----------------------------|
| Right Hon ^{ble} Chas. Townshend | |
| Mr. Jenyns | Mr. Bacon |
| Mr. Yorke | Sir Edm ^d Thomas |
| Mr. Rice | Lord Orwell |

Read a Memorial of Couchet Jouvencal in behalf of Blake Baker interested in an Act passed in North Carolina in 1761 for docking the intail of certain lands there and vesting the fee simple in the said Blake Baker.

The Secretary acquainted the Board that Mr. Sharpe Solicitor for and in behalf of John Lane interested in said Act had entered a Caveat against any Report for confirming the said Act until he had been heard upon it whereupon their Lordships agreed to take it into consideration on Friday the 11th inst. and the Secretary was ordered to give notice thereof to the parties concerned.

Friday, March 11th 1763.

Their Lordships took into consideration an Act passed in the Province of North Carolina in 1761 entitled an Act to dock the entail of certain lands therein mentioned vesting the fee simple thereof in Blake Baker and for Settling other lands in lieu thereof to the Same uses together with Mr. Jouvencal's Memorial in behalf of the said Blake Baker mentioned in the Minutes of the 2^d inst and Mr. Jouvencal attending without together with Mr. Joshua Sharpe Solicitor, praying to be heard in behalf of Mr. John Lane against the said Act they were called in and Mr. Jouvencal having laid before the Board a petition to His Majesty of the said John Lane duly authenticated praying that the Act may be confirmed Mr. Joshua Sharpe desired leave to withdraw his Caveat and it was Ordered that the Draught of a Representation to His Majesty should be prepared proposing that the said Act may be confirmed—agreed to and signed 15th March

Wednesday March 16th 1763

Read a Memorial of Charles Berry Esq^r Chief Justice of North Carolina setting forth his right to appoint Clerks of the several Courts in which he presides in that Colony which right he alleges has been invaded by a person who has obtained a Commission from His Maj. to be Clerk of the Pleas in that Colony.

The appointment referred to and complained of not appearing to be entered upon record in or any ways notified to the Office their Lordships did apprehend the subject matter of the said Memorial was not regularly before them.

Wednesday, March 23^d 1763.

Read an Order of the Lords of the Com^{tee} for Plantation Affairs

dated 12 Mar. 1763 approving a Representation of this Board which recommends that a temporary line of Jurisdiction should be established between the Provinces of North and South Carolina and directing the Draught of an Additional Instruction to be prepared requiring the Governors of both Provinces to carry the said project into execution.

Ordered that the Draught of an Instruction be accordingly prepared and also the Draught of a Report to the Lords of the Committee thereupon—signed 29th March

Tuesday April 12th 1763.

Their Lordships directed that the Order of the Lords of the Com^{tee} of Council referring the Extract of a letter from the Governor of North Carolina proposing an alteration in his Instructions relative to the Lands granted to Murray Crimble and James Huey and their Associates, which Order was appointed to be taken into consideration tomorrow, be taken into consideration at some other opportunity.

Wednesday April 27th 1763.

Ordered that the Order of the Lords of the Committee for Plantation Affairs mentioned in the Minutes of 23^d March last referring to this Board an extract of a letter from the Governor of North Carolina concerning the 74th Article of his Instructions relative to the Lands granted in 1737 to Murray Crymble and James Huey be taken into consideration on Friday morning and that notice be given to Mr. M^cCulloch who appears to be concerned in interest in those lands to attend.

Friday April 29th 1763

Their Lordships then took into consideration the Order of the Lords of Committee for Plantation Affairs referring to this Board for their consideration and opinion an extract of a letter from the Governor of North Carolina concerning the lands granted to Murray Crymble and James Huey in 1737 and Mr. M^cCulloch concerned in interest in the said lands attending as desired he was called in and their Lordships having had some conversation with him upon the subject matter of the Governor's letter he withdrew and it was Ordered that the Draught of a Report to the Lords of the Committee of Council should be prepared—which was agreed to and ordered to be transcribed on May 3^d and was signed on May 6th

Tuesday May 3^d 1763.

Read the following letters and papers received from the Governor of North Carolina Viz:

Letter from Gov Dobbs dated 30 Apl 1762 acquainting the Board that he had dissolved the Assembly upon their refusal to grant an aid to His Majesty and of his proceedings in consequence thereof.

Letter from Gov Dobbs dated 23^d Feb. 1763 acquainting the Board that the Supply Bill is near expiring and desiring to be informed whether His Majesty intends leaving the appointment of the Treasurers to the General Assembly; recommending two Gentlemen as proper to be in the Council in the room of Mr. Spaight & transmitting Answer to two Queries not before answered

Gov Dobbs' Speech to the Council and Assembly congratulating them on the success of His Maj. arms and recommending the raising a tax to answer Contingencies

Address of the Assembly in answer thereto

Address of the Council in answer to Gov. Dobbs' Speech.

Mr. Dobbs' Answer to the Addresses of the Council and Assembly

Message of the Assembly to Gov. Dobbs respecting the troops raised in that Province for His Maj. service in 1760 and 1761.

Assembly's Message to the Gov. concerning the Forts &c.

Message from the Assembly to Gov. Dobbs desiring his concurrence in requesting His Maj. approbation of the Town of New Bern for the seat of government.

Treasurers Account of the 3 shillings tax for 1760

Treasurers Account for the year 1762

Minutes of the Council Journals from 21 Oct. 1761 to 1 Jan^{ry} 1763.

Journal of the Assembly from 3 Nov to 11 Dec. 1762

Journal of Council in Assembly d^o d^o

Letter from Gov. Dobbs of 7 Mar. 1763 containing his observations upon several Acts & transmitting

Twenty eight Acts passed 11 Dec. 1762

Ordered that the Acts be sent to Sir Mat. Lamb for his opinion in point of law as soon as conveniently may be.

Ordered that the Draught of a letter to the Governor in answer to his be prepared—agreed to and ordered to be transcribed May 6th and signed May 10th

Monday May 30th 1763.

Read a Memorial and Petition of John Dalrymple Esq. Capt. and

Commander of Fort Johnston North Carolina complaining of some violent and arbitrary proceedings of the Governor in dispossessing him of his said command and confining him prisoner in an open Barrack

Their Lordships upon consideration of the said Memorial were of opinion that the subject matter of it did not fall within their cognizance as it related to Military affairs not within their Department.

Wednesday July 6th 1763.

Read a letter from Gov. Dobbs Dated 9 Aug. 1762 acknowledging the receipt of several letters and papers from the Board is very sorry he has incurred His Maj. displeasure by passing the Superior & Inferior Court Bills but offers some reasons in alleviation of his fault.

Thursday August 4th 1763.

Representations to His Majesty proposing that William Dry and Robert Palmer Esq^{rs} may be appointed of the Council of North Carolina in the room of John Swann and John Dawson deceased were signed

Wednesday, September 28th 1763.

Read a letter from Gov. Dobbs to the Board dated 17 June 1763 acknowledging the receipt of directions with regard to the mode of Governors correspondence with their Lord^{ps} and of two Additional Instructions of 11 Dec. 1761 relating to Indians Lands and Judges Commissions.

Tuesday, October 11th 1763.

Ordered that the Draught of a Representation to His Majesty be prepared proposing that Benjamin Heron Esq. may be appointed of the Council of North Carolina in the room of John Rieusset Esq deceased Agreed to and signed Oct. 13th

Thursday December 1st 1763.

Read a Memorial of the Agent of North Carolina in answer to the Complaints of the Governor against the Lower House of Assembly &c. &c.

Ordered that the said Memorial be taken into further consideration on this day se'nnight and that the Agent have notice to attend, but postponed on Dec. 8th it being late

Friday, December 9th 1763.

Their Lordships took into consideration the Memorial of the Agent of North Carolina in answer to the Governor's Complaint against the Lower House of Assembly respecting their claim of having a majority of the Assembly to constitute a quorum, the admitting Members elected without writs and their refusing to incorporate a qualified settlement into a County and the Agent attending was called in and having nother [nothing] to offer in addition to what is set forth in the Memorial their Lordships observed to him that upon full consideration they were of opinion that the Quorum of the Assembly should remain as legally established by His Maj. authority.

That it was not becoming the Board to take any notice of what was offered on the part of the Assembly concerning their refusal to incorporate a County, their admission of a Member chosen without a Writ and the duration of the Judges Commissions

That the Act of 1754 for appropriating a sum of money to pious uses should be considered and that they would write to the Governor to know his reasons for refusing to consent to an application of the money allotted to the Province out of the Grant of Parliament to the contingent services of the Government.

Tuesday December 13th 1763.

Their Lordships took into consideration the Act passed in North Carolina in 1754 by which a sum of money is appropriated for erecting schools and endowment of Parishes and it appearing that this Act had been found upon a former examination to be liable to great objection and that an instruction had been given to the Gov^r to recommend to the Assembly to amend it in those points in which it was objected to which recommendation the Assembly had refused to comply with, their Lordships were of opinion that it was not fit to grant what the Assembly now desired until they thought proper to comply with His Maj. reasonable expectation in what had been recommended to them.

The Agent attending without was called in and acquainted with their Lord^{sh} resolution.

Thursday, December 15th 1763.

A Letter to the Governor of North Carolina recommending to him to assent to any proper law the Council and Assembly shall frame and pass for applying to the contingent services of Govern-

ment the money allotted to that Province out of the Grant of Parliament was agreed to & signed.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Brunswick the 1st January 1763

Present—His Excellency the Governor.

| | | | | |
|------------------------|---|-----------------|------------------|------------|
| The Hon ^{ble} | { | James Murray | Lewis De Rossett | } Esquires |
| | | James Hasell | and | |
| | | John Rutherford | John Sampson | |

His Excellency asked the opinion of the Board who they thought a proper person to act as Judge of Salisbury Court. He [they] unanimously recommended Maurice Moore Esquire as a proper Person.

Ordered, That a Commission of the Peace and *Dedimus* issue for Beaufort County and That Thomas Bonner Junior and Peter Blin be added thereto.

Ordered that a Commission of the Peace and *Dedimus* issue for the County of Bladen &c^a that W^m Dry Esq^r be added thereto, and that Thomas Finney and John Gibbs be left out

Ordered That any Person in the Commission of the Peace for any County in this Province refusing to Qualify to said Commission within Twelve months from the Date thereof be struck out.

Ordered Also that no Clerk of any of the Courts of this Province be in the Commission of the Peace for any of the Counties.

Ordered Also that no Attorney shall be appointed a Justice of the Inferior Courts in which he practices.

Ordered that Cullen Pollock Esquire be added to the Commission of the Peace and *Dedimus* for Chowan County.

Ordered That a Commission of the Peace and *Dedimus* issue for the County of Currituck and Samuel Barnard be added thereto

Ordered that a Commission of the Peace and *Dedimus* issue for the County of Dobbs and that Abraham Sheppard Junior be left out

Ordered, that a Commission of the Peace and *Dedimus* issue for the County of Edgcomb and that Joseph Moore, William Bryant, Geraldus Obryon, Dempsy Grimes and Samuel Bryan be added thereto.

Ordered that Charles M^cNare be added to the Com^s of the Peace and *Dedimus* for the County of Hyde.

Ordered that a Commission of the Peace and *Dedimus* issue for

the County of Johnston and that Benjamin Hardey David Holeman and James Holeman be added thereto

Ordered that a New Commission of the Peace and *Dedimus* issue for Onslow County and that Lewis Williams be added thereto and that John Walker be struck out

Ordered that Alex^r Duncan and John Gibbs be added to the Commission of the Peace and *Dedimus* for the County of New Hanover and that Joseph Walters be left out.

Ordered that a Commission of the Peace and *Dedimus* issue for the County of Orange, And that Francis Nash, Thomas Hare, John King and John Bently be added thereto.

Ordered that a Commission of the Peace and *Dedimus* issue for the County of Perquimons and that Charles Blount be added thereto, And that John Whitbed and Joseph Creecy be struck out.

Ordered that Commissions of the Peace and *Dedimus* issue for the several Counties in this Province not heretofore mentioned as ~~in~~ Commission Book.

Read a Warrant for 350 Acres of Land in Bladen County which is granted.

Ordered that a Commission of the Peace and *Dedimus* issue for the County of Duplin and that Richard Clinton be added thereto.

Ordered that the Secretary give notice to the several Clerks of the Inferior Courts in this Province that they Transmit to his Office on or before the 25th day of March next a list of all the Taxables in their Counties returned into their Offices for the year 1762 Inserting alphabetically the names of all the white and the number of negroes male and of the Negroes Female, And that they transmit yearly a List of the Taxables as above directed distinguishing the Taxables of their Counties as above, And that each return be made on the 25th day of December.

Whereas upon Petition of Benjamin Heron Secretary an order of the Board some time since passed for him to remove and get together the several Books and Papers Belonging to the Secretary's Office to the office now held in Wilmington and Whereas in virtue of the said Order the said Benjamin Heron took into his possession Sundry books and Papers at New Bern without any Account being taken of them.

Ordered that the said Benjamin Heron do not open the Sundry Packages containing the said Books and papers but in the Presence of two people and that they draw out the List thereof upon Oath.

At a Council held at Wilmington the 15th day of April 1763.

Present—His Excellency the Governor

The Hon^{ble} { James Murray and
 { John Rutherford Lewis H. De Rossett } Esquires

Read and Granted sundry Warrants for Land as p^r Warrant Book from N^o 1 to 152 inclusive N^o 4 and N^o 72 Caveated, N^o 27, 29, 98, 99, 100, 101, 102 postponed.

At a Council held at Wilmington the 16th April 1763.

Present—His Excellency the Governor

The Hon^{ble} { James Murray and
 { John Rutherford Lewis H. De Rossett } Esquires

Read and Granted sundry Warrants for Land as p^r Warrant Book from N^o 153 to 236 Inclusive

Read the Petition of Samuel Waters setting forth that the Petitioner obtained a Patent the 24th of April 1762 for 640 Acres of Land which Land the Petitioner then Ignorant of the County lines thought was in New Hanover County, but that he was since well informed the said land lies in Bladen County Arthur M^oKay was sworn and it appearing to this Board that the Allegation of the said Petition is true—

Ordered that the said Patent and Record be amended accordingly

At a Council held at Wilmington 18th April 1763

Present—His Excellency the Governor

The Hon^{ble} { James Murray Lewis De Rossett }
 { James Hasell and
 { John Rutherford John Sampson } Esquires

A Petition was laid before the Council by his Excellency in favour of William Strother and Oliver Walker under sentence of death for horse stealing in the District of Salisbury and signed by a Number of Inhabitants in the said district Praying a Reprieve when the Council advised him to Grant the same for six months and to prolong the Reprieve as His Excellency may think proper from the information of their Character and Good Behaviour

Read the Petition of Thomas Walter and Mary Gibson Children of Thomas Gibson of Cumberland County deceased by Richard Quince their next friend shewing That the Inferior Court of Cumberland hath Granted Letters Testamentary or Letters of Administration with the Will annexed of the said Thomas Gibson unto Mary Gibson, Walter Gibson, and Robert Smith all of Cumberland County

though it is alledged the said Gibson dyed Intestate—And your Petitioners being under the age of twenty one years Viz of the tender ages of three and one years or thereabouts, The Petitioners by their said next friend Pray that they may be admitted to prosecute a repeal or revocation of the said Letters Testamentary or Letters of Administration

Heard the Council of both sides and deferred till tomorrow.

Ordered that a Commission of the Peace issue for the County of Bertie which was accordingly made out and signed as p Commission Book.

Several Warrants for Land were Read and Granted as pr Warrant Book from N° 236 to Num^r 298 Inclusive N° 98, 99, 101, 102, before postponed was this day Granted

At a Council held at Wilmington the 19th April 1763

Present—His Excellency the Governor

The Hon^{ble} { James Murray Lewis H. De Rossett }
 { James Hasell and } Esquires
 { John Rutherford John Sampson }

Read and Granted Sundry Patents for Land as pr Patent Book from N° 1 to N° 60 Inclusive

Read the Petition of Rachael Martin of Granville County Widow, for a citation to issue to George Martin to shew cause why Letters Testamentary Granted upon the Will of John Martin should not be revoked which being Granted

It is ordered that a Citation Issue accordingly Returnable to this Board the 20th day of October 1763.

The Petition of Thomas Walter and Mary Gibson had a further hearing when the evidence were sworn and examined, and the Council of both sides were heard on the matter of evidence

Continued untill tomorrow morning.

At a Council held at Wilmington the 20th day of April 1763

Present—His Excellency the Governor,

The Hon^{ble} { James Murray Lewis De Rossett }
 { James Hasell and } Esquires
 { John Rutherford John Sampson }

Read and Granted Sundry Patents for Land as pr Patent Book from N° 60 to N° 72 inclusive

Resumed the consideration of the Writing Exhibited as the last Will of the late Thomas Gibson of Cumberland County and of the Evidence and Arguments thereupon, and the Board declared their

opinion that the said Writing cannot in law be admitted as the last Will of the said Deceased who dying Intestate Ordered that the Letters of Administration with the Will annexed or Letters Testamentary Granted by the Court of Cumberland County be revoked and that Letters of Administration according to Motion and according to Law be Granted to Mary Gibson Widow Relict of the deceased,

The said Mary Gibson appeared before the Court and took the Oath of an Administratrix, and proposed Richard and John Quince Merchants as her Securities for four thousand pounds proclamation Money for the legal and Faithfull Administration of the said Estate,

Ordered that Letters of Administration issue out of the Secretarys Office upon bond being given as aforesaid

Read and Granted Sundry Warrants for land from N^o 298 to 334 Inclusive as pr Warrant Book.

At a Council held at Wilmington the 21st April 1763

Present—His Excellency the Governor.

| | | | | |
|------------------------|---|-----------------|---------------------|---------------------|
| The Hon ^{ble} | { | James Murray | Lewis H. De Rossett | } Esq ^{rs} |
| | | James Hasell | and | |
| | | John Rutherford | John Sampson | |

Read the Petition of Samuel Gingles setting forth that the Petitioner is possessed of a Tract of 246 Acres of land in Mecklenburgh County (formerly Anson) as appears by Patent dated the 11th May 1753 and by Mistake of the Deputy surveyor or the Beginning Corner is erroneously said to be on the North side of Mountain Creek &c^a Whereas said Corner is and was originally made on the South side of the said Creek Praying said Error may be Expunged by an Order of Council and that the true situation of said Beginning Corner be fixed on the South side of said Mountain Creek. The Allegations set forth in the said Petition having been proved by the Oath of Francis Beaty Deputy Surveyor for Mecklenburgh County

The Petition was Granted and the Patent and Record amended by Order in Council

Read and Granted Sundry Warrants for land as pr Warrant Book from N^o 334 to N^o 345 Inclusive.

Pursuant to an Order of Council dated the 21st October 1762, The Surveyor General by his Deputy Arthur M^cKay returned a Resurvey of the following Tracts of Land on the Sound now in New Hanover County Viz 2,500 Acres Granted to Samuel Swann the

15th July 1725, 1,000 Acres do. to Maurice Moore Granted the 1st November 1729. This Resurvey was made at the prayer of Elizabeth Catherine De Rossett, Thomas Woodley, Solomon and Richard Ogden and James Moore.

Thomas Jones Esq^r was sworn and it appears by his deposition that the back line of the 1,000 Acre Tract of Maurice Moore said to run S° 40 W^t 960 poles to a pine will not suffer the next course Viz, the line S° 50 E^t to reach the branch of Barren Inlet creek the natural bounds described in the said Patent unless the said line of N° 40 W^t 960 poles be further extended 700 Poles

Heard Council for and against the natural bounds of the said Patent which instead of one thousand acres contains within the natural bounds proved as aforesaid 3,834 Acres.

Ordered that the natural bounds shall continue to be deemed the bounds of the said Patent. Note that it appears also by the said Resurvey that the said Patent of 2,500 Acres to Samuel Swann contains within its bounds and lines 3,400 Acres.

At a Council held at Wilmington 22^d day of April 1763

Present—His Excellency the Governor

| | | | | | |
|------------------------|---|-----------------|------------------------|---|----------|
| The Hon ^{ble} | { | James Murray | Lewis Henry De Rossett | } | Esquires |
| | | James Hasell | and | | |
| | | John Rutherford | John Sampson | | |

Read the Petition of John Matchet of Duplin County setting forth that the Widow of Edward Matchet late of the said County deceased is secreting the Estate of the said deceased, And praying Letters of Administration jointly with the said Widow and that Citations should issue to her and such evidences as shall be necessary to support the several allegations of the Petition

Ordered that a Citation issue to Sarah Matchet the said Widow to appear here the 25th of October next to shew cause why Administration should not be granted agreeable to the Prayer of the said Petition

| | | |
|----------------|-----------------|---|
| | Robert Rainey | } |
| | ag ^t | |
| Samuel Smith & | Needham Bryan | } |

In the Complaint it is Ordered That Samuel Smith and Needham Bryan Esquires Majistrates of Johnston County attend his Excellency in Council the 16th of October next at Wilmington to answer the Complaint Exhibited against them by the said Robert Rainey

On motion of Mr. Sampson His Excellency was pleased to Orde

Read and Granted sundry Patents for Land from N^o 60 to N^o 183 Inclusive and Warrants from N^o 334 to 347 Inclusive as pr Patent and Warrant Books.

Went through the Chancery Docket and made such orders as will appear by the said Docket.

Ordered that Enoch Ward Sheriff of Onslow be removed from Executing the said Office and that William Williams be struck out of the Commission of the Peace.

His Excellency having asked the opinion of the Board when would be the most proper time for the Assembly to meet they were unanimously of Opinion that it should be prorogued to the eighth day of December next then to meet at Wilmington

At a Council held at Wilmington 15th day October 1763

Present—The Honourable James Hasell Esq^r President

The Hon^{ble} { John Rutherford
Lewis Henry DeRossett } Esq^{rs} Members of Council

His Honor the President produced His Majesty's Commission which being Read and His Excellency Arthur Dobbs Esquire Captain General and Governor of this Province being gone to South Carolina In pursuance of his Majestys Commands and the administration of the Government thereby devolving on the Honorable James Hasell Esquire the Eldest Councillor who is first placed in His Majestys Royal Instructions and Present in this Province. The said James Hasell in pursuance thereof took and subscribed the several Oaths by Law appointed for the qualification of Publick Officers made and subscribed the Test and took the Oath as Commander in Chief of this Province for the due Execution of His place and Trust and took the Oath required by an Act passed the seventh and eighth of King William the Third to be taken by Governors of Plantations, and then took his seat accordingly.

The Members of Council now present took the several Oaths by Law appointed for the qualification of Publick Officers Read and subscribed the Test then took the Oath of Office and their seats at the Board accordingly.

At a Council held at Wilmington 19th December 1763.

Present—His Excellency the Governor.

The Hon^{ble} { James Murray Lewis De Rossett &
James Hasell John Sampson , } Esq^{rs}

Read sundry Warrants as $\frac{2}{3}$ Warrant Book from N^o 1 to N^o 141 Inclusive which were passed, except N^o 33 and N^o 51 Caveated.

Present in the Afternoon—His Excellency the Governor.

The Hon^{ble} { James Murray Lewis De Rossett
James Hasell and
John Rutherford John Sampson } Esq^{rs}

Read Sundry Warrants as $\frac{2}{3}$ Warrant Book from N^o 142 to 250 Inclusive and passed the same to N^o 253 Caveated.

At a Council held at Wilmington 20th December 1763.

Present—His Excellency the Governor.

The Hon^{ble} { James Murray Lewis Henry De Rossett }
 { James Hasell and } Esq^{rs}
 { John Rutherford John Sampson }

Read sundry Warrants as ~~per~~ Warrant Book from N^o 250 to N^o 452 Inclusive and passed the same except N^o 307, 311, 445 Caveated, N^o 355, 356, 357 not Granted.

Mr. Murrays Rank in Council having been doubted by Mr. Hassell, Mr. Murray by His Excellencys desire Produced again the order of His Majesty in Council which is as follows—Viz^t

At the Court at St. James's the 19th of June 1762.

Present—The Kings Most Excellent Majesty.

Duke of Queensberry

Earl of Bute Lord Berkley of Stratton

Earl of Egremont Mr. Vice Chamberlain

Viscount Falmouth Mr. Secretary Grenville

Whereas James Murray, Esq^r hath by Petition to His Majesty at this Board Humbly Represented, that in December 1757 Arthur Dobbs Esq^r Governor of the Province of North Carolina, suspended the Petitioner together with John Rutherford Esq^r Receiver General of His Majestys Quit rents in that Province from their seats as Members of the Council there untill His Majestys Pleasure should be known, but that upon an examination into the reasons transmitted by the said Governor for such suspension His Majesty had been pleased some time since to order the said Mr. Rutherford to be restored to his place and rank in the said Council and at the same time directed a Blank to be left in the List of Councillors contained in the new Instructions then preparing for the said Governor, in case his Majesty should think proper to restore the Petitioner to his Rank in the said Council and humbly praying in Regard the Reason Alleged by the said Governor for suspending the Petitioner are the same with those assigned for suspending Mr. Rutherford, that His Majesty will be likewise graciously pleased to restore him to his former place and rank in the Council of that Province—His Majesty taking the same into consideration is hereby pleased with the advice of His Privy Council to Order that the said James Murray Esquire be restored to the place and Rank he held in the said Council at the time he was so suspended by the said Governor and for which a Blank was left by His Majestys Commands in the List of Councillors contained in the new Instructions given to the said

Governor. Whereof the said Governor or Commander in Chief of His Majestys Province of North Carolina for the time being, and all other whom it may Concern are to take notice and Govern themselves accordingly.

W. SHARPE.

On considering the said Order the Council (Mr. Hasell Inclusive) were unanimously of opinion that Mr. Murray justly Ranks as President or first member of his Majestys Council for this Province and His Excellency was pleased in obedience to the said order to Command the Secretary forthwith to insert the Name of James Murray in the Blank at the Beginning of the List of Councillors in His Present Majestys Instructions to His Excellency and the same was accordingly Inserted

At a Council held at Wilmington 21st December 1763

Present—His Excellency the Governor

The Hon^{ble} { James Murray John Rutherford & } Esq^{rs}
 { James Hasell Lewis Henry De Rossett }

Read Sundry Warrants as pr Warrant Book from N^o 453 to N^o 497 Inclusive, and sundry Patents as pr Patent Book from N^o 1 to N^o 96 Inclusive which were signed and passed excepting N^o 33, 35, 37, 94, 95 Inclusive which were signed and passed

Read the Petition of John Bravard setting forth That by a mistake of the Surveyors the word West in the second Course of his Patent for 600 Acres of Land in Anson County dated 31st March 1753 has been incerted instead of the word East Ordered that the same be altered, as also the Record thereof in the Secretarys Office agreeable to said Petition.

At a Council held at Wilmington 22^d December 1763

Present—His Excellency the Governor

The Hon^{ble} { James Murray Lewis Henry De Rossett }
 { James Hasell and } Esquires
 { John Rutherford John Sampson }

Heard the Petition of Thomas Lloyd and Council thereupon The Facts set forth in the said Petition having been sworn to by the Petitioner before his Excellency in Council agreeable to the prayer in the said Petition, Injunction was Granted to stay Execution against the Petitioner as security for William Reed deceased late Sheriff of Orange County till the 12th February next

Mr. Frohock appeared in behalf of W^m Strother, Oliver Walker and William Taylor who having had sentence of death passed upon them by the Court of Salisbury, Upon the Representation of the Judge of the said Court and by many of the Freeholders in the said district His Excellency had been pleased to reprieve them for six months and now by advice and Consent of the Council has been pleased to Grant them a further Reprieve for the term of ninety nine years.

Thomas Rutherford Deputy Secretary for this Province and James Clark his Assistant appeared and being sworn produced to His Excellency in Council a List of all the Books of Record for this Province and also of all Wills Bonds Inventories and other papers belonging to the Secretarys Office which have been brought from Newbern and Halifax and are now Lodged in the Secretarys Office which at the request formerly made by the Secretary for the said province is Entered upon the Council Journals that it may appear what Books of Records and papers are to be found in the Secretary's Office.

Heard the Petition of Abigail Cannady Widow of Alex^r Cannady late of Dupplin County deceased and Council thereupon relative to the County Court of Dupplin having Granted Letters of Administration to Solomon Huffham and Mathew Small upon her said late husbands Estate in preference to prejudice of the Petitioner—Not Granted Administration to Solomon, Huffham and Mathew Small Confirmed

At a Council held at Wilmington 23^d December 1763

Present—His Excellency the Governor

The Hon^{ble} { James Murray Lewis Henry De Rossett }
 { James Hasell and } Esq^{rs}
 { John Rutherford John Sampson }

Read and passed the following Warrants as pr Warrant Book
 Viz N^o 51, N^o 233, N^o 307, N^o 447, N^o 498 to 505 Inclusive N^o 311,
 445 and 506 not to issue

Caveat to { John Carney }
 a Patent { vs. }
 { Benj Williams }

On hearing the Caveat Ordered that Benjamin Williams Patent do issue

Caveat to { Cha^s Moore }
 a Patent { vs. }
 { Rob^t Dickson }

On hearing the Caveat Ordered that a patent do issue to Rob^t Dickson on Warrant N^o 121.

Caveat to { Robert Dickson }
a Patent { vs. }
 { Cha^s Moore }

On hearing the Caveat—Ordered that no Patent issue to Cha^s Moore for Warrant N^o 149

Caveat to { The Ex^{rs} of Thos Little }
a Patent { vs. }
 { John Kerney & Elias Justice }

Nobody appearing to support the Caveat Ordered the Warrant issue to Kerney & Justice

Caveat to { Christian Ipock }
a Patent { vs. }
 { John Gatlin }

On hearing the Caveat Ordered that no Patent issue to John Gatlin

On Motion of Mr. Swann in behalf of Sarah Roe Widow and Relict of Colman Roe Ordered that a Warrant of Resurvey issue to the Surveyor General to Cause him to have resurveyed a Tract of Land Patented by John Barrow lying on Pamlico River near Core Creek in Beaufort County

On Petition of Alexander Lillington Ordered that a Warrant of Resurvey issue to the Surveyor General To cause him to have Resurveyed a Tract of Land Belonging to James Mosely situated on the E^t side of the N^o E^t River opposite to John Moseley's

On Petition of Sampson Moseley Ordered that Eight Warrants of Resurvey issue to the Surveyor General to Cause him to have Resurveyed the said eight Tracts of Land as Petitioned for and that the same be returned to His Excellency in Council at their next meeting

Read the Petition of Emanuel Simmons setting forth that his father John Simmons Obtained a Patent from the Late Governor Johnston Dated 9th March 1736 and that by an omission there is one of the most material courses left out as appeared by the said Patent

Ordered That North 30 E^t be inserted after the Course W^t 180 poles and that the same be inserted in the Record.

Ordered that Francis Jones of Beaufort County be served with notice to appear at Wilmington before His Excellency in Council the 2^d of February next to shew cause why he should not be struck out of the Commission of the Peace.

Read Sundry Patents as pr Patent Book Viz N° 33, 35, 94, 95 and from N° 97 to 207 Inclusive also N° 212, 213 and 219

Read the Petition of Joseph Kensey setting forth that he obtained a patent for 100 Acres of Land in Craven County which said Patent was Recorded in the Secretarys Office and dated the 10th of March 1758 Ordered that the said Patent be Enrolled in the Auditors Office and Countersigned by the Secretary agreeable to the prayer of the said Petitioner

At a Council held at Wilmington 24th December 1763

Present—His Excellency the Governor.

The Hon^{ble} { James Murray Lewis Henry De Rossett }
 { James Hasell and } Esq^{rs}
 { John Rutherford John Sampson } }

On Petition of William Price Ordered that the Words N° 72 East be inserted instead of N° 72 West both in his Patent for 791 Acres of Land in Anson County and the Record thereof in the Secretarys Office that the same may agree with the Plott affixed to the said Patent.

Read Sundry Patents as pr Patent Book N° 37, N° 208, N° 209, 210, 211, 214, 215 to 218 Inclusive and passed.

And sundry Warrants as pr Warrant Book from 507 to 511 Inclusive which were passed

John Starkey Esquire exhibited a Patent to Samuel Middleton for One hundred Acres of Land in Onslow County bearing date the 11th October 1749 in Order to have the said patent made perfect by auditing and recording the same And Mr. Starkey having made Oath that said Land hath been duely settled by the Widow and Children of the said Patentee and that no other person hath any claim or pretention to the said Land Ordered that the said Patent be perfected as aforesaid

On Petition of William Blyther Ordered that His Patent for 200 Acres of Land in Craven County dated 25th February 1743 be recorded in the Secretarys Office

On Petition of John Giles Ordered that his Patent for 160 Acres of Land in Craven County Dated 14th October 1748 be Recorded in the Secretarys Office

On Petition of Edward Fuller Praying a Resurvey of a Tract of Land Granted by the late Lords Proprietors to James Shackelford situated on the North River in Carteret County Alledging that the said Edw^d Fuller has long since purchased part of said Tract and

for many years dwelt thereon That there is a greater number of Acres within the lines of said patent than specified therein, And praying that he may have Liberty to take up such Surplus Land

Ordered that a Warrant of Resurvey issue accordingly to be returned to the next Court of Claims

Read the Petition of Edward Fuller praying a Warrant of Resurvey of a Tract of Land Lying on the North River joining James Shackelfords possessed by Eliás Albertson Alledging that there is a greater Number of Acres within the Lines of his Patent than specified therein and praying that He may have Libertie to take up such surplus Land

Ordered that a Warrant of Resurvey issue accordingly to be returned to the next Court of Claims.

Complaint having been made by Joseph Williams Esq^r in behalf of the Inhabitants of St Gabriels Parish in Duplin County against the Reverend William Miller minister of said parish on Account of the notorious immorality of his behaviour

Ordered that the Clerk of the Council issue a citation to the said William Miller to appear before His Excellency in Council on the first Tuesday in February next at Wilmington and Likewise issue such *subpœnas* as shall be required on one part and the other concerning the premises

1764.

[B. P. R. O. AM. & W. IND. VOL. 214.]

Governor Dobbs to Secretary Lord Halifax

14 January 1764.

MY LORD,

I had not the honor of the duplicate of Lord Egremont's letter of the 9th of July last the original having not come to hand until last month after my return from the Congress at Augusta upon which your Lordship had advice by our joint letter on our return to Charles Town to which I refer and since my return had no proper convenience to acknowledge the receipt of it with the Act Proclamation and other papers inclosed.

Your Lordship may depend upon my giving all possible encour-

agement to the Commanders and all other Officers of the Revenue in detecting and preventing all such pernicious illicit trade carried on with Foreigners to the prejudice of the British Trade with these Colonies after the immense expense and debt incurred in defence of our Civil and Religious rights and liberties and future safety of the extensive British Empire on this Continent and Islands and therefore the confinem^t of our trade for the benefit of Britain against Foreigners is a tribute we ought to pay to our Protectors.

However I can with justice say that an illicit trade with Foreigners has scarcely been known in this Province not one flag of truce granted during the late war nor any provisions or other goods landed from hence to supply our enemies the great abuses that have been committed have been from the Northern Colonies with Holland France and the French & Spanish American Colonies I dont doubt that several of these Foreign commodities have been imported here by small sloops and schooners from the Northern Colonies but as the Northern Collectors have given them regular clearances as British Commodities legally imported there they cant be seiz'd or detected here; the chief part of the illicit trade in South Carolina has been carried on to St. Augusta and Havanna which by returning Bullion was not so prejudicial to Britain We have had but three seizures in this Province in the nine years that I have been here and since the two sloops arrived here there has been but one seizure made of a small pilot boat upon her return from Charles Town where she had landed me upon my going to the Congress which is not yet determined as they brought some British goods from thence without a regular clearance but reported them to the Collector however the Officers of the Hornet Sloop seized her but as no fraud was designed I apprehend seizing such coasting boats where no fraud was intended was not the intention of sending sloops here but to prevent illicit trade with Foreigners for Foreign goods in this Colony which so extensive a coast and so many inlets for small Vessels and navigable creeks and branches upon the several rivers before they arrive at the place where the Collectors and Naval Officers reside as there are no Tide Officers or Searchers allowed how can they be detected so that I should advise that some Officers should be fixed at Portsmouth near Ocacoc Bar through which all Vessels must come to the three Northern Collectors As I apprehend the British Parliament may lay duties upon goods imported into the several Colonies to support the Troops necessary to secure our great acquisitions on this Continent as also to support the additional Officers of the Revenue.

I formerly gave several hints to the Board of Trade that when the American Colony trade should come under consideration they might have it in their thoughts to which I shall refer by giving a further enlargement to the act of Navigation by allowing the importation immediately into Ireland of several of the enumerated commodities such as Naval Stores of all kinds for which they give Bullion to the Northern Nations as also iron and rice of which very little is taken via Britain and surely it would make good returns to Britain should the Colonies be allowed to Spain Portugal and the Straits all kinds of Naval Stores and other kinds of non enumerated commodities which they now have from the Northern Crowns and to return with wine oil fruit and salt and the balance in Bullion would be remitted to Britain in return for their manufactures and also to carry all kinds of lumber and provisions to the Foreign Islands in return for sugars rum and molasses which will pay a Foreign duty and be a good return for our British Manufactures and to re-export to Foreign Markets. These are the chief things I can think of to increase our British and Colony Trade

I am with great respect My Lord &c.,

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 76.]

Letter of Governor Dobbs to the Board

BRUNSWICK January 14th 1764.

MY LORDS,

Since my return from the Indian Congress at Augusta the first of last month, of which I sent to Mr. Pownal a short Account to mention to your Lordships I have had no Letters from you to acknowledge until yesterday when I had the honour of the duplicate of yours of the 7th 10th & 11th of October along with a Proclamation in relation to the Boundaries of the three new acquired Governments, and the western Boundaries of the other Colonies, these were sent to me by Charles Town the originals not yet having come to hand. The Proclamation I shall order to be printed & dispersed according to your directions. I am at a loss to know by this Proclamation whether the Lands to be granted to the disbanded Officers and Soldiers, is to be limited to the Regulars only; or whether the Provincial Troops which served and are now disbanded are included

with the Regulars, that I may know how to Act in Case they should apply for any.

I shall oblige as far as in my Power the several Officers to make proper returns to your Lordships of the papers you require which have been hitherto done unless when intercepted or lost in their Passage.

In relation to your Lordships Letter of the 11th of October with directions from the Lords of the Treasury, about the illicit Trade and short receipt of the Revenue, I shall use my utmost endeavours to prevent it, and to assist the Revenue Office in their collection and detection of any Frauds by their neglect, however I must inform your Lordships that I believe there are fewer Frauds and less illicit Trade with Foreigners carried on in this Province, than in any other upon this Continent, having no Trade with any foreign Islands or European Countries, but with Britain there are many goods brought in here in small Sloops and Schooners from the Northern Colonies, but they are cleared out regularly from the several ports, and consequently if run in, there are not seizable here, At present there are no duties paid here, laid on in Britain, but upon foreign sugars, rum and molases, of which none is imported and no other duties laid on by this Province but upon wine and spirits being a Tax for the support of this Province, in which I believe many Frauds are committed by running and short entries, as we have no tide Officers or Searchers but the Collectors and Naval Officers, and when the great extent of the collections is considered, and the many inlets and Creeks besides the main Rivers upon which the Collectors reside, it is impossible to prevent a Clandestine entry of goods which ought to pay Duties. As for instance there are three Collectors upon three considerable rivers, viz. Roanoak, Bath or Pamlico and New Bern or Roanoke river, all which enter at Ocracoke Inlet, and many considerable navigable Creeks upon each of those, between that inlet and the residence of the several Collectors and Naval Officers from 60 to a 100 miles from that Bar, and no one Officer at that Inlet to search or inspect them, how then can any Frauds be detected, as they may run the greatest part of their cargoes; as for this river at Cape Fear the Frauds may be more easily detected, as the Collector and Naval Officer reside at Brunswick near the entrance, and there are now two Sloops of War stationed here to cruize from hence to Cape Henry, one of which may be generally here, while the other is upon the cruize, and yet, as I suppose duties may be laid on in Britain upon the entry of goods here, towards maintaining the

Troops upon this Continent, I think it would be of great use that tide Officers should be appointed to put on board all Vessells which are liable to pay duties or make short entries, this is what occurs to me at present upon your Lordships Letter.

Governor Boone and I have agreed to send Commissioners and Surveyors to run the temporary Line as far as the Eastern line of the Catawba's, on the first of March next, as we have now fixed the Catawba's Claim and a Surveyor is employed to survey and mark their Boundary Line.

Be pleased to let me know whether we shall continue the temporary Line at 35° beyond the Western Boundary of the Catawba's nation or shall delay it until His Majesty determines the permanent Line which shall fix the limits of the several Provinces, which I hope your Lordships will think it reasonable, that the Pedee to the Winyaw should be the Boundary between these Provinces, as Georgia has been increased by the Lands between the Allatamaha and S^t Johns river, South Carolina may then be extended by a Western Line, beyond the Savannah river, which will give that Colony more than an Equivalent to what may be taken from their Northern Boundary, When I left this Province to go to the Augusta Congress I prorogued this Assembly to the 8th of December, and upon my return attended at Wilmington the place appointed, in order to hold the Assembly, but the northern five member Counties, being instructed to give no supply, and had prevailed with several of the other Counties not to act upon the Quorum appointed by His Majesty, unless the full half of the Members attended would not attend, except one from Chowan, upon which after proroguing them three or four times for eight days, and finding though Twenty six members were in Town, yet they would not meet to make a House, nor would adjourn,

I let them dissolve themselves for non attendance and immediately I issued out Writs to choose New Members who are to meet the thirty first instant, until they again meet and see how they will Act, I shall only observe that these five Member Counties think, that they shall rule the Province, and in order to preserve their power and obstruct Business, they have refused to divide the Counties in His Majesty's District, though petitioned for by the Inhabitants, lest they should loose their power, and seem to be a dead weight over the Province, in Case they should not attend, I believe the other Members will concur in an Act, that every County shall pay their own Members, and not have their surplus members charged

upon the other Counties, we shall never be properly settled unless His Majesty shall purchase out Lord Granville's proportion if he should not, I hope no order will be sent to me to continue the Line betwixt the two Districts. since His Lordships district, has encroached upon His Majesty's, above nine miles, as His Majesty's Line is laid out in thirty five degrees and twenty six minutes, instead of thirty five and thirty four, according to the Deed of Partition & Act of Parliament.

I am with due respect My Lords &c

ARTHUR DOBBS.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

HONORED SIR

After my respects to you I am to Inform you that I very much want some commitions for part of the Redgment of Macklenburg county as the people settle fast on our frontiers of late and as there is Some trouble in our neighborhood which Mr. M^cCawes Can inform you of the Captains Names for s^d Companys are Robert Ramsey, James Patton, Jacob Forney and Benjeman Harden Jun^r and also a Lieutenants Commition for John Harden under the Command of John Thomas Esq^r. As to the other four Companys if your Excellency will pleas to Send their Lieuténants and Ensigns Commitions Blank to me I will Endeavour to fill them up with as much prudence as possible. This from your honors friend and hum^{ble} Sv^t

NATH^l ALEXANDER

Plott to be made out for Peter Küller

Jan^r 25 1764

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 79.]

Letter from Governor Dobbs to the Board.

BRUNSWICK March 29th 1764

MY LORDS,

Having soon after my coming over wrote to your Lordships acquainting you in pursuance of my Instructions the then state of the Province, and what I thought might prove for his Majesty's service, and improvement of the Trade thereof,

I think it may be proper when the affairs of America are now to be taken into consideration to abridge what I then wrote, lest that

letter might have been mislaid, and add something more to it upon account of the great acquisitions and additions to the British Empire on this Continent. viz.

By my 128th Instruction I am commanded to lay before your Lordships the wants and defects of the Province, the chief products, what new Improvements are made or may be made, by the industry of the Planters, or what advantages may be made by Trade, and which way His Majesty may contribute thereto.

What I have chiefly observed since I came, as to the wants and defects of this Province is first the want of a sufficient number of pious Clergymen to instil good principles and morals into the Inhabitants, and proper schools and masters to instruct their youth, the want of which occasions an indolence, idleness and want of attention either to their own good or that of the Province, which with the warmth of the climate and plenty of Cattle, fruit and grain with little labour, prevents their industry by which means the price of labour is very high, and labourers and artificers being scarce in comparison to the number of Planters, when employed they scarce work half as much in a day as they do in Europe, and their wages being from 3 shillings to 6 shillings a day for artificers the Planters are not able to build or make Improvements by clearing the ground, unless they are very industrious and frugal enough to save as much as to buy two or three negroes they are not able to cultivate their Land as your Lordships expect, consequently the clause of cultivation must be retarded, and only be held as a rod over them to prompt them to be industrious, otherwise young or new Planters will not venture to take up Lands, and those who are rich can't get hands to assist them until they can buy Slaves, and teach them handicraft Trades, but as the chief Planters are now sensible of those wants and difficulties, the Assembly seem determined to give a proper Encouragement to learned and pious Clergymen and to encourage Schools, but must recommend it as of great service to His Majesty, and a satisfaction to the Inhabitants if a Bishop was established or a Clergyman with Episcopal power to confirm the youth, to visit and keep the Clergy to their duty, and to concur in removing the clergy if convicted by a jury of immorality, non residence or inattention to their cure, with a power of ordination, without the expence trouble or delay of going to London to be ordained and licenced by the Bishop of London, without their having a Judicial power by Spiritual Courts as in Britain, which only occasions divisions between the Clergy and Laity, and that the power of Excommunica-

tion for enormous immoralities should only extend to their being excluded from the Communion of the Christian Church, until by penance and contrition they should be restored by the Bishop, without any further Civil punishment fines or penalties, as have been inflicted by the Popish Church to raise the power of the Clergy, except what His Majesty might inflict by not admitting them into places of trust or profit; since the date of the foregoing paragraph the white inhabitants have greatly increased, the number of Counties and Parishes are now 29, and the white Taxables who are only males above 16, are above 24,000; consequently near 100,000 Souls, and above 100,000* male and female Taxable Negroes, and for this number there are but six Orthodox Clergymen, four of which are pious, & perform their duty, the other two very indifferent & of suspicious morals, one having no cure, the other often changing his residence, the Law, now allows £100 per annum and £20 until a Glebe house can be built and a Glebe be purchased, and the Vestries have now a power granted to them to lay a Parish Tax of Ten shillings per Taxable to maintain an incumbent and parish school-master, to erect Churches and Glebe houses and to purchase Glebes.

The second defect of this Province is the defenceless state of the Sea Coast, and the want of a sufficient depth of water for large Ships to carry away lumber and naval stores from the Northern parts of this Colony, the river of Cape Fear being the only river capable of receiving Ships of considerable burthen, having about twenty feet water on the bar and a strong tide to carry up Vessels a great way into the Country and smaller Vessels above one hundred and fifty Miles.

The northern rivers of Roanoak, Chowan, Pamlico, Neuse and Trent being very large but having little or no tides, being defended from the violence of the sea by a chain of sandy Islands with a sound within them which extend from Currituck near the Capes of Virginia, to old Topsail Inlet, and Southward by several Islands and Inlets, as far to the Southward as new Topsail and cabbage Inlet over against Brunswick on Cape Fear river in which inlets few are navigable for ships, Currituck having only six feet water at high water, Roanoak not above ten feet at the bar, and within it a few miles distance not above six feet, Hatteras closed up, and on the bar at Ocacock the only Entrance for Ships to the four great Northern Rivers, having only sixteen feet water to bring them into a safe harbour within, but having little or no tide within those small inlets,

* See page 1040 *post*.

and great fishes coming down those great rivers, a swash of loose sand is formed within the Harbour, upon which is only 8 or 9 feet water, which often shifts so that no large Vessel can pass it until they discharge half their Cargos, and can only return half loaded, having the remainder sent down in lighters near 100 miles from their ports of discharge, during the late war for want of a Fort to defend the entrance and Channel, the Privateers seeing the masts of the Ships at anchor in the road within the Harbour, over the sandy Islands, they went in and cut out the Ships and carry'd them to sea.

New Topsail Inlet on Core sound is a very safe Harbour, with above 16 feet water on the Bar, but having no considerable river within, no considerable Trade can be carryed on from thence, and as there is a fine but small Harbour with a large safe road, taken notice of lately at Cape Lookout within four leagues eastward of it, which the French and Spaniards frequented last war which is about 40 miles to Southward of Ocacock, and to the Northward of Cape Fear, it seems absolutely necessary to erect a Fort there as well for a safety to our trading Vessels and small Cruizers, as to prevent privateers from wooding, watering and lying there in safety, as there is a sum of money appropriated to build Forts or Batteries at Portsmouth near Ocacock and old Topsail Inlet, and one already built at Cape Fear and the Colony is in debt, it is humbly hoped that His Majesty will establish an Independent Company in this Province of 100 men to garrison these Forts, and to assist the Revenue Officers in preventing an illicit Trade, and to protect if necessary the Surveyors to resurvey His Majesty's Lands when encroached upon, and to prevent Frauds in receipts of the Quit rents.

After this Representation the Lords of the Admiralty sent over orders to be ready for any Captains of Cruizers who should desire to be stationed at Cape Fear to make a Report of Cape Lookout Harbour and though about two years afterwards the Zephr Captain Greenwood was stationed at Cape Fear and received those orders, yet he delay'd and neglected to obey them under pretence of being ordered to the Northward, & afterwards to the West Indies, and when he departed left the Letters and orders for the next Ship stationed here, which were lately delivered to the Captains of the Viper and Hornet now stationed here, who promise to obey it, His late Majesty was graciously pleased to send a supply of canon and ordnance Stores for Fort Johnston at Cape Fear which is now effectually rebuilt, and enlarged with a wall of Tabby work, of Lime and Shells, with a lower battery and fosse, but as the Assembly will only

allow an officer and Ten men to guard it, tho' supplied with thirty large Canons besides Swiviles, and a Magazine for powder, I think it absolutely necessary for His Majesty's Service, and the safety of this Province to prevent an illicit Trade, and to support the Government against a rising Spirit of Republican Independancy, that a Company of Regulars should be fixed at Fort Johnston on Cape Fear river, and another to the Northward at Ocacock and old Topsail Inlet at Port Beaufort, for the same purpose.

As to the chief Products of this Province, at my arrival they consisted of Pitch, Tar, Turpentine, and other Naval Stores, lumber of all Kinds Rice, Indian Corn, Beef, Pork, Hides raw and tanned, deer Skins and other Furs, myrtle & Beeswax, Cotton and some Indigo just entered upon. the Climate is proper for silk, white Mulberry Trees from the seed becomes Trees in three or four years, wines of all Kinds may be made higher up the Country among the Hills, where there are great variety of wild native Vines, which only want proper Vine dressers to improve them, or to plant European Vines, there are great Quantities of Iron Oar found above ground but none followed, or Iron works or Bloomaries undertaken, the Planters not having a Fund to enter upon it, Hemp and Flax grow surprisingly, and Flax seed has been exported by the way of Pennsylvania to Ireland, which exceeds the best Pennsylvania and New York Flax Seed, but for want of a direct Trade to Ireland from hence, being confined in our Exports to a very few Articles, prevents the raising of Flax and Hemp except for the consumption of the Colony, which for want of having proper returns to send to Britain and Ireland the back settlers are endeavouring to serve themselves with their own linnen, besides these several articles, Tobacco thrives here, and is of better kind, and yields more than in Virginia but as it may be overstocked, and prejudice the Trade of that Province no public Encouragement is given, except near the Virginia Line where about 2,000 Hogsheads are made, but chiefly exported from Virginia.

Since this account was sent over there has been a considerable alteration in several of these Articles, Indigo has been found not to answer here, as there is no dependance but upon the first cutting, and has often suffered by drought and other accidents. The Exportation of Beef by the great death of Cattle, by the distemper conveyed here from South Carolina, by which near $\frac{7}{8}$ ^{ths} of their stock have been lost, and are but just beginning to recover, which has raised the price of Beef to four pence $\frac{3}{4}$ pound and salt butter from

12^d to near two shillings p pound, and the chief part of our live Stock from Northward and Westward are drove by Land to Philadelphia, and the Pork to Virginia, partly occasioned from not having proper salt to cure them. However at Cape Fear instead of having had all our flower from the Northward, they have increased in sowing wheat and erecting bolting mills, that they have of late exported several hundred barrels of flour to the West Indies & have increased in their exports of Naval Stores to 36,647 Barrels p annum, and in lumber and scantling above 30,000,000 feet having erected about 40 Saw Mills on the Branches of Cape Fear River, and as the Assembly have now given a premium upon the Exportation of Hemp and Flax, our Hemp which used to be exported from South Carolina, will now be exported from Cape Fear.

I shall now beg leave to lay before your Lordships the great difficulty, this as most of the other Colonies on this Continent, labours under in relation to our Trade which in great measure prevents our Improvement, and I hope to shew it equally effects the Wealth & Trade of Britain. The prohibition of the importation of salt from any Port in Europe, except from Britain, to this and the Southern Provinces of this Continent South of Cape Henlopen and Delaware, is a considerable drawback upon our Trade, the English salt is not found so good, as the French, Spanish or Portugese salt in curing out Pork & Beef being too mild, and the Isle of May, Saltorage Turks Island, or St Martin's salt, is too corrosive eating away the Juices, but the bay & Portugal salt is a medium between them, and is found here the only proper salt to cure beef and Pork to the West India Islands.

And therefore the limitation of this Trade obliges the Southern Colonies to take their salt at great disadvantage from our Northern Colonies, at double freight, and a furthur advanced price to the Northern Importer, or to take all our salt from the Islands, so that no more salt is taken from England by this restriction.

But if the Trade was opened directly to Portugal and Spain for Salt, wine, oil and fruit, as we can have no wine now but from Madeira, or the Western Islands, upon which account those wines are risen to a great price in England, as well as in the Colonies, we should then open an immediate Trade with them for those Articles, and should carry directly to them all kinds of lumber, and naval stores, which I shall show would be of great advantage to Britain, as also Indian corn, Ships, bees, and myrtle wax, which they now take from other nations, and have some Bullion to return to Britain

for the Choice Manufactures etc, which we must have from thence, when at present the Planters are Charged 100 % cent extraordinary upon British goods, having no proper returns to make for them, which must necessarily oblige the Planters and back Settlers to go into Manufactures to the great loss of Britain.

We are also greatly cramped in our Trade to Ireland, having little or nothing here which we can export directly to Ireland, except a little Flax seed, for lumber, Timber or other deals will not answer, without an assortment of other goods or products from hence, so that Ships coming from Ireland must return empty, upon this account we are discouraged from raising Hemp and Flax, and yet what Flax seed has been sent via Pennsylvania for a sample has been found to Answer better than the seed from the Baltick or Northern Colonies. The Trade also from Ireland being limited to plain Linnens, (and provisions which we don't want) and to Sarvants and Irish Protestants, who choose to come and reside in this climate, the Ships in want of proper returns carry them all to Pennsylvania, from whence at great expence they come by land to the back part of this Province in Waggon, but their wealth being expended, they are incapable of improving or cultivating the Lands they take up for some time, which is a great loss to this Colony, the depriving, therefore these Southern Colonies of sending several of the enumerated Commodities directly to Ireland, being obliged to enter their Ships first in England and land, and then reship their goods, which increases the expence so much without benefit to England, that very little of the produce from hence can be sold in Ireland, and as to rice it seems very surprising that it should be allowed to be exported to all Countries, south of Cape Finisterre, and not to Ireland, at least for their Consumption, which occasions very little to be consumed in Ireland, if it was only intended that it should not be re-exported to Hamburgh or the Baltick, that might be prevented by allowing no draw back, is it not also a great detriment to the Irish, as well as to the Colonies, that neither checks, striped or stamped linnens should be allowed to be exported directly to the Colonies which increases the price, and prevents their sending more returns or Cash to Britain. Is it not equally surprising that all kinds of Naval Stores is prohibited to be sent directly to Ireland, even without a premium, since it occasions all Naval Stores to be imported into Ireland from Norway, and the Baltick & are paid for in ready money, which also raises the price of Naval Stores, Lumber and Deals, imported from the North into Britain, and these would be remitted from Ireland to England

either by Bills, or cash to purchase the Manufactures, and other Articles wanted in the Colonies, when at present not a Ton of these can be sent to Ireland, without being first landed in Britain, without forfeiting Ship and Cargoe, and for this reason no Ships can go to Ireland with Staves or Lumber because they can't carry an assortment of other heavy goods. It is also the same with Indigo, which Ireland is obliged now to take from the French with ready money. If these difficulties were removed we should then have an immediate Trade with Ireland for our lumber and Naval Stores, and procure linnens in return at the lowest price, and could make larger remittances to England for their Manufactures, which would entirely prevent these Colonies from making linnens or entering into other manufactures, but only providing premiums of manufactures to be exported to Britain and Ireland. .

Since the writing and sending over these several observations to your Lordships, the vast increase of the British Empire on this Continent must add great weight to the foregoing observations and as— from our increasing numbers, & having the whole Trade of this Continent, East of the Mississippi in our own hands, and that both our own Islands, and also the foreign Islands must take all their Lumber, and most part of their Provisions, and Naval Stores from us, and as Britain is not only become the greatest Naval power but also the principal Trading Empire on this globe—it is of the greatest importance to have all the Laws relative to commerce revised and made more advantageous both to Britain & Ireland and to it's Colonies, I shall therefore further consider the benefit to Britain, in extending the Colony Trade, and make the American Colonies of greater benefit to Britain, by taking off several Burthens and Checks to Trade by some of the Clauses in the Act of Navigation.

That Act was framed at a time when the united Provinces were almost masters of all the Trade of Europe, and the Indies, when the British Trade was scarce out of it's infancy, and it's Colonies but few and weak, as to wealth and numbers, and the Dutch the chief carriers of goods to all the surrounding Countries, and of all their produce having scarce any produce or exports of their own growth, and therefore for the increase of the English Shipping, and curbing of the Dutch and Foreign Trade, it was very prudent to prohibit any foreign Ships from importing to Britain any goods but what was of their own growth, or manufacture, and for the increase of our Seamen to oblige the Merchants to man their Ships princi-

pally with Brittish Sailors, and also to confine all their Colonies to depend upon, & Trade only with their mother Country.

But as the Colonies are so greatly increased and the British Empire and commerce is so greatly extended, and all nations are endeavouring to improve their commerce, and as the general expence and price of Labour, and wages of Artificers, and Manufacturers must also rise with the necessaries of life, the Colony Trade & improvement of it, is now become of the greatest consequence to Britain, as well upon Account of the employment of our Artificers, and Manufacturers, as by the consumption of our Manufactures, and increase of our Seamen, & Ships to support our marine, and therefore the Colonies should be encouraged in every improvement & Branch of Commerce not incompatible with the Trade of Britain in preference to all Foreign Trade in order to their supplying Britain with all the premiums of our richest manufactures, to give Britain returns for their manufactures, & other produce of their Labour which can only prevent the Colonies from setting up manufactures for their own consumption, and therefore the restricting Clause of the Act of Navigation for confining the Colonies by several enumerated Commodities, from dealing with any Foreign Countries in Europe or with foreign Colonies without first entering their Ships in England, or receiving their produce only from England, must be a great discouragement to the Colonies, by rising the price, and by that means lessening the returns or remittances to Britain to purchase their Manufactures.

As for instance what detriment would it be to Britain to allow all kind of Naval Stores to be shipped directly from the Colonies to Ireland, by which means remittances might be made to Britain to the value of the Specie sent to Norway or the Baltick for Lumber and Naval Stores, or could it be any disadvantage if Linnens of all kinds could be sent in return to the Colonies cheaper than by sending them from England since it would prevent the Colonies from entering into that Manufacture, and would enable them to make other returns to Britain.

Would not the allowing Naval Stores as well as Lumber Ships, and other produce, to be sent to Spain, Portugal or the Mediteranean and to be allowed to return with wine, oil, fruit & salt, at the cheapest hand, and have a return in specie or to remit to Britain for their Manufactures would it not be of great benefit to Britain to prevent the Northern Kingdoms from supplying and vending their Naval Stores to the Southw^d and would it not so far lower the price of Na-

val Stores and Lumber from the Baltick for which Britain & Ireland now remits specie to them.

Would it be any prejudice to Britain to allow Rice, Indigo, Sugar, Coffee or Cocanuts to be carried from the Colonies to Ireland directly as well as rum, and by that means prevent Ireland from trading with, and importing them from foreigners, sugars not being prohibited from Portugal or France, upon paying foreign duties, would it not also be a benefit to Britain to allow the Colonies on the Continent to Trade with and export to the French, Dutch and Spanish Islands or main, all kinds of Lumber, Provisions, and Naval Stores, and to import in return Sugars, rum, coffee, cocanuts and molasses upon paying foreign duties for them, and to re-export them to Britain, as it would lower the price of those Commodities from our Islands, for their home consumption, and also to take those Articles from the foreign Islands in exchange for their lumber, provisions and Naval Stores, upon paying foreign duty as Britain can no otherwise recover the sale of sugar etc in foreign Markets but by raising the price of French Sugars in their Islands, and lowering the price in our own Colonies where the Planters at present makes enormous fortunes at the Expence of Britain, by their losing the foreign sale, who would still be enabled to make considerable Fortunes.

Would not the allowing the Colonies on the Continent to Trade with the foreign, French & Neutral Islands, by supplying them with lumber provisions & Naval Stores, and to take in return their sugars, rum, and molesses, and other produce by raising the price of their produce, and carrying them directly to Britain, by which we should gain the freight, insurance and employment of our Ships & seamen upon paying the foreign duty be a means of preventing the French from sending great part of their sugars etc to Foreign markets & enabling Britain to sell at parr with them in foreign Markets, and enable the continental Colonies to procure returns for the great quantity of manufactures and goods of all kinds which they might import from Britain.

Might it not also be of service to lessen the foreign duty on sugar, rum, molesses, coffee, etc for the quantity imported into the Continental Colonies for their Home consumption which might raise an equal sum, by preventing smuggling and to draw back the greatest part upon the re-exportation to Britain or Ireland, upon Bonds being given to return a certificate of their being imported there.

Is not the sale of such vast Quantities of Manufactures, and of the other produce of Britain to the Northern Continental Colonies

by which so many hands are employed in Britain of infinitely more benefit to Britain than the importation of an equal value from the West Indies spent in Luxuries in Britain and must be the means of encouraging a great many industrious hands in Britain & consequently lessening the poor Tax, and will not this Equitable treatment of the Colonies be a means of increasing and extending our Colonies, and Keeping them dependant and making them still more serviceable to their head which protects them & secures their religious liberties and properties, is not this the proper era to have this considered and properly digested in the British Parliament in order to increase our commerce, support our marine, and increase the Revenue, in order to ease Britain of their Debts and Taxes, which most sensibly effects the industrious poor.

These thoughts and Observations I think it my Duty to lay before your Lordships, that I may throw in my might, if you think any of them worthy of notice to promote His Majesty's Service, and the prosperity of the British Empire.

I am with great Respect My Lords &c

ARTHUR DOBBS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 78.]

Letter from Governor Dobbs to the Board, dated March 29th 1764.

MY LORDS,

Since my last to your Lordsp^s acquainting you with my having let the Assembly dissolve themselves after several short Prorogations, upon their not meeting and acting upon the Quorum appointed by His Majesty of 15 Members, although 26 were in Town I have a new Assembly called to meet the 31st of January and having got 18 Southern Members to meet and make an House, although several Northern Members were in Town and refused to be sworn, yet others dropping in they went upon Business, and soon increased to above 40 Members, but out of the five Counties that each send five Members not above four Members attended, they being formerly persuaded that by their non attendance with some other Northern Members, that they would prevent the Assembly acting, and therefore the Northern Treasurer would not attend to pay his Accounts, but kept all the Public money in his hands, as he had acted as a Deputy to the Treasurer who had left the Province, who had no power to make a Deputy, and consequently gave no Security

However by the absence of these Northern Members we have passed several good Bills making Twenty in all of which 5 or 6 are of some consequence. A Vestry Bill wherein they have made the Incumbent a Member and have given the Vestry a power to levy ten shillings per Taxable towards building Churches, Glebe Houses, and purchasing Glebes, as well as building Schools in each Parish or County and an allowance to a school master in each. But it is our misfortune that we have not above six Orthodox Clergymen in the Colony to serve 29 Counties or Parishes, few Clergymen of character being willing to come from Europe, and those who are bred here have no Bishop or Parsons with Episcopal powers to ordain and afterwards to visit them, & are not in circumstances to go to England to be ordained; so that we abound with Sectaries, & many turn profligates & Deists.

We have also passed a good Militia Law, and a Law to give a premium to Export Hemp and Flax to Britain and Ireland. A good Road Bill and an Act for appointing Public Treasurers which I would only allow for 3 years and so to the end of the next Session of Assembly, until I should know His Majesty's pleasure, whether he will appoint them without an Act of Assembly, and as they insisted that the Treasurers still should Act, as no term was mentioned in the former Act though the aid granted by it was expired, I thought it prudent to pass the Bill for a short Term to put it out of doubt, lest some should refuse to pay the public Taxes to other Treasurers should they have been appointed by the Crown. I have passed also an Act to prevent excessive Gaming, and a Bill against notorious Felons, and Counterfeiters of the Paper Bills of Credit who abound here and in Virginia, and have also made two new Counties, divided from New Hanover and Granville which will take away perhaps the weight of the 5 Members Northern Counties, the rest passed were only Provincial and of no consequence, the most material as they can be copied shall be sent over with this, or as soon as possible after it, as also the other less material Bills by the next opportunity, some other Bills not fully digested were postponed till next Session.

I have also sent over the Speech and Addresses and shall send over the several Journals of the Assembly and Council as soon as they can be copied and attested, as also the Southern Treasurer's Accounts.

The Assembly have applied to me to recommend it to your Lordships to apply to His Majesty that the Notes formerly issued to erect

public Buildings and Schools and purchase Glebes, the issuing of which had been suspended until His Majesty's pleasure was known and were afterwards borrowed and given in aid to raise and maintain the Troops sent to the Northward which were in great part paid back to the Treasurers by the aid granted for that purpose & now lie in the Treasurers hands, and probably have been lent out by them upon Interest for their own Benefit, that His Majesty would allow them to be issued again, and applied to the Public Buildings, Glebes and Schools, or if not that they should be burnt to lessen the present Paper Bills. Your Lordships will see by my Speech that I recommended to them that they would call in all the outstanding Bills which are now worn out and scarce passable, and great numbers of Counterfeit Bills and to issue an equal number of new Bills not so easily counterfeited and don't doubt but of £80,000 now computed to be standing out and currant there would not be found £50,000 & all the Counterfeit Bills would be detected, but this they did not at present think proper to comply with though it might have been done without any further Expence than the saving some Bills that are annually burnt by the Sinking Fund.

Our temporary Line has not yet been run as the Assembly of South Carolina won't act with Governor Boone, and consequently won't give money to defray the Expence until His Majesty allow it out of the Quit Rents. I having already an Order from the Lords of the Treasury to our Receiver General to advance money to survey & divide the Counties in His Majesty's district of which the dividing Line makes a part, can apply the Quit rents so far to that purpose, but I have reason to hope from your Lordships Letters to me that when the permanent Line is fixed by His Majesty that it will extend this Province further to the Southward, for by the several Accounts I have had, the Lands in Anson County on this side the Catawba Line extend further Southward than the Lat^d 35 degrees, many Persons having taken out Patents to the Southward of the Line proposed not Knowing the Latitude and that to the Westward of the Catawba Lands the Lands have been long taken up & patented for many miles to the Southward of that Latitude for as all the Settlers in the back Country came by Land from Pensylvania they knowing of no Boundary Line constantly took out their Claims from this Province scarce any of them having applied to the Governor of South Carolina, except when they wanted to turn out the first occupants who had taken out Titles from this Province, and their disputes won't easily be decided unless this Province extends further to

the Southward than this temporary Line in 35° I find also that the several Planters to the northeast of Winyaw are very desirous of being appointed part of this Province where they can have County Courts to recover their small Debts, as no such Courts are allowed in South Carolina none being held out of Charles Town, so that People are obliged to travel and attend the Courts at Charles Town though living at 200 miles distance, and this they must do to recover a Debt of £5 value.

In order the more effectually to prevent the illicit Trade, I think the same checks should be enforced here in this Province as in all the other Colonies and Islands in America, upon enquiry into this I find that no Trading Ships or Vessels can depart from any Province or Island without leave or a pass from the Governor attested by the Secretary or Naval officer of having been legally cleared by the Naval officer and Collector. Upon looking into the early Laws of this Province yet in force, I find all masters of Vessels before they discharge any goods in four days after their arrival must give Bond with Security to the Naval officer not to carry any Person out of the Province under certain Regulations, until such Person shall receive a Ticket from the Naval officer signed by the Governor for the time being and that he himself shall not depart without leave. Upon observing this, and my orders being so strict to prevent illicit Trade I consulted the Council, and they were unanimously of Opinion that the Law should be particularly complied with as in other Provinces, and having produced several of these passes from the other Colonies and Islands who every one paid a fee for the same to the Governor none less than half a Pistole or two Dollars in some places a Pistole and no fee having been appointed in the fee Bill in which case Fees have always been taken for services done, it was their unanimous Opinion that half a Pistole or its value in Proclamation money being the least fee taken in other Colonies would be a reasonable Fee here the more effectually to prevent Vessels going out when not legally cleared or carrying out persons or runaway negros contrary to Law, which passes should be produced to the Commander of the several Forts situated at the entrance of the Rivers where erected.

This I thought proper to mention to your Lordships for your approbation, and don't doubt but that you'll think it reasonable, when the Assembly refuses to settle any Salary upon the Governor as directed by His Majestys Instructions nor even pay the rent of a House for the residence of the Governor, when either an House or

the rent of one is allowed in all the other Colonies whether of the Kings or Proprietary Governments. This I humbly submit to your Lord^{sh} consideration for your approbation.

I shall not at present trouble your Lordships with a longer Letter, lest you should blame me as Lord Sandy's did for writing long Letters to the Board.

I am with great respect My Lords &c

ARTHUR DOBBS.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Governor Dobbs to the Secretary.

CAPE FEAR, BRUNSWICK, March 29. 1764.

REV^d SIR,

I have had no letter from you since July 16—1762 in answer to mine of the foregoing March, it will therefore be proper to return thanks to the Hon^{ble} Society for the acceptance of my good wishes & inclinations to support the true apostolic Protestant Religion in this Province & to reform the morals of the ill instructed inhabitants & further to thank them for their pious zeal & due attention to promote true religion & the reformation of their manners by Procuring more pious clergymen and missionaries to come over & reside in this Province.—The situation of affairs relating to the church is somewhat different to what it was when I wrote last, Mr. M^cDowell the Missionary of this Parish died last November of a lingering disorder, which has deprived us of a clergyman; & Mr. Teal who I recommended last year to be put into orders finding upon his return that the parishioners of Wilmington in New Hanover County were divided; he thought he could be of no service & went to S^c Carolina where he was immediately inducted into a vacant Parish & is fixed happily there. we have therefore only at present 6 clergymen in the Province, 4 of which perform their duty diligently in the towns of Edenton, Bath, New Bern & Halifax: the three first being missionaries, the other 2 Mr. Moir & Miller, by all I can hear, do not behave as clergymen ought. Mr. Moir who lives at a distance from me as I am informed by Gentlemen who live in the neighborhood, has no parish performs very little casual service; he has been endeavouring to procure a certificate of his good behaviour, but I am informed with very bad success from any men of rank or character, he lives upon a plantation penuriously & inhospitably: and lays out his sal-

ary as missionary in England to retire to & live upon when he loses his support as missionary; his character as I am informed is to stir up and make divisions in the neighbourhood instead of Promoting Peace & love; having observed that he made a return to the Society of great numbers of negroes & others baptized by him, I enquired into it & was informed by gentlemen in his neighbourhood that they never heard of any number baptized by him,—as to the other, Miller, who I had the misfortune to recommend to be ordained upon my 1st coming over, upon a petition of many inhabitants of Rowan county; he has since changed from Parish to Parish under strong suspicion of living irregularly, these are all we have to do duty in 29 counties or parishes & this is likely to be the case where we have no Bishops or Parsons with Episcopal Powers to visit the clergy & to confirm & confer orders.

We have at present about 24,000 white male taxables in this Province & consequently near 4 times the number of souls & above 10,000* black male & female taxables & our number daily increasing, with few or no schools for the education of youth, and only a few lay readers to serve the several chapels, erected in the several counties; this is the reason of our sloth, Indolence and Immoralities & occasions numerous sectuaries, of all denominations except Papists having many strollers Particularly anabaptists or dippers there being so few qualified to give regular baptism, when this is considered & the increasing british empire on this continent I am convinced that his Lordship of London will willingly part with so great a part of his diocese & join in soliciting to Procure Bishops & others with Episcopal Powers to ordain & visit the clergy in the several Provinces on this continent & to erect proper schools for the education of youth for a succession of persons qualified to be put into orders, since so few of good pious characters, can be persuaded to become missionaries here & few qualified are in circumstances to be sent over to receive orders in London;—I after some struggles since my last have got a better bill for the maintenance of the orthodox clergy, by increasing their income until glebes can be purchased for them, but could not prevail with them to give up the Parsonage to the Crown & Bishop of London, and so have not the nomination nor a right to induct them regularly.—I have also in this last session, passed a much better vestry bill, wherein the incumbent is to be always one of the vestry & they have a power to raise 10^d upon

* See page 1027 *ante*. If these be the correct figures the white population in the colony must have been about five times greater than the black.—EDITOR.

every taxable person annually in each county to be applied to build churches & Glebe Houses & to furnish all glebes and also to maintain schoolmasters in each parish so that they will have a considerable sum in their power to raise over & above what will maintain a clergyman & schoolmaster in each county, most counties having above 1000 taxables & few under 800, besides which I have applied to the Lords of trade to recommend it to his Majesty to allow a considerable sum in Paper currency now lying in the Treasurers hands, which had been first issued in order to erect churches & to purchase glebes, which had been borrowed & applied to the support of the public service during the war, and has since been repaid by the Public taxes, which had not been issued at first until his majestys pleasure was known that they may now be reissued & applied as at first designed to build churches & purchase Glebes & to erect public Buildings we have also at present settled all affairs with the catawba Indians & ascertained their bounds; I had before recommended it to the Society to have given an allowance to a schoolmaster to settle among them, & I would have added to his salary during my continuance in this government; Since which time the nation by the Small Pox, has been reduced from 300 warriors to about 60 & as they are now settled in the middle of our planters, I would recommend it to the Society to fix a missionary or schoolmaster who might be also established for mecklenburg county, who are mostly now Presbyterians or other foreign Sectaries & may be of great use in those back western frontier settlements & hope you will also send us over a pious clergyman to be missionary in this Parish of Brunswick in room of Mr. McDowell deceased & also a clergyman for the neighbouring county of New Hanover at Wilmington; and afterwards as soon as they conveniently can, to our other counties such who are likely to do their duty & not barely to come over for a maintenance.

I shall only further beg the prayers of the Honorable Society that I may perform my duty in the station his majesty has appointed me, and am Rev^d Sir

Your most obd^t humble Servant

ARTHUR DOBBS.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Moir to the Secretary

N. HAMPTON, Ap^l 4 1764

REV^d SIR,

Since my last of Oct^r I baptized in N^o Hampton, and the neighbouring counties 136 white children & 46 black, I baptized also in Edgcombe 171 white children 2 adults & 16 Black children. By the vestry act passed last March; the minister is made President of the Vestry, the election of which is put off to the beginning of August, and it is to continue 3 years, Dissenters are still admitted into it, and which is worst of all, the Sheriff takes the Poll. Hoping the venerable Society would have permitted me to take a passage for London, I did not draw for my salaries from Mich^a 1762 to Ladyday 1764. But there being now very nigh 7 years salaries due to me, in Edgcombe & N. Hampton counties, which I cannot recover till the new vestries are qualified next fall, obliges me to draw now for the forsaied Salary of 1½ year

I am Rev^d Sir your most humble ob^t Servant

JAMES MOIR.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

Know all Men by these presents that we Arthur Dobbs, Frederick Gregg, Richard Lyon and John Davis Junior of the said Province Esquires are held & firmly bound unto James Murray, James Hasell, John Rutherford, Lewis Henry DeRossett, John Sampson and Henry Eustace M^cCulloch Esquires Members now constituting the high Court of Chancery in the said Province in the just and full Sum of ten thousand pounds Sterling money of Great Britain, to be paid to the said Members of the said Court of Chancery their Successors or Assigns: To which payment well and truly to be made, We bind ourselves our and each of our Heirs Executors and Administrators jointly and severally, firmly by these presents, sealed with our Seals and dated this 25th day of April Anno Domini One thousand seven hundred & Sixty four

The Condition of the above Obligation is such that Whereas the above Bound Arthur Dobbs and Frederick Gregg Esquires have On the day of the date of these presents been appointed by the

Court of Chancery Guardians of Richard Spaight an Orphan Son of the late Richard Spaight Esq^r deceased Now if the said Arthur Dobbs and Frederick Gregg Esquires shall well and truly execute the office of Guardians of & for the said Orphan Richard Spaight according to the laws of Great Britain & this Province then the above Obligation to be Null and Void otherwise to be and remain in full force and Virtue

ARTHUR DOBBS [Seal]

FRED^k GREGG [Seal]

RICH LYON [Seal]

JOHN DAVIS JUN^r [Seal]

Signed Sealed and Delivered in
the Presence of

THOMAS RUTHERFORD

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

GEORGE R

George the Third &c, To Our Trusty and Well beloved William Tryon Esq^r Greeting We reposing especial Trust and Confidence in Your Loyalty Courage and Prudence, Do by These Presents constitute and appoint You to be our Lieutenant Governor of Our Province of North Carolina in America, To have hold Exercise and Enjoy the said place and Office during our pleasure with all Rights, Privileges, Profits Perquisites and Advantages to the same Belonging or Appertaining And further in case of the Death or Absence of Our Captain General and Governor in Chief in and Over Our said Province of North Carolina now and for the time being, We, do, hereby Authorize and Impower You, to Execute and Perform all and Singular the Powers and Authorities Contained in our Commission to our said Captain General and Governor in Chief According to such Instructions as are already sent, or hereafter shall from time to time be sent unto him or as you shall receive from Us, and from Our said Captain General and Governor in Chief of Our said Province of North Carolina now and for the time being; and all and Singular Our Officers, Ministers and loving Subjects of Our said Province, and all Others whom it may Concern are hereby Commanded to take

due Notice hereof, and to give a ready Obedience Accordingly.
Given at Our Court at S^t James's the Twenty Sixth day of April
1764 In the Fourth Year of Our Reign

By His Majestys Command

DUNK HALIFAX

William Tryon Esq^r Lieutenant Governor of North Carolina

[B. P. R. O. NORTH CAROLINA. B. T. Vol. 23. P. 233.]

Lords of Trade to the Earl of Halifax, Secretary &c

[1 May 1764.]

MY LORD,

Arthur Dobbs Esq^{re} his Majesty's Governor of North Carolina having made application to us to intercede with his Majesty that he may be permitted to return to Europe for the recovery of his health, which has been greatly impaired by the climate of that Country, We beg leave to desire your Lordship will be pleased to lay his request before his Majesty for his Majesty's directions thereupon, and in case His Majesty shall think proper to comply therewith, we submit whether such leave of Absence should not be granted for twelve months from the Day of the Governor's arrival in England.

As we are fully convinced how necessary and essential to his Majesty's Service it is, that all his Majesty's Servants and Officers in America should personally attend their Duty, we shall at all times be very cautious of recommending requests of this Nature, but the circumstances of this Gentleman's case, who is upwards of seventy years of age, who has resided in his Government near ten years without intermission and undergone great fatigues, will we hope justify the Application we have the honor to make to your Lordship.

We are, My Lord etc

HILLSBOROUGH
SOAME. JENYNS
ED. BACON
ED. ELIOT
GEO. RICE
ORWELL.

[B. P. R. O. AM. & W. IND. VOL. 214.]

Secretary Lord Halifax to Governor Dobbs

12 May 1764

SIR,

His Majesty having been graciously pleased in compliance with your request to consent to your returning to England for the recovery of your health and to appoint Lieut. Col. Tryon to be Lieut Governor of North Carolina to administer government during your absence from that Province You may therefore be preparing for your departure on the arrival of Col. Tryon who proposes to embark for North Carolina the latter end of this summer.

I have transmitted to the First Lord Commissioner of His Maj. Treasury a copy of your letter of the 14th January last relative to the expediency of establishing some Custom House Officers at Occacoc Bay and to the improvement of Trade and His Majesty's Revenue

I am &c.

DUNK HALIFAX.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

Know all men by these presents That We Henry Eustace M^cCulloh Collector of Port Roanoke and John Walker of Brunswick County Gentlemen—are Jointly and severally held and firmly bound unto our Sovereign Lord King George the Third his heirs and Successors for the use of the public of this province, in the sum of Five hundred pounds proclamation money, To be paid to our said Sovereign Lord the King his heirs and successors as aforesaid, for which payment to be well and truly made We bind ourselves our heirs Executors and Adm^{rs} & every of them Jointly and Severally Firmly by these presents. Sealed with our seals and Dated this 19th day of May 1764.

The Condition of the above obligation is such That Whereas the above bounden Henry Eustace McCulloh is this day appointed by His Excellency the Governor, Receiver of the Duties arising on Wine Rum and other distilled Liquors hereafter to be Imported either by Land or Water into any part of the District of Port Roanoke, Now if the said Henry Eustace McCulloh Do and shall

honestly faithfully and justly Execute the Office of Receiver of the Import or Duty aforesaid, and also Do and shall fully account for and pay all such sum or sums of money by him to be so received and accounted for, to the public Treasurer of the Northern District for the time being, annually upon Oath, according to the true Intent and Meaning of the Laws of this province, Deducting after fully accounting for and paying the same as aforesaid, Five ¢ cent for his trouble therein, Then the above obligation to be void, otherwise to be & remain in full force & Virtue.

HENRY E. McCULLOH [Seal.]

JOHN WALKER [Seal.]

Signed sealed & Delivered

in the presence of us

ALEX. DUNCAN

MALCOM BROWN

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 82.]

Letter from Henry McCulloh Esq^{re} to the Treasury.

LONDON, June 2nd 1764.

SIR, [JOHN POWNALL Esq^{re}]

By an Act of Assembly passed in North Carolina for the emitting Paper Bills of Currency said Bills was rated on the foot of proclamation money, that is to say one hundred and thirty three pounds six shillings and eight pence in their Bills of Credit are made legal tender for one hundred pounds sterling. Yet by the course of Exchange between said Colony and England one hundred and ninety Pounds of said Bills of Currency will not do more than purchase a Bill of Exchange for one hundred pounds sterling payable in London. His late Majesty by his order in Council dated the 13th of October 1756 and his present Majesty by his order in Council dated the 14th of October 1762 were graciously pleased to order that £2584 sterl. arrears of salary due to me be set off against the Quit Rents of all such Lands as belong to me or my Associates with whom I have any interest or concern in the said Province of North Carolina, and that the said Quit Rents shall commence from the 25th of March 1760 Whereof the Governor or Commander in Chief of His Majestys said Province of North Carolina for the time being and all others whom it may concern are to take notice and govern themselves accordingly.

But as some difficulties have occurred to Gov^r Dobbs in giving the necessary directions to the receiver of His Majesty's Quit Rents viz^t Whether the £2584 sterl. due to me ought to be set off against my Quit Rents at the nominal value of £133.6.8 Bills of credit for £100 sterling as rated by the above Law or whether I should have credit for the said sum £2584 according to the course of Exchange between Carolina and London, which exchange is at present £190 Carolina currency for £100 sterl.

I therefore pray the favour you will represent this Affair to the Right Honourable the Lords Commissioners for Trade and Plantations, & that their Lordships in their great goodness will be pleased to explain this matter to the Governor in order to his giving the necessary Directions to the Receiver General of the Quit rents to allow me Credit for the said Sum of £2584 according to the course of Exchange between Carolina and London.

I am with great respect Sir &c

HENRY M^cCULLOH.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

N^o CAROLINA, NEW BERN June 21—1764.

REV^d SIR,

'Tis with pleasure I embrace the Present opportunity of acquainting you that the clergy of No. Carolina are, at length favor'd with legal encouragement, the assembly met at Wilmington this last spring & passed a vestry act thro' the influence of our worthy Gov^r to whom the clergy in this Province can never sufficiently express their gratitude. His life is dear & precious to us & the good state of health he appears at present to enjoy gives us no small hopes that his days will be considerably prolonged, we have great reason indeed to offer up our most fervent prayers for his preservation & health for we can never expect a more sincere friend in his exalted station to the real interest of the christian religion.—About the first of April I rec^d a box of Books via Edenton, directed to the Rev^d Mr. M^cDowell of Brunswick, and as Mr. M^cDowell some time before his decease, had acquainted me that he had received letters, relative to the Books & that there were some of them particularly intended for my distribution, I made bold to open the Box & found a Package of small tracts directed to Myself which I took out & for which I return my sincere thanks to the society. For tho' the heat of the Methodists be considerably abated, yet the distribution of such tracts will be of

great service, in confirming the wavering & preventing the People from running into extremes for the future, the remainder of the Books intended for Mr. M^cDowell, I have directed to the Gov^r of which I sent him advice about 2 months ago & since that time have been waiting for a conveyance. We have now a prospect of a very flourishing school in the town of New Bern & which indeed has been greatly wanting for several years past, in Dec^r last Mr. Tomlinson a young man, who had kept a school in the county of Cumberland in England, came here by the invitation of his brother an inhabitant of this Parish on the 1st of Jan^y he opened a school in this Town & immediately got as many scholars as he could instruct & many more have lately offered than he can possibly take to do them justice, he has therefore wrote to his friends in England to send him an assistant and a subscription for a school house has been lately carried on, with such success, that I have got notes of hand payable to myself for upwards of £200 this currency (Equal to about £110 Sterl) to build a large commodious School House in New Bern & which I shall endeavour to get, completed as soon as possible, for during 11 years Residence in this province I have not found any man so well qualified for the care of a school as Mr. Tomlinson. He is not only a good scholar but a man of good conduct, has given great satisfaction to the Parents of such children as are under his care & will be of infinite service to the rising generation. I have the happiness further to inform you, that this last spring has been as favorable as the autumn was destructive to my health, I have rode my long circuit twice with great satisfaction. My congregations have been greatly crowded My number of communicants increased & the return of my health made my duty not only easy but a real pleasure I have likewise taken care of S^t John's Parish, which sickness would not permit me to do last autumn & have visited it twice once at the court house where I baptized 24 children, again at a private house where I baptized 11 children & again at the chapel upon Newport River, where I baptized 14 children and administered the sacrament of the Lords Supper to 36 communicants. I am Rev^d Sir with the utmost deference & Regard your,

most obliged ob^{dt} & Humble Servant

JAMES REED
Miss^y in Craven County.

To the Secretary

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23. P. 235.]

Letter from Mr. Pownall to W^m Tryon Esq^{re} Lieutenant Governor of
North Carolina

WHITEHALL 2 July 1764.

SIR,

The Lords Commissioners for Trade and Plantations find upon examination of the laws of North Carolina passed in Dec^r 1762. for establishing superior and inferior Courts of Justice and Judicature and for regulating Orphans Estates that they are free from the Objections upon which former Laws for the same purposes were repealed and therefore their Lordships recommend it to you to endeavour to procure a Law for giving them such duration and establishing such Salaries upon the Chief Justice and Associate Judges as that the Courts of Judicature may have that Stability and Support which is essentially necessary to their efficacy and Dignity.

The Law relating to the distribution of Intestates Estates having provided, that one third of an Intestate's Estate shall go to the Wife and the rest in equal proportions to the Children without including the legal Representatives of any Children that may happen to be dead, it is in this respect contrary to the Act of the 22nd and 23rd of Charles the second from which the other Regulations appear to have been taken and therefore their Lordships have been under the necessity of proposing it shall be repealed.

The Act for making Provision for an Orthodox Clergy, passed in 1762. appearing to be liable to the Objections upon which a former Law of the same kind was repealed, which Objections you will find stated in the annexed Report of the Board of Trade upon it, their Lordships cannot advise it's confirmation, but as the general purport of it appears to be commendable and beneficial, they recommend it to you to endeavour to get it re-enacted free from those Objections.

The annexed Extract of their Lordships Journal of the 13th December 1763. will mark out to you their Lordships Sentiments and Resolution upon the application of the Province in respect to the Disposal of the money appropriated in the Tax Act of 1754. for erecting Schools and for other pious purposes and their Lordships desire it may be understood that they cannot recede from that Opinion, nor on any account advise his Majesty to alter the Instruction which fixes the Quorum of the Assembly to be fifteen.

Their Lordships particularly recommend to you to co-operate with

the Lieutenant Governor of South Carolina in carrying into effectual Execution the Orders given by his Majesty for establishing a temporary Boundary Line between the two Provinces and their Lordships wish to receive from you as soon as possible, your opinion of what will be a proper final Boundary.

Their Lordships further wish to receive from you an account of what Proceedings have been had and measures taken for ascertaining the line of Partition between the Lands belonging to the Crown and those set off to Earl Granville

These are all the points upon which I am directed to give you a memorandum in writing and I have only to add, that I am with great truth and the most sincere Wishes for your Success and Welfare

Sir, your most &c

T. POWNALL.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23, P. 243.]

Letter from Mr. Pownall to Colonel Tryon Lieutenant Governor of North Carolina.

WHITEHALL July 24th 1764

SIR,

The Sieur Closen, who will have the honour to deliver this to you intends undertaking a Settlement in Province of North Carolina, and having applied to the Lords Commissioners for Trade and Plantations for a recommendation of him to you for a Grant of Lands, I am directed by their Lordships to desire you will make him a Grant of such a quantity as shall be proportioned to the number of persons in his Family conformable to the directions of his Majesty's instructions in such a part of the Province as he shall think will best answer the Objects he has in view.

I am, Sir &c

JOHN POWNALL.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Moir to the Secretary

N^o HAMPTON, Oct. 2^d 1764.

REV^d SIR:

Your favor of April 19th 1763 I received the 5th of July last and that of Feb. 23^d 1764, 3 weeks after: But that of Nov. 6th 1763 never

came to hand. I own it is my duty to respect Governors, and that I was inclined to pay all due deference to Gov^r Dobbs in particular, the late Rev^d Dr. Bearcroft having given me a great character of him; upon his arrival the vestry of Edgcombe desired me to wait on him, with the 2 members they sent, to lay their grievances before the assembly, and obtain redress, we went but to no purpose. Afterwards the assembly divided the Parish of Edgcombe in a ridiculous manner, and by a most unjust law compelled those of St. Mary's Parish to pay the arrears of the former Parish. the vestry of St. Mary's Parish sent 2 of their members with me to complain of the injustice done them; we laid the complaint before two assemblies but all in vain. During these transactions I had some conferences with his excellency, but could never discover in him any regard to truth or equity, and had it not been for a member of the Council I should have publicly exposed him for one of his notorious falsehoods, the 2 gentlemen he gave for his authors, declaring to me they would go along with me & tell him to his face they never told him such a thing nor never heard of it. His administration is almost universally hated and despised. Had the ven^{ble} Society attended to what I formerly wrote concerning him, they would not have been much alarmed at my being so free with him. Clergymen are made slaves here, we have no chance for a fair trial, being subjected to the caprice of the Governor & Council. But should they turn me out of one Parish there will be enough to employ me. I have the esteem and affection of the body of the people. Even the collectors of Parish taxes are reconciled to me, since I left off inspecting the parish accounts, because I saw no possibility of bringing the collectors to justice. Many well wishers to our church have told me that an effectual stop would be put to the misapplication of Parish taxes, had it been fairly stated & represented at home. One vestry made an order requiring me to lay it before his Lordship of London, which with the bad state of my health, induced me to petition the ven^{ble} Society for leave to come to London; were it my business, it were easy to shew that his excellency's Politics are of a piece with his morals, the vast sums levied in the late war, were laid out so as to be of little or no service, either to the mother country or to the neighboring Provinces, though these were always the pretences for the levies. The worthless wretches put into the commission of the peace have rendered our county courts an insupportable burden, his Excellency's favorite scheme

has always been a large emission of Paper Currency, in which he hath been vigorously opposed by some leading men in the house of Burgesses. However last Assembly the majority came to a resolution of making a large emission next assembly which is to meet this month. But the act of Parliament has delivered creditors from this dreadful Blow. In short, oppression and injustice growing into practice have driven many out of this province and many more are endeavoring to remove their effects with all convenient speed.

In the county of N. Hampton, there is a Church & 3 Chapels, at which I officiate alternately : once a quarter I have preached on a week day at the request of those, who find it inconvenient to bring their Children to be baptized at the Church or Chapels. I have also preached many funeral sermons, sometimes 3 in a week. We have had excessive hot seasons this Summer and fall, and the intermitting fevers have not permitted me to officiate but once out of the County, Since my last of Ap^l 4 I baptized 207 white children and 50 black, though I preached twice on the occasion, there was no communion, there being no Churchwardens to provide the elements which too often happens when I cannot carry them along with me, formerly I administered the Sacrament of our Lord's Supper only at the Church on the Festivals, by which I could tell the precise number of communicants in a Parish, which is what I suppose the venerable Society wants. But for eight or nine years past I administer it also at the Chapels & sometimes in private houses at the desire of aged and infirm persons. Thus it happens that some communicants partake at several places, the accounts I transmit of them in general must be to the best of my judgment. If the ven^{ble} Society requires the exact number in the different places, I shall not fail to send it. Tho' there are 7 years Salaries due to me, I'm made to hope that the repeated efforts of the tools of power to defraud me will prove abortive. The new vestry of Edgcombe have desired me by one of their number, not to bring suit; they assure me it is their design to pay my arrears & that they would have set about it at their first meeting could the vestry books have been found. I have also had the pleasure to see the vestry of N. Hampton, after unanimously agreeing to employ me, order citations for all that had Parish money in their hands; They declared also that at their next meeting they would lay tax sufficient to pay off the Parish debts, when I consider how well disposed the people are towards our Church, and what might have been done for a decent public worship through my influence with them, it grieves me that I cannot make the proper

use of either because of the difficulty of making collectors refund under the present administration. I this day draw for my salary from Lady day to Michl^s 1764 and am, Rev^d Sir,

Your most Obd^t Humble Servant

JAMES MOIR.

[FROM GOVERNOR TRYON'S LETTER BOOK.]

Letter from Governor Tryon

BRUNSWICK 15th October 1764.

MY LORD, [EARL OF HALIFAX]

I take the opportunity by a Merchantman sailing for England this morning to acquaint your Lordship of my arrival in Cape Fear River, on Wednesday the 10th Inst; the 11th I waited on Governor Dobbs and informed him of the honor His Majesty had conferred on me; the intelligence of my appointment he said had reached him two months before my arrival and that upon receipt of his leave of absence in July last, he had wrote to his friend Lord Egremont, to request a Sloop of War to carry him home; this gave me an opportunity to ask him when he proposed to take his departure for England he told me he should stay till next Spring, to the middle of April, or beginning of May; this I own was a thunderbolt to me, and I hope will be an apology for me to your Lordship for the earnestness with which I expressed my apprehensions to your Lordship and Mr. Sedgwick of this Event. The Governor goes to meet the Assembly at Wilmington the 23^d Inst where I shall attend to be inducted into an Office which is likely to be burdensome to me this winter, for want of employ. Among my lesser disappointments is the want of a house, as the Governor has declined letting me his villa till his departure, tho' the Assembly will detain him at Wilmington till December. This has obliged me to keep my baggage still on board; after the Assembly is up I propose making a considerable tour through the Province; at present I can form no judgment of its fertility, having seen nothing but wood, water and sand; though from the conversation I have already had with the Inhabitants, I am confirmed in Governor Ellis' report that there are great seeds of prosperity in the Province. I must beg leave to observe to your Lordship, th^o I came into this Province not with mercenary motives, yet I entered it, without any idea of impoverishing my private fortune, which the expences of my equipment, passage and present household establishment, consistent only with the character

I expected sooner to have acted in must necessarily occasion, unless I meet with your Lordships generous interposition with his Majesty It will be a twelve month between my appointment to this Province and the taking the administration of it; however still resting my confidence in your Lordship's protection, I shall do my endeavour to inform myself, of the state and peculiar interests of this Province as well as during the Governor's continuance here, as after his departure.

The old gentleman has been so polite in his offers to accomodate my family, till I can fix elsewhere; I mean to behave to him with the respect that is due to his character, age, and infirmities

I am my Lord, with real gratitude and respect &c^a

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 84.]

Letter from Governor Tryon to the Board

BRUNSWICK Oct^r 15th 1764.

MY LORDS,

I have the honour to acquaint your Lordships by the Rose Sloop, of my arrival in Cape Fear River, on Wednesday evening the 10th instant. I waited on the Governor at Brunswick to inform him of the appointment I had the honour to receive from His Majesty. He enquired if I had brought any Instructions for him. I answered, I had received Instructions from your Lordships to govern myself by, but none directed to him, he informed me he should meet the Assembly at Wilmington the 23rd instant, and that he should leave this Province the middle of April or beginning of May next. I am informed by some of the Inhabitants of this Province there is likely to be warm Disputes in the Assembly this ensuing meeting, upon which Account I think it notadvisable to Communicate the Instructions, I received to endeavour to procure a Law for the Establishing such Salaries on the Chief Justice and Associate Judges, as your Lordships recommend, but shall wait a more promising opportunity.

I shall as soon as possible after the departure of the Governor endeavour to carry into execution your Lordships Instructions relative to the Boundary Line between this Province and South Carolina, and likewise report what proceedings have been had, and measures taken for ascertaining the Partition Line between the Crown Lands and those belonging to the Earl of Granville in this Province.

I am with due respect &c

W^m TRYON.

[FROM GOVERNOR TRYON'S LETTER BOOK.]

Letter from Governor Tryon to The Earl of Hillsborough, London.

WILMINGTON, 16th October 1764.

On my arrival in this Province I waited on Governor Dobbs with the Instructions I had the honor to receive by the post from your Lordship a few days before my departure from England. I was not misled in my apprehensions I expressed to your Lordship and Lord Halifax of the Governor's continuance here: He acquainted me he purposed to undertake his voyage to England the middle of April or beginning of May next; This was no flattering intelligence to me, and what makes it still less so, is the consideration of the great probability of the Governor's infirmities not permitting him to undertake the voyage in the best season of the year, yet he flatters himself with returning back to this Province. I have communicated to the Earl of Halifax the mortification my ambition has experienced, and at the same time requested his Lordship to take into his consideration my present situation. I must earnestly solicit likewise my Lord, your interest and protection, I assure your Lordship, separate from the expence of my equipment and passage to this Province, the present establishment of my family is much superior to the income of my fortune or produce of my commission in the Guards. I own, notwithstanding, I still entertain very flattering ideas from my undertakings in this Continent, which are kept alive by the expectations I entertain of the good offices of my friends at home and I do not yet wish to be in Grosvenor Street unless it was to enjoy such friends as I cannot find or cultivate in this Province.

The Provincial Assembly meet the 23rd Inst; as soon as I have informed myself of the forms and proceedings of the public business of this Province, I shall make a tour in the country, as the winter is the best and only season for travelling in this climate: By the time of my return I hope to acquire a tolerable insight into the temper and genius of the inhabitants, the nature and quality of the soil and commodiousness of the several navigable rivers, all which will be useful and agreeable to me.

I am &c^a

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA }
 Brunswick County }

Know all Men by these Presents that we William Hill, John Davis and John Paine are held and firmly bound unto our Sovereign Lord the King, his Heirs and Successors in the Sum of Five hundred Pounds Proclamation Money, to be paid to our said Lord the King his Heirs and Successors, to the which Payment well and truly to be made and done we bind ourselves, our Heirs Executors & Administrators jointly and severally in and for the whole, firmly by these Presents Sealed with our Seals and dated the 2^d Day of November 1764

The Condition of the above obligation is such that whereas William Hill is appointed by Commission under the hand and Seal of his Excellency Arthur Dobbs Esquire Receiver of the Duties on Rum wine and other distilled Liquors, imported into Port Brunswick Now if the said William Hill shall honestly faithfully and truly Execute the Office of Receiver of the Duties aforesaid then this Obligation to be null and void, otherwise to Remain in full Force and Effect

WILL HILL [Seal.]

JOHN DAVIS Jun^r [Seal.]

JOHN PAINE [Seal.]

Sealed and delivered

In Presence of

BEN^j HERON

JOHN BURGWIN

[FROM NORTH CAROLINA LETTER BOOK S. P. G.]

Mr. Stewart to the Secretary (Ext)

BATH, N^o CAROLINA, Nov^r 20, 1764

REV^d SIR

The number of those that Profess themselves of the Church of England, are 350, besides women & Children and the number of Taxables 800 many of them negroes

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA

Know all men by these Presents that we John Paine and Maurice Moore are held and firmly Bound unto his Excellency Arthur Dobbs Esquire Governor of North Carolina and his Successors, in the Sum of One Thousand Pounds Proclamation Money, to the which payment, well and truly to be made, we bind ourselves, our heirs, Executors, and Administrators, Jointly and Severally, firmly by these Presents, Sealed with our Seals, and Dated this 8th day of December, 1764.

The Condition of the above Obligation is such, that if the said John Paine, do well and Truly Account with, and pay to the Commissioners of the Pilotage of Cape Fear River, or their Order, when thereto Required, all such Sums of Money, as he Shall Receive, as Receiver of the Tunage Duty, by Virtue of an Act entituled an Act, for Regulating the Pilotage of Cape Fear River, and for other Purposes, passed the Last Session of Assembly; then the above Obligation to be Void, or else to be and Remain in full force and Virtue.

JOHN PAINE [Seal]

MAURICE MOORE [Seal]

Sealed and deliver'd
in presence of
SAM^l NEALE

[FROM GOVERNOR TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Lord Hyde, Post Master General.

WILMINGTON 8th December 1764.

As the utility of establishing a Post thro' the Southern Province of this Continent has been a subject of conversation between your Lordship and myself I have been curious in my enquiries since my arrival here relative to the probability of effecting such a design. As one step towards it, the Assembly of this Province has this Session voted a sum of £133½ this currency value according to the present exchange nearly £67. St^g. to be paid annually to his Majesty's Deputy Post Master General on this Continent if he will undertake to carry a Post from Williamsburgh, to Charlestown once a fortnight, charging the customary postage on letters. This propo-

sal is to be made by the Province to Mr. Foxcroft, one of the Postmasters residing at Williamsburgh. It will be needless for me to inform your Lordship of the numberless inconveniences which attend this Province for want of such a communication; inconveniences which must extend to every Province to the Southward. I will state one case which will hold good at least to all the new settled Provinces; should any of them be under the circumstances of danger or actual invasion, how should the alarm be given to the Northern Provinces, from whom they must expect succour? if by shipping, that is precarious; if by express by land, I am credibly informed that such a conveyance is equally or more precarious, as the messenger may ride the horse he sets out on possibly two hundred miles before he can furnish himself with a second, and when he comes to a hut of refreshment, in this wilderness, finding no entertainment for his horse, the saddle and bridle are taken off, and the beast turned into the woods to provide for himself; When the messenger wishes to proceed, three or four days perhaps is taken up in pursuit of his horse; this I am told frequently happens to travellers in this Province. The Post I am informed is regularly established from New York to Williamsburgh; therefore if your Lordship and Mr. Hampden would give such directions as should continue the communication at the same intervals of time, on to Charlestown, these Provinces would immediately feel the benefit of such a channel. It has happened that dispatches from the public boards at home, have laid six weeks at Charlestown before they have been delivered at Brunswick in Cape Fear River. Cap^t Lobb of his Majesty's Sloop *Viper*, stationed off this coast has informed me he received two letters from Lord Colvil dated from Halifax, one in June and the other in September last sent to Virginia to be forwarded, both which came to him about a fortnight since; these are inconveniences as incontestable as the facts I mention; and which I flatter myself will not fail to convince your Lordship how beneficial a Post will be to his Majesty's affairs as well as to the interest of his commercial subjects in the Southern Provinces, I doubt not but South Carolina will be very willing to contribute their mite to this cause: It only wants encouragement from home to begin the work. It would be most convenient for the Post (centering in at the northward of this Province) to pass thro' the Towns of Edenton, Bath, New Bern, Wilmington, and Brunswick: I mention this route as they lay most commodious for fixing the stages, and likewise the

nearest Towns on the seaboard. The distance from Williamsburgh to Charlestown is as follows Viz^t,

| | |
|-------------------------------|-----------|
| From Williamsburgh to Edenton | 100 miles |
| From Edenton to Brunswick | 200 |
| From Brunswick to Charleston | 180 |

Total from Williamsburgh to Charlestown 480 miles

If it should be found more convenient to carry the post thro' the Town of Halifax in this Province, instead of Edenton, it might be left to the discretion of the Deputy Post Master here

Another petition I have to lay before your Lordship is, that his Majestys packet ordered to Charlestown may in its return home be ordered to touch at Cape Fear River, if to stay only one week; this would be but a small distance out of her course, as she goes within twenty leagues of the bar of Cape Fear River when she crosses the Gulph Stream. The packet might come to an anchor off Fort Johnston, with the greatest security, about two leagues within the bar of the river. This indulgence would afford the Governor and the other Crown Officers a more safe and regular conveyance for their dispatches home than it is possible for them to obtain at present; for tho' the opportunities of ships going to England are frequent, all the masters are not to be trusted with dispatches of any importance; and more particularly in time of war. This indulgence would likewise give credit to a Province which in a future day may not be the smallest object of the Crown's attention. The entrance over the bar is esteemed equal to that of Charlestown. I assure your Lordship I invite the Packet into a river, by nature inferior by account, to few in this part of the world; and when the back country is well inhabited, will support an extensive commerce. The distance from Charlestown bar to that of Cape Fear is sixty leagues and has been frequently run in twenty hours.

If the Packets calling at Cape Fear every voyage, should be thought to occasion too much delay, it would be a great point gained, if it might call every other voyage, Exclusive of other advantages, the report of his Majesty's Packet touching at North Carolina would give a credit to the Province, and convince merchants that the entrance of Cape Fear River is formidable only in its name.

Your Lordships assistance in the execution of these plans will be very acceptable to this Province and much oblige your Lordships &c

[FROM GOVERNOR TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Lord Hyde

WILMINGTON 8th December 1764

The inclosed is what I really wish may be carried speedily into execution. I will use my best endeavours (if the Governor ever gives me an opportunity to exercise my talent for administration) to persuade the province to allow small salaries for to establish Inns on the post road at convenient distances; accommodations much wanted in this province. As I have not interfered with any public business since my arrival here, I did not know with what propriety, I could address the Lords Commissioners for Trade and Plantations relative to the communications I hope will be opened to this Province both by Post and packet. However if you think it expedient the inclosed may be shewn to Lord Hillsborough, and the real apology given for not troubling his Lordship and the Board with a letter on these subjects at present. The Packet I esteem *the Elder Sister*, it is a great comfort to have, an honest and safe conveyance of one's letters home. The complaint among the gentlemen here, is that half the letters that are delivered in this river come opened, vice versa, I must beg leave to solicit your Lordships attention to these objects, which would tend both to civilize and give credit to this Province, as well as be beneficial to His Majestys affairs here.

I. am.

[FROM NORTH CAROLINA LETTER BOOK. S. P. G.]

Mr. Reed to the Secretary, Extract,

N^o CAROLINA, NEW BERN Dec^r 21, 1764

REV^d SIR

On Saturday the 17 of Nov^r last the Rev^d Mr. Whitford [Whitfield] arrived here from the northern Provinces, on his Journey to S^o Carolina Georgia and at the request of the inhabitants of this town stayed & Preached on Sunday in the forenoon to a very numerous Congregation & in the afternoon proceeded on his Journey. As I was obliged at that time to attend one of my chapels about 35 miles from New Bern, I had not the satisfaction of seeing & hearing this surprising minister, he complains much I am told of an Asthma, tho'

fat and looks well, and therefore preaches but seldom and never reads Prayers at the same time, this was the only place he preached at in this Province, nor can I learn that he had preached either in Maryland or Virginia, or at any place before, since he had left New York. I desired a particular friend to give due attention to his discourse & collect the heads as well as he could & find that he kept quite clear of Enthusiastic rant & within the bounds of decency, till towards the close when he got to raving & in the opinion of the most competent Judges, spoiled the whole in his conversation with the Parish Clerk, he mentioned the particular number of small tracts, which the Society had sent me, & seemed to intimate that in my letter to the Society, I had improperly called the enthusiastic sect in these parts, by the name of Methodists, for that none were properly called by that name, but the followers of himself & Mr. Wesley, Tho' with submission to Mr. Whitfield, granting they were not his immediate disciples and followers I do affirm, they sprung from the seed which he first planted in New England and the difference of the soil may perhaps have caused, such an alteration in the fruit, that he may be ashamed of it, however upon the whole I think his discourse has been of some real service here, for he particularly condemned the rebaptizing of Adults & the doctrine of the irresistible influence of the spirit, for both which, the late Methodists in these parts had strongly contended & likewise recommended infant Baptism, & declared himself a member & minister of the Church of England.

You must no doubt have heard of the safe arrival of the Hon^{ble} Coll^a Tryon our Lieut Gov^r, in this Province long before the receipt of this. His coming was so sudden & unexpected that he had almost brought the news of his appointment himself. I expect him here daily on his tour thro' the Province. He is a young man and God grant, that from a personal knowledge of him, I may hereafter be enabled to say with the strictest truth, he is a religious man, and as well disposed towards the Clergy as our present worthy Governor, who intends to embark for England in the spring and only waits, till the weather be a little milder.

[B. P. R. O. JOURNALS B. T. VOL. 72.]

BOARD OF TRADE JOURNALS.

Tuesday, May 1, 1764.

At a Meeting of His Maj. Comm^{rs} for Trade and Plantations

Present

The Earl of Hillsborough

Mr. Jenyns Mr. Elliot

Mr. Bacon Mr. Rice

Lord Orwell

The Earl of Hillsborough having acquainted the Board that the Governor of North Carolina had in a private letter to him desired him to intercede with His Majesty for his Royal leave to return to England for twelve months for the recovery of his health and to settle his private affairs a letter to the Earl of Halifax desiring him to lay the Governor's request before His Majesty was agreed to and signed.

Tuesday, June 26th 1764.

Their Lordships took into consideration the state of His Maj. Province of North Carolina and the following letters and papers were read and considered Viz:

Letter from Gov. Dobbs to the Board dated Jan^y 14th 1764 acknowledging the receipt of three of the Board's letters and containing remarks on illicit trade the Boundary Line and proceedings of the Assembly.

Letter from Gov. Dobbs dated Mar. 29th 1764 containing his sentiments on the wants and defects of the Province its chief products improvements and trade.

Letter from Gov. Dobbs dated Mar. 29th 1764 relating to several Acts lately passed there the Boundary line, illicit trade &c & inclosing Copy of Gov. Dobbs Speech to the Council and Assembly of North Carolina.

Address of the Council of North Carolina to the Gov^r Feb^y 9th 1764

Address of the Assembly same date

Twenty Acts passed 9th March 1764

Minutes of Council from 15 April 1763 to 14 March 1764.

Letter from Henry McCulloh to the Sec^y dated June 2, 1764

desiring that directions may be given for allowing him credit for the sum due to him according to the course of exchange between Carolina and London.

Ordered that the said Acts be sent to Sir Matthew Lamb for his opinion thereupon without delay.

Ordered that the Sec^{ry} do transmit Extracts of so much of Mr. Dobbs letters as relate to the state of religion in that Province to the Society for the Propagation of the Gospel in Foreign parts and that the Draught of a letter to the Bishop of London inclosing the like extracts be prepared.

Their Lordships then took into consideration twenty eight Acts passed in North Carolina in December 1762 and the said Acts were read as also Sir Matthew Lamb's Report thereupon.

Wednesday June 27th 1764

Their Lordships made a further progress in the consideration of the Laws of North Carolina passed in December 1762.

Thursday. June 28th 1764.

Their Lordships went through the consideration of the Laws of North Carolina passed in 1762 and it was Ordered that the Draught of a Representation to His Majesty should be prepared proposing the repeal of the Act for the distribution of Intestates Estates which appeared lyable to great objection.

Friday. June 29th 1764.

Col. Tryon appointed Lieut Governor of North Carolina and going out to take the administration of that Government upon Gov. Dobbs having obtained leave to return to England attended and the Board had some discourse with him upon several points relative to the state of that Province and it was ordered that such Observations as had occurred should be stated to him in a letter from the Secretary.

Monday July 2nd 1764.

The Draught of a Representation to His Majesty proposing the repeal of an Act passed in North Carolina in 1762 having been prepared pursuant to order was agreed to transcribed and signed as was also a letter to the Bishop of London inclosing extracts of letters from Gov^r Dobbs concerning the state of religion in that Province

Friday, July 20th 1764

Read a letter from Dr. Burton to Mr. Pownall Dated 20 July 1764 returning the thanks of the Society to the Board for the cemmunication of the state of religion in North Carolina

Thursday, Dec^r 20th 1764.

Read a letter from William Tryon Esq. Lieut. Gov^r of North Carolina to the Board dated 15 Oct. 1764 acquainting their Lordships with his arrival in that Government and promising to execute their directions.

Copy of the extract of Instructions rec^d by Col. Tryon of the Lords Comm^{rs} for Trade & Plantations dated 2 July 1764 and delivered to Gov. Dobbs.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington 2^d Day February 1764

Present—His Excellency the Governor

The Hon^{ble} { James Murray John Rutherford } Esquires
 { James Hasell John Sampson }

Read sundry warrants as p^r Entry Book from N^o 1 to N^o 44 inclusive, All granted except N^o 16 John Lanier not granted till the place be more particularly mentioned in the Warrant

At a Council held at Wilmington 9th February 1764

Present—His Excellency the Governor.

The Hon^{ble} { James Murray Lewis Henry De Rossett } Esq^{rs}
 { James Hasell John Sampson & }
 { John Rutherford Alexander McCulloh }

Mr. Robert Rainey by Mr. McGuire having complained that Samuel Smith and Needham Bryan Esq^{rs} Justices Assigned to keep the peace for the County of Johnston did fraudulently take the names of certain Justices signed to one petition or Representation and did affix them to a petition or Remonstrance of another Tenor and directed to Benjamin Heron Esq^r. The said Needham Bryan in behalf of himself and the said Samuel Smith attended pursuant to summons, Witnesses were examined, Depositions read and Council heard in behalf of the complainant of the defendants And His Excellency and the Council taking the case into consideration are

unanimously of Opinion that the complaint of the said Robert Rainey as against the said Samuel Smith and Needham Bryan is altogether groundless and they are honorably acquitted of and from every imputation of the crime of misdemeanor alleged and charged by the Plaintiff Mr. Rainey against them.

Read Sundry Warrants and passed the same Viz N° 16 and from N° 45 to N° 138 inclusive.

At a Council held at Wilmington 10th February 1764

Present—His Excellency the Governor.

The Hon^{ble} { James Murray Lewis Henry De Rossett }
 { James Hasell John Sampson & } Esq^{rs}
 { John Rutherford Alexander McCulloh }

On Complaint that James Daniel Esq^r at present a Magistrate in the County of Johnston has misbehaved in that station The said James Daniel is Ordered to Appear before the Hon^{ble} Mr. Chief Justice Berry at the next Superior Court to be held at Halifax to Answer such Complaint as shall be alleged against him for misbehaviour in office as a Magistrate for the said County of Johnston.

Mr. Henry Johnston Petitioned—that the Patent bearing Date the second day of December Anno Domini 1735 which by Will was left to him by the Late Governor Johnston may be recorded in the Secretarys Office The same ordered to be Recorded.

Ordered that a Commission of the Peace and *Dedimus* issue for the County of Johnston and that William Bryan Bennet Blackman and Jesse Lane be added thereto and that Isaac Bush be left out.

At a Council held at Wilmington 14th February 1764

Present—His Excellency the Governor

The Hon^{ble} { James Murray John Sampson }
 { James Hasell Henry Eustace M^cCulloh } Esq^{rs}
 { John Rutherford and }
 { Lewis H. De Rossett Alexander M^cCulloh }

Read and Granted Sundry Warrants for Land as pr Warrant Book from N° 139 to N° 169 Inclusive

At a Council held at Wilmington 15th February 1764

Present—His Excellency the Governor

The Hon^{ble} { James Murray John Sampson }
 { James Hasell Henry Eustace M^cCulloh } Esq^{rs}
 { John Rutherford and }
 { Lewis Henry De Rossett Alexander M^cCulloh }

Andrew Bass Jun^r }
vs. } Caveat.
Ignatius Flower }

At a Council held at Wilmington 17th February 1764
Present—His Excellency the Governor.

The Hon^{ble} { James Murray Lewis Henry De Rossett } Esq^{rs}
 { James Hasell and }
 { John Rutherford Alexander M^cCulloh } }

On hearing the Caveat W^m M^cTyre and Thomas Williams vs Thomas Bearfield—Ordered that a Patent issue to Bearfield.

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|---|---|
| Isaac Barrington—Warrantee | } Sam ^l Swann for Complainant W ^m Herriage for Defendant |
| vs. | |
| Thomas Whitford Assignee of | |
| W ^m Whitford Patentee of 400 Acres of Land in Craven | |

Ordered that a Resurvey of the Lands of the Patentee be made and that the Parties after the Resurvey and giving notice one to the Other may examine Evidences on both sides before any two Justices of the peace in New Bern and return the depositions taken with the Resurvey to this Board on or before the twentieth day of April next at Wilmington and it is agreed by the Attorneys and Ordered that the Charges of Resurvey shall be paid by such of the said parties as the Board shall direct

John Granade }
vs
Thomas Pollock }

Caveat to a Patent, the Plaintiff not having appeared to prosecute his suit .

Ordered that a Patent issue to Thomas Pollock.

Read Sundry Warrants as pr Warrant Book from N^o 169 to N^o 185 Inclusive and passed the same.

At a Council held at Wilmington 22^d February 1764

Present—His Excellency the Governor

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|---------------------------|---|------------------------|-------------------------------------|---------------------|
| The Hon ^{ble} | { | James Murray | John Sampson | } Esq ^{rs} |
| | | James Hasell | Henry Eustace M ^c Culloh | |
| | | John Rutherford | and | |
| | | Lewis Henry De Rossett | Alexander M ^c Culloh | |

Read Sundry Warrants N^o 186 to 206 Inclusive and Patents from N^o 53 to 83 Inclusive as pr Warrant and Patent Books and passed the same.

At a Council held at Wilmington 23^d February 1764

Present—His Excellency the Governor

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|---------------------------|---|------------------------|---------------------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } Esq ^{rs} |
| | | James Murray | Henry Eustace M ^c Culloh & | |
| | | Lewis Henry De Rossett | Alexander M ^c Culloh | |

The Depositions of William Branch sworn the 18th day of February Inst before John Rutherford Esq^r and of Elizabeth Swindel sworn the 16th day of same month before Lewis De Rossett Esq^r And also the Petition of said Elizabeth Swindel and William Swindel her husband praying that Robert Jones Esq^r may be suspended from his Office of Attorney General that the Petitioners may be enabled to proceed against him according to Law, having been read, And the said Depositions containing each of them charges of high crimes and misdemeaners

It is Ordered that the said Robert Jones be served with Copies of said depositions and Petition And of this Order And that John Rutherford, Henry Eustace M^cCulloh and Chas Berry Esq^{rs} or any one of them be impowered to take the Deposition or Depositions of such witnesses as the said Robert Jones may offer or think necessary for his Defence against the Articles contained in the charges exhibited against him aforesaid, And also the Deposition or Depositions of such witnesses as may be produced in support of the said charges And the said Commissioners or Commissioner shall make due return of their proceedings hereon on or before the Twentieth day of April next And the said Robert Jones make then his personal appearance at Wilmington before His Excellency in Council to answer the said Complaints

At a Council held at Wilmington 28th February 1764

Present—His Excellency the Governor.

The Hon^{ble} { James Murray John Sampson
 { James Hasell Henry Eustace M^cCulloh & } Esq^{rs}
 { Lewis Henry De Rossett Alexander M^cCulloh }

Read Sundry Patents as pr Patent Book from N^o 84 to N^o 103
And from N^o 105 to 111 Inclusive and passed the same N^o 104
Caveated

Read the Remonstrance of Edward Salter one of His Majesty's
Justices for Pitt County Complaining of the Illegal Conduct in
Office of John Hardie, John Tyson, Geo. Moy, and Abraham Tyson
Justices also of the said County

Ordered that the said John Hardy and the other Justices com-
plained of or one of them be served with a Copy of the said Re-
monstrance to appear with such evidence as they can bring to excul-
pate themselves before the Chief Justice or any two Justices of the
peace for the county of Craven at New Bern on such day as the said
Edward Salter shall appoint and the said Complainant may then
and there bring and have examined in presence of the Defendants
such Evidences as he can bring to support his charge and that the
said Chief Justice or Justices make a report thereof to his Excel-
lency in Council as soon as possible

Ordered that Commissions of the Peace and *Dedimus* he issued
for the Counties of Pasquotank, Craven, Orange, Carteret, Anson,
Dobbs, Cumberland, Tyrrell, Chowan, Onslow, Edgecombe, Bute and
Granville as pr Commission Book.

At a Council held at Wilmington 1st March 1764

Present—His Excellency the Governor

The Hon^{ble} { James Hasell John Sampson
 { James Murray and } Esq^{rs}
 { Lewis Henry De Rossett Alexander M^cCulloh }

Read and Granted Sundry Warrants for Land as pr Warrant
Book from N^o 207 to 239 Inclusive

At a Council held at Wilmington 8th March 1764

Present—His Excellency the Governor.

The Hon^{ble} { James Murray John Sampson
 { James Hasell Henry Eustace M^cCulloh } Esq^{rs}
 { Lewis Henry De Rossett Alexander M^cCulloh }

Read and Granted Sundry patents for Land Viz from N^o 112 to

N^o 118 Inclusive as pr patent Books and Sundry Warrants as pr Warrant Book from N^o 240 to N^o 260 Inclusive

Read the remonstrance of George Moy one of His Majestys Justices for Pitt County complaining of the Illegal Conduct of Edward Salter a Justice also of the said County

Ordered that Edward Salter be served with a Copy of the said Remonstrance to appear with such Evidences as he can bring to exculpate himself before the Chief Justice or any two Justices of the peace for the County of Craven at New Bern—On the same day that the said Edward Salter shall appear to make his charge against John Hardie and other Justices of said County And the said Complainant may then and there bring and have Examined in presence of the defendant such Evidences as he can to support his charge and that the said Chief Justice or Justices make a report thereof to His Excellency in Council as soon as possible

At a Council held at Wilmington 9th day March 1764

Present—His Excellency the Governor

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|------------------------|---|--------------------|-------------------------------------|---------------------|
| The Hon ^{ble} | { | James Murray | John Sampson | } Esq ^{rs} |
| | | James Hasell | Henry Eustace M ^c Culloh | |
| | | Lewis H De Rossett | Alexander M ^c Culloh | |

Whereas many Inconveniences happen in the Several Counties of this Province from a mistaken notion that it is necessary for the Justices to take and Repeat the Oaths &c upon every new Commission and that they are not otherwise qualified to continue to Act as Justices.

It is therefore Ordered that the Secretary do annex to the Commission of the peace or *Dedimus* for every County the following Notice Viz—

The Justices named in this Commission who (under any former Commission of the Peace, issued since the Act to Establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province passed 11th December 1762) have taken the Oaths by Law appointed to be taken by his Majestys Justices of the Peace, in order to continue to act as Justices, in Virtue of this Commission are not under a necessity of taking and repeating the said Oaths.

On motion of the Hon^{ble} Henry Eustace M^cCulloh Esq^r It is ordered that an Order of Council obtained the 10th day of December 1762 at New Bern relative to his effecting a return of the number of settlers on Certain Land therein mentioned be enlarged and continued till the 25th March 1765.

It is further Ordered that the Hon^{ble} John Sampson Esq^r be and hereby is appointed to make the return for the Lands lying in Dupplin County in the room of Colonel Alexander and Mr. Frohoek who on account of the Distance of their Situation have been unable to perform it, which return is to be made under the same Limitations in the said Order expressed

Ordered That Commissions of the Peace and *Dedimus* issue for the Counties of Halifax, Rowan and New Hanover as pr Commission Book.

At a Council held at Wilmington 12th March 1764

Present—His Excellency the Governor

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|---------------------------|---|------------------------|-------------------------------------|---|-------------------|
| The Hon ^{ble} | { | James Murray | John Sampson | } | Esq ^{rs} |
| | | James Hasell | and | | |
| | | Lewis Henry De Rossett | Henry Eustace M ^c Culloh | | |

Ordered that a proclamation issue Proroguing the Assembly till Tuesday the Twenty Third day of October next Then to meet at Wilmington.

Ordered that a Commission of the Peace and *Dedimus* issue for the County of Brunswick To William Dry, Rich^d Quince, James Hasell Jun^r George Grainge, Thomas Hall, William Davis, Robert Howes, John Davis Jun^r John Gibbs, John Paine, Thomas M^cGuire, Thomas Davis, John Rowan, William Hill, Charles Ross and Edward Wingate.

Ordered That a Commission of the Peace and *Dedimus* Issue for the County of Bladen to William Bartram, Ralph Miller, Isaac Jones, George Brown, John Smith, William M^cRee, John Turner, Robert Johnston, Peter Lord, Joseph Clark, Benjamin Moore, Hugh Purdie, Hugh Waddell, John Burgwin, Robert Schaw, George Gibbs, John Grainge, and Archibald Mackissaek.

At a Council held at Wilmington 14th March 1764

Present—His Excellency the Governor.

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|---------------------------|---|------------------------|-------------------------------------|---|-------------------|
| The Hon ^{ble} | { | James Murray | John Sampson | } | Esq ^{rs} |
| | | James Hasell | and | | |
| | | Lewis Henry De Rossett | Henry Eustace M ^c Culloh | | |

His Excellency offered to the Board for their consideration a Law passed in this Province in the year 1715 Intituled an Act for Entering of Vessels and to prevent the Exportation of Debtors and desired their opinion on the following points Whether under that Law every Ship or Vessel coming into this Government is not under a

necessity of obtaining his pass or Licence before they can depart the same.

Whether the putting the same Law in Execution under the present circumstances might not answer several Good purposes and prevent many frauds and abuses.

And as the Law has not Limited the fee Whether a half Pistole or the value thereof in proclamation money will not be a moderate and reasonable Fee on such pass or Licence •

On All which points they were of Opinion that His Excellency has a Right to issue such Licence and Demand such fee That the same is expedient And That the fee of half a pistole or the value thereof in proclamation is a moderate and reasonable fee

It is further their opinion That His Excellency issue a Proclamation notifying his Intention of Issuing such Licences.

At a Council held at Wilmington 19th April 1764

Present—His Excellency the Governor

The Hon^{ble} { James Murray Lewis Henry De Rossett & } Esq^{rs}
 { John Rutherford John Sampson }

Charles Berry Esq^r produced His Majestys Mandamus for swearing and admitting him the said Charles Berry a Member of His Majestys Council for this province And the said Charles Berry having accordingly this day taken the oaths required by Law for the qualification of Public Officers, And having also repeated and subscribed the Test as required by Law, taken the Oath appointed to be taken as a Member of Council, He the said Charles Berry is accordingly admitted a member of His Majesty's Council and took his Seat at the Board accordingly.

At a Council held at Wilmington 21st April 1764

Present—His Excellency the Governor

The { James Murray John Sampson }
 Hon^{ble} { John Rutherford and } Esq^{rs}
 { Lewis Henry De Rossett Henry Eustace McCulloh }

Read Sundry Warrants from N^o 1 to N^o 123 Inclusive and Sundry Patents from N^o 1 to N^o 82 Inclusive which were Granted

Read the Petition of Daniel Simmons setting forth That he is possessed of a Tract or parcel of Land in Craven County On the N^o side of Trent River Granted by patent to Col^o Maurice Moore 14th October 1722 &c said by patent to contain 150 Acres. That being apprehensive there is more Land contained within the Bounds of said

Patent than the same specifies, And praying a Warrant of Resurvey on the same whereby he may secure the surplus Land.

Ordered that a Warrant of Resurvey issue on the Land mentioned in the said Petition agreeable to the Original Bounds and Evidence be produced to the Deputy Surveyor to ascertain the same, And That on the return thereof the several Depositions or Evidence appear before the Governor and Council in Order that they may proceed thereon.

Read the Petition of Furnifold Green and James Green setting forth that their father Furnifold Green obtained a patent for 1700 Acres of Land in Craven County on the N^o side of Neuse River bearing date the 10th day of October 1707 which Patent the petitioners prayed to have Recorded (Judging the Old Record to be Defaced)

Ordered that the said Petition be Rejected and That the present Record of said Patent be deemed sufficient.

Read the Petition of Matthew Byrne praying a Warrant of Resurvey of a Tract of Land in Bladen County situate on the S^o W^t side of the N^o W^t Branch of Cape Fear River on the Lower side of William Hawksworths land which said Land has been purchased by said Byrne from W^m Lord.

Ordered that a Resurvey thereof be made in Order to ascertain the lines of the said Land and the number of Acres contained within the same agreeable to the prayer of the said Petition and that the same be returned to the next Court of Claims.

At a Council held at Wilmington 23^d April 1764

Present—His Excellency the Governor.

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|------------------------|---|---------------------|------------------------|---|-------------------|
| The Hon ^{ble} | { | James Murray | John Sampson | } | Esq ^{rs} |
| | | James Hasell | Henry Eustace McCulloh | | |
| | | John Rutherford | and | | |
| | | Lewis H. De Rossett | Charles Berry | | |

Came on to be tryed the Complaint against Robert Jones Esquire Attorney General By William and Elizabeth Swindel and William Branch agreeable to Order of the 23rd February last a number of Depositions in behalf of both parties having been read the said Robert Jones Esq^r being present made his Defence.

At a Council held at Wilmington the 24th day of April 1764

Present—His Excellency the Governor

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|------------------------|---|---------------------|-------------------------------------|---|-------------------|
| The Hon ^{ble} | { | James Murray | John Sampson | } | Esq ^{rs} |
| | | James Hasell | Henry Eustace M ^c Culloh | | |
| | | John Rutherford | and | | |
| | | Lewis H. De Rossett | Charles Berry | | |

| | | |
|---|---|----------------------------------|
| Rob ^t Jones Jun ^r | } | Swindel and Wife |
| | | Ag ^t Attorney General |

Branch Ag^t the same.

On these two Complaints His Excellency Delivered it as the unanimous opinion of himself and the Council That Mr. Attorney General had in the most clear and full manner exonerated himself from the matters of complaint exhibited against him And that he had as far as appeared to them, Demeaned himself in his Office with uprightness and propriety.

Ordered therefore that he be acquitted and stand discharged from both the said Complaints.

Heard several Causes as pr Chancery Docket

Read Sundry Patents from N^o 83 to N^o 108 Inclusive and also Sundry Warrants from N^o 124 to N^o 144 Inclusive which were passed.

Read the petition of John Dreading praying to have a patent for 100 Acres of Land in Craven County Recorded Granted

Read the Petition of John Stevens praying for a Resurvey of Lands in Bladen County Granted

Read the Petition of William Gibson praying for a Resurvey Granted

At a Council held at Wilmington 25th April 1764

Present—His Excellency the Governor

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|------------------------|---|-----------------|--------------------------------------|---|-------------------|
| The Hon ^{ble} | { | James Murray | Lewis Henry De Rossett | } | Esq ^{rs} |
| | | James Hasell | John Sampson & | | |
| | | John Rutherford | Henry Eustace M ^c Culloch | | |

Read Sundry Patents as pr Patent Book.

Read the Memorial of John Rutherford Receiver General of this Province in the following words

To His Excellency Arthur Dobbs Esquire, Captain General and Governor in Chief in Council

The Memorial of John Rutherford His Majestys Receiver General for the said Province

HUMBLY SHEWETH

That for some time past your Memorialist hath been employed in the Auditors business forming a Rent Roll and so far as they are to be found upon Records in the Secretarys Office hath obtained accounts of all the Patents Granted in his Majestys district till the Beginning of this present Land Office excepting for the County of Bladen to the year 1752, from which time the said Receiver has kept an Account of all the patents granted in that County as well as of the Lands Granted in the other Counties in His Majestys district, The Account of the Patents for Bladen County till 1752 having been Lost the Deputy Secretary hath undertaken at the Expence of the Crown to make out that Account for Bladen anew which when done, The Rent Roll so far as relates to the List of Patents will be Compleate.

Your Memorialist humbly Represents several difficulties and obstructions in the Execution of His Office of Receiver General

1st The many original Counties in which Lands have been granted, having been divided and parts set off into other Counties by other names, it is extremely difficult in this extended Country to discover in which County the Lands now lie.

2^d The Clerks of the Courts with whom Wills are filed neglect to Transmit to the Secretaries office as by Law they are required extracts of the Devises of Lands made By such Wills.

3^d The Registers of the several Counties neglect and indeed refuse to transmit to the Secretaries Office extracts of the Mesne Conveyances Recorded with them altho your Memorialist hath offered to pay them for such service

4th Few of His Majestys Tenants voluntarily discover to the Auditor or your Memorialist the Quantity and scituation of the Lands they severally hold.

5th Many Tenants are not to be found

6th On many Lands no distress is to be found

7th And when distress is proposed to be made the Tenants threaten the Deputy Receivers with the utmost Rigor of the Law if they receive a shilling more than is due which said Receivers not knowing when the Last payments were made may very innocently do

8th Under all these difficulties and several others which might be mentioned Your Memorialist and his Deputies can make but little progress in the Collection of His Majestys Rents.

Your Memorialist therefore humbly prays your Excellency to take the premises into consideration and to Grant such Relief and assistance to your Petitioner as the Law will admit until an Effectual Aid can be obtained by a Quit Rent Law

Signed

JOHN RUTHERFORD

25th April 1764.

Which Memorial His Excellency with Advice and Consent of Council Ordered to be Delivered to Robert Jones Esquire Attorney General to Report his Opinion thereon Which he accordingly did in the following words

In obedience to an Order of His Excellency Arthur Dobbs Esq^r Governor of North Carolina in Council, I have considered the memorial of the Hon^{ble} John Rutherford Esq^r Receiver General of the Province aforesaid the 25th Ins^t and am of opinion That as to the matters mentioned in the second Article of the said Memorial there is no Law whereby the County Court Clerks are compelled to transmit to the Secretarys Office Extracts of Deeds or Wills in their Offices whereby Lands are Conveyed.

As to the third Article It is the Duty of every Register to furnish the Receiver General on request with such Extracts on receiving payment of the Legal fees However there is no Law that subjects him to a penalty for not doing of it; But am humbly of Opinion that a refusal or neglect so to do is a forfeiture of His Office and Subjects him to a removal

As to the Fourth Article There is no way of Compelling the Tenants to make such discovery But by a Bill in Chancery

As to the sixth Article where no distress is to be found a Remedy may be had by Action of Debt brought in behalf of His Majesty

As to article seventh in cases where the precise demand cannot be ascertained a distress cant be taken with safety because if it should afterwards appear That the distress was taken for more than was due The Officer will be liable to the Action of the partie: But in such cases it will be most advisable to bring an Action of Debt which is maintainable against him who has the Legal Estate of the Land for all Arrears due in which Action The Crown may recover for what appears on trial to be due

Which is submitted to His Excellency and the Honorable members of His Majestys Council by

Their most Obed^t Hum^{ble} Servant

ROBERT JONES JUN^r

The Memorial of John Rutherford Esq^r Receiver General of His Majestys Quit^t rents and Mr. Attorney Generals opinion thereupon were taken into Consideration and Ordered That the Secretary do Order the Clerks of the Several County Courts within this Province to Return to His Office according to the form he shall prescribe, on or before the first day of August next an Abstract of all the Devises of Land made by Wills Returned into their Offices severally of which Returns hath not already been made into the Secretarys Office under pain of being removed from their Office in case of refusal. That the Secretary do likewise transmit to the Registers of the several Counties His Excellencys Order for them, To return to the Secretarys Office on or before the first day of August next an Abstract according to a form to be prescribed to them of all Deeds and Mesne Conveyances Registered in their Respective Offices of which Returns hath not already been made into the Secretarys Office under pain of being removed from their Offices

That the Secretary give assurances to the several Clerks and Registers that they shall be paid by the Receiver General for the Services they shall perform in obedience to this Order, And the said Receiver is required for such service to pay at the rate of four pence for each Extract. That the Chief Justice do in like manner Direct and require the Clerks of the Several Superior Courts to return an Abstract of the Devises By the Wills filed in their several Offices for which they shall be paid as aforesaid. That the Receiver General do give the Attorney General or Other able Council a list of such Tenants as are in Arrear for Rent and proper to be prosecuted for the same in order that the said Attorney may bring suit against them in the Superior Court.

At a Council held at Brunswick 27th August 1764

Present

His Excellency the Governor

The Hon^{ble} { James Murray } Esquires
 { Lewis De Rossett }

The Hon^{ble} Robert Palmer Esq^r came into Council and produced his Majestys Mandamus constituting him one of the Members of his

Majestys Council for the province of North Carolina which Mandamus was read and the said Robert Palmer took the Oaths by Law appointed to be taken by Publick Officers made and subscribed the Declaration called the Test, and took the Oath of a Councillor

At a Council held at Brunswick 11th August 1764

Present

His Excellency the Governor

The Hon^{ble} { James Hasell
William Dry
Benjamin Heron } Esquires

William Dry and Benjamin Heron took the Oaths of Office.

A complaint preferred against Isaiah Parvisol Sheriff of the County of Cumberland by Mr. A. Macklaine for several misdemeanors in his office and evidence being heard on both sides

It is the opinion of this Board that he be reprimanded by his Excellency the Gov. and he was reprimanded accordingly

Ordered, That a new Commission of the Peace be made out for the County of Rowan and that Morrison and Simonton be omitted therein and the Names of Alexander Martin, John Hunter, John Dunn, Thomas M^cCuisteson, Dorchester, William Mellikin and William Spuageon Esquires are named therein

At a Council held at Wilmington 24th October 1764

Present

His Excellency the Governor.

The Hon^{ble} { James Murray William Dry
James Hasell Robert Palmer &
Lewis H. De Rossett Benjamin Heron } Esquires

Read several Warrants for Land from N^o 1 to N^o 116 inclusive which were granted excepting N^o 29 postponed

His Excellency the Governor took the Oath required and enjoined to be taken by him by the Act of the 4th year of the reign of his present Majesty Chap: 15. for granting certain Duties in the British Colonies &c. this being the first meeting of the Council since the said Act was ratified here.

At a Council held at Wilmington 25th October 1764

Present—His Excellency the Governor.

The Hon^{ble} { James Murray William Dry
James Hasell Robert Palmer &
Lewis Henry De Rossett Benjamin Heron. } Esquires

Read sundry Warrants for land from N° 117 to N° 175 inclusive which were Granted.

At a Council held at Wilmington 26th October 1764

Present—His Excellency the Governor.

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|------------------------|---|------------------------|----------------|---|----------|
| The Hon ^{ble} | { | James Murray | William Dry | } | Esquires |
| | | James Hasell | Robert Palmer | | |
| | | Lewis Henry De Rossett | and | | |
| | | Charles Berry | Benjamin Heron | | |

Read several Caveats which were ordered to be continued, excepting, F. Corbin against E. Morgan, and E Buntin on which a patent was ordered to issue in favour of the defendants.

Read the Several Petitions,

Ordered that Warrants of Resurvey issue, Viz

The Petition of Jacob Durdin praying a Warrant of Resurvey on a tract of Land in Beaufort County Patented by John Lovick Esq the 18th November 1723 said to contain three hundred and twenty five acres, on the West side of Bath Town Creek, Granted

The Petition of Ephraim Lane praying a Resurvey on a Tract of Land lying in Craven County called the Flatt Swamp, Patented by James McIlwean the 1st May 1738 Granted

And the Petition of James Clayton praying a Warrant of Resurvey on the Tracts of Land in Hyde County on Mattamuskeet Lake Granted.

At a Council held at Wilmington 27th October 1764.

Present—His Excellency the Governor

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|------------------------|---|---------------------|----------------|---|----------|
| The Hon ^{ble} | { | James Murray | William Dry | } | Esquires |
| | | James Hasell | Robert Palmer | | |
| | | Lewis H. De Rossett | and | | |
| | | Charles Berry | Benjamin Heron | | |

The Hon^{ble} William Tryon Esq^r came into Council, and produced his Majestys Commission Constituting him Lieutenant Governor, in and over this Province, which Commission was read, and the said William Tryon took the Oath by law appointed to be taken by Public Officers made and subscribed the Declaration called the Test, and took the Oath of Office

Ordered the said Commission be recorded in the Secretarys Office.

| | | |
|--------------|---|-----------------|
| Jacob Harrol | } | Caveat to a Pat |
| against | | |
| John Smith | | |

On hearing the Caveat Ordered that a Patent issue to Jacob Harrol.

Read Sundry Warants from N° 176 to N° 225 which were Granted.

Read the Petition of William Williams of Onslow County Jun^r setting forth that he obtained a Warrant for Acres of Land in Onslow County on the S° W^t branch of New River on Gravelly run which was duly surveyed and the Lines marked but the courses returned by the Surveyor, and with which the patent of the said Land if filled up varieth from the Lines actually run and marked And praying a Warrant of Resurvey may be granted to him and that the Courses of the marked lines as well as the lines mentioned in the Patent may be returned by the surveyor and that the truth of the fact appearing thereby may be made agreeable to the lines Actually run.

Granted, as to the Resurvey.

Read the Petition of William Herriage setting forth that he is possessed of a tract of Land containing 200 Acres Granted by the Late Gov. Johnston unto George Roberts lying in Craven County. That upon examining the same the Courses in the said Patent and those in the plan are not alike whereby he is deprived of near half of the said 200 Acres and praying that the said Patent, and the Record thereof may be made agreeable to the Plan annexed to said Patent—Which Record and Patent was produced in Council, and the words (Then S° 45 W^t 50 poles) between the first and second course in said Patent was ordered to be inserted.

At a Council held at Wilmington 2^d November 1764

Present—His Excellency the Governor.

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|------------------------|---|---------------------|-----------------|---|-------------------|
| The Hon ^{ble} | { | James Murray | Alex. McCulloh | } | Esq ^{rs} |
| | | James Hasell | William Dry | | |
| | | Lewis H. De Rossett | Robert Palmer & | | |
| | | John Sampson | Benjamin Heron | | |

By his Excellencys Order, Read several Papers from the Lords of Trade and Plantations Viz^t

1st An Additional Instruction from his Majesty dated the 6th day of June 1764 reciting that frequent Complaints have been heretofore made, that exorbitant Fees have been demanded and taken in the publick Offices in several of his Majestys Colonies in America for business transacted in such offices, and enjoining and requiring that forthwith on the receipt of the said instructions, that fair tables of all Fees legally established in this Province be affixed up in the

respective Offices, and to publish a Proclamation in his Majestys name under the great seal of the Province in the terms directed by the said Instructions and to transmit to the Commissioners for Trade and Plantations in Order to be laid before his Majesty an exact list or table of all Fees allowed to be taken in this Province.

Ordered that the Secretary prepare a Proclamation to be issued Accordingly (which was as follows)

By the King—A Proclamation

Whereas frequent complaints have been heretofore made, that exorbitant Fees have been demanded and taken in the publick Offices in several of our Colonies and Plantations in America for Business transacted in such Offices; And whereas it hath been represented unto us, that there is great reason to apprehend that such unwarrantable Demands and exactions are still continued in some of our Colonies, particularly on the survey and passing Patents for Lands; And, Whereas such shameful and illegal practices do not only dishonour our Service but do also operate to the prejudice of the publick interests, by obstructing the speedy settlement of our Colonies; Our Will and pleasure therefore is, that fair Tables of all fees legally established within this Province, be constantly affixed up in every publick office, And we do hereby strictly enjoin and require all public officers whatever, in their respective Stations, not to demand or receive any other fees for Publick Business transacted in their Offices, than what have been established by proper Authority, upon pain of being removed from their said office, and prosecuted with the utmost severity of the Law. Witness our Trusty and Well beloved Arthur Dobbs, Esquire, Our Captain General and Governor in Chief in and over our said Province at Wilmington the third day of November, In the fifth year of Our Reign

ARTHUR DOBBS.

By His Excellencys Command

THOMAS RUTHERFORD, D. Sec.

God save the King.

2nd A list of seven Acts passed in the last Session of Parliament with the Acts themselves Viz^t

3rd An Act for granting certain duties in the British Colonies and Plantations in America &c.

4th An Act to prevent paper Bills of Credit hereafter to be issued in any of his Majestys Colonies.

5th An Act for granting a Bounty upon the importation of Hemp, rough and undressed flax from his Majestys Colonies in America.

6th An Act for the encouragement of the whale fishery &c.

7th An Act for repealing the Duties now payable upon Beaver skins &c.

8th An Act for vesting the Fort of Senegal and its dependencies in the Company of Merchants trading to Africa.

9th An Act for preventing frauds and abuses in relation to the sending and receiving letters and packets free from the duty of postage.

Read sundry Warrants for Land per Warrant Book from N^o 226 to 273 inclusive, which were passed, and sundry Patents from N^o 1 to N^o 60 inclusive which were all granted except N^o 52 Caveated

Read the Petition of Joseph Howard of Cumberland County Praying a Warrant of Resurvey, on a Tract of Land containing 640 Acres, on the N^o E^t side of the N^o W^t River in Cumberland County joining the upper side of Thomas Jones Land which Land was Patented by James Smith 8th Sep 1737, and lately bought by the Petitioner. Granted.

Read the Petition of Susanah Mill setting forth that her father John Mill obtained a Warrant for 300 Acres of Land in Craven County which hath been duly surveyed. That her said father Departed this life before a patent could be obtained in his name, but by his last will bequeathed the said Land to the Petitioner, And praying that a Patent may issue to her agreeable to the intention of the said deceased.

The truth of the facts alledged in the said Petition being confirmed by the Oath of Mr. Neil the Deputy Surveyor Ordered that a Patent issue to the Petitioner.

At a Council held at Wilmington 9th November 1764.

Present

His Excellency the Governor.

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|------------------------|---|---------------------|-------------------------------------|---------------------|
| The Hon ^{ble} | { | James Murray | Henry Eustace M ^c Culloh | } Esq ^{rs} |
| | | James Hasell | Alexander M ^c Culloh | |
| | | Lewis H. De Rossett | William Dry and | |
| | | John Sampson | Robert Palmer | |

Read sundry Patents as per Patent Book from N^o 60 to N^o 199, inclusive which were passed. And Sundry Warrants as per Warrant Book from N^o 274 to 366 inclusive which were also granted.

Read the Petition of William Speight of Craven County setting

forth his father Thomas Speight obtained a Patent for 353 Acres of Land, in Craven County on the E^t side of Upper broad Creek, dated 15th Feb^y 1739, Being apprehensive that the Courses mentioned in said Patent doth not agree with the marked Lines made at the time of the survey, and the natural bounds therein mentioned Praying a Warrant of Resurvey to ascertain the true courses and distances agreeable to the marked lines and natural Bounds together with the true quantity of Land contained therein. Granted.

Read the Petition of Jacob Blount setting forth that he obtained a Warrant of Resurvey on Land Patented by him in the Year 1735, for a parcel of Land in Craven County on the E^t side of Contentney Creek, said to contain five hundred Acres which has been carefully Resurveyed, But find an error in said Patent, and in order the better to secure his title agreeable to the Bounds and marked Lines of his first Survey obtained a Warrant for 450 Acres which is now returned into the Secretarys Office by which it appears, that he hath had surveyed by virtue of his said Warrant 500 Acres agreeable to the Original Patent.

Praying that a new patent may issue on the said survey and that the former patent may be cancelled the Quit rents being paid to the 25th of October last Granted.

Ordered that the Secretary give Notice to the Inhabitants of the Counties of Hyde, Beaufort, Pitt, Carteret, Craven, Dobbs and Johnston, That all Enterys to be made for Lands in said Counties will be taken by the Surveyor General at the Town of Bath from and after the first day of January next, and not at the Secretarys Office.

Present, P. M.—His Excellency the Governor

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|------------------------|---|------------------------|---|---|----------|
| The Hon ^{ble} | { | James Murray | Alex ^r M ^c Culloh | } | Esquires |
| | | James Hasell | William Dry | | |
| | | Lewis Henry De Rossett | and | | |
| | | John Sampson | Robert Palmer | | |

| | |
|--------------------|---|
| Richard Singletary | } |
| Thomas White | |

Citation issued to repeal Letters of administration Granted to Thomas White upon the Estate of Edward Fogatie Deceased. Heard the Plf^{ts} and Defendants Council and Evidence thereupon &c.

Ordered that the said Letters of Admⁿ be Revoked.

At a Council held at Wilmington 16th November 1764

Present—His Excellency the Governor

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|------------------------|---|---------------------|-------------------------------------|---|-------------------|
| The Hon ^{ble} | { | James Murray | Henry Eustace M ^c Culloh | } | Esq ^{rs} |
| | | James Hasell | Alexander M ^c Culloh | | |
| | | John Rutherford | William Dry | | |
| | | Lewis H. De Rossett | Robert Palmer and | | |
| | | John Sampson | Benjamin Heron | | |

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|---------------------------------|---|---|---|
| Caveat to a Pat ^t | { | William Campbell | } |
| | | vs. | |
| | | Cornelius Harnett and Caleb Grainger | |

On hearing the Caveat Ordered, that a Warrant of Resurvey on the lands of William Campbell issue to Cornelius Harnett and Caleb Grainger

Read the Petition of Ephraim Lane setting forth that he holds in fee tail a Tract of Land in the County of Craven, said to contain 630 Acres, Granted to James Mackilwean by patent dated March 1st 1738, And by him conveyed to this Petitioner setting forth, That the Petitioner pursuant to an Order in Council dated the 26th October last hath Obtained a Resurvey on the said Tract a plot of which hath been duly returned into the Secretarys Office, by which plot it appears that only five hundred and four acres are contained within the Lines of the said Tract.

Ordered that an Abatement be made by the Rec^r Gen^l of the Quit rents due and accruing on the said Land for one hundred and Twenty Acres, and that proper Enteries be made of this Order in the Offices of the Secretary and Auditor General

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|-----------------------|---|------------------------------------|---|
| Caveat to a Patent | { | John Stevens | } |
| | | vs. James M ^c Daniel | |

On hearing the Caveat, Ordered that a Patent issue to M^cDaniel

Read the Sundry Warrants for Land as pr Warrant Book from N^o 367 to N^o 395 inclusive, except N^o 261 Caveated.

And Sundry Patents as pr Patent Book from N^o 200 to N^o 345 inclusive except N^o 261 Caveated.

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|-----------------------|---|------------------------------------|---|
| Caveat to a Patent | { | John Stevens | } |
| | | vs. James M ^c Daniel | |

On hearing the Caveat, Ordered that a Patent issue to M^cDaniel

Read the Petition of John Hoffman of Cumberland County setting forth that he is possessed of part of a Tract of Land containing

400 Acres formerly Patented by Barbara Blocker, then in Bladen now in Cumberland County, On the N^o E^t side of the N^o W^t river, joining the lower side of Michael Blockers Land about 2 miles above the mouth of Rockfish Creek That John Babbista Ashe in his life time obtained a patent for 1,280 Acres in Bath County now Cumberland opposite to the mouth of Rockfish Creek, which Land the Petitioner apprehends will interfere with and take away part of the above mentioned Tract. Therefore prays for an order of Resurvey on both the aforesaid Patents Granted

Read the Petition of John Crawford Jun^r of Anson County, setting forth that he is possessed of a Patent for 100 Acres of Land in Anson County Lying on Hitchcocks Creek, which was granted to John Crawford Sen^r the 4th April 1750 and since purchased by the Petitioner—That finding an error in the said Patent he was advised to get a new Grant for the said Land, and accordingly hath obtained a new Patent for the same this present Court of Claims and praying that the said old Patent may be made void so that the Quit rents hereafter may commence from the date of the new Patent.

On the Petitioner producing the Rec^d Genl^s Receipt for the Quit Rents on the above mentioned Old Patent, Ordered, that the said Old Patent be made void agreeable to the Prayer of said Petition

Upon Petition of Hugh Park setting forth that he is possessed of a Tract of Land in Mecklenburgh (formerly Anson) County called 689 Acres by Patent dated 23^d February 1754 N^o 717 and that there are several errors and also 100 Acres less than the Complement and prays relief

Ordered, that there be a warrant of Resurvey of the said Land and provided there is any vacant Land joining the same the Surveyor may take in the quantity mentioned in the patent and return it accordingly to have it confirmed

Read the Petition of Malcolm Fisher setting forth that he is possessed of three hundred and twenty Acres of Land in Mecklenburgh (formerly Anson) County by Patent N^o 831 dated 25th Feb^r 1754, That there are errors in the courses of the said Patent, and by omitting the Island which the said Fisher intended to take in (as appears by the first Corners being in the Island) and running into the Patented lands of elder date of Samuel Dunlop and Thomas M^cIlhanney, the Petitioner is deprived of a great part of his Land.

Ordered That there be a resurvey of the said Land and provided there is any vacant land, joining the same the surveyor may take in

the quantity mentioned in the Patent and return it accordingly to have it confirmed.

Read the Petition of Mary M^cDowall setting forth that she is possessed of a Tract of Land called 320 Acres by Patent N^o 652 Dated Jan^y 28th 1754 and that there is manifest errors in the courses, quantity and distances and prays relief.

Ordered the same as above &c.

Read the Petition of George Routledge setting forth that he is possessed of a Patent N^o 962 dated 28th May 1754 of 320 Acres in Mecklenburgh County of which the said Routledge has lost 170 Acres by a mistake of running into the land of Robert Leeper and James Armstrong and prays that the said 170 Acres may be struck off the Rent Roll.

Ordered that there be a warrant of Resurvey as above &c.

Read the Petition of Thomas Rutherford setting forth that he is possessed of three tracts of Land on the branches of Locks Creek, which were all Patented 12th December 1757 Viz^t One Tract of 400 Acres One of 160 Acres and one of 300 acres, That being apprehensive that part of 4 Tracts of Land Patented by Samuel Goodman the 11th October 1751 and Lands Patented by Duncan M^cCleran and others near the Polie bridge includes part of the Petitioners Three tracts above mentioned, And praying for a warrant of Resurvey to ascertain the Bounds of said Lands and N^o of Acres that may fall within the lines of the other Patentees.

Ordered, that there be a Warrant of Resurvey of the said Lands, &c

Read the Petition of Samuel Strudwick Esq^r, setting forth that he purchased from the assigns of the late George Burrington Esq^r a Tract of Land commonly known by the name of Stag Park situate in New Hanover County containing by estimation 10,000 Acres, which with the surplus Land, belonging to the said tract, your Petitioner obtained your Excellencys Warrant of Resurvey for; And in order to prevent disputes about the Bounds of Lines of said Tract of Land, Prays a warrant directed to his Majestys Surveyor General or his Deputy to Resurvey the said Lands, and mark the Bounds agreeable to the courses of the Patent for the same.

Ordered that there be a resurvey on the said Land to be returned to the next Court of Claims

At a Council held at Wilmington 19th November 1764.

Present—His Excellency the Governor

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|------------------------|---|---------------------|---|---|----------|
| The Hon ^{ble} | { | James Murray | Alex ^r M ^c Culloh | } | Esquires |
| | | James Hasell | William Dry | | |
| | | John Rutherford | Robert Palmer | | |
| | | Lewis H. De Rossett | and | | |
| | | John Sampson | Benjamin Heron | | |

Read the Petition of James Howard setting forth that he and Alexander Lillington agreed to enter several Tracts of Land at Holly shelter Creek in New Hanover County in their joint names but thro' mistake the first entry is made in the name of Alexander Lillington only and praying that the Patent may come out in their joint names agreeable to Mr. Lillingstons Certificate Granted.

Ordered that new Commissions of the Peace and *Dedimus* issue for the following Counties as p Comm^s Book Viz^t for Anson, Bute, Bertie, Chowan, Craven, Beaufort, Currituck, Dobbs, Edgcomb, Halifax, Johnston, Mecklenburgh, New Hanover, Pasquotank, Pitt and Rowan.

At a Council held at Wilmington 23^d November 1764

Present—His Excellency the Governor

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|------------------------|---|---------------------|--------------------|---|-------------------|
| The Hon ^{ble} | { | James Murray | Alexander McCulloh | } | Esq ^{rs} |
| | | James Hasell | William Dry | | |
| | | John Rutherford | Robert Palmer & | | |
| | | Lewis H. De Rossett | Benjamin Heron | | |
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On motion of Mr. McGuire in behalf of Joseph White, Ordered That the plot for 200 Acres Returned by Warrant of Resurvey for Joseph White in Anson County be annexed to the Patent, and the Lines in the Patent to be altered to N^o 70 W^t 240 poles, S^o 30 W^t 168 poles, which gives him his complement as by Patent.

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|-----------------------|---|--|---|
| Caveat to a Patent | { | Whitford Patentee of 400 Acres Craven | } |
| | | V ^s | |
| | { | Isaac Barrington Warrantee for 100 Acres | } |

Heard the said Parties by their Attornies, and—

Ordered, That the return of Barringtons Warrant shall exclude the Land and improvements held *bona fide* by the Patentee, And that Whitfords Line of N^o 23 E^t be extended to the Creek,

Ordered, That Barrington pay the costs of the resurvey, and of the proceedings thereupon.

Read and Granted Sundry Warrants for Land from N^o 336 to N^o

422 inclusive and Sundry Patents as pr Patent Book from N° 346 to N° 356—inclusive.

Read the Petition of Benjamin Heron, setting forth that he some time past purchased a Tract of Land of John Ashe Esq^r, commonly called Marl Bluff, the lower side of which joins a Tract of Land belonging to Mr. William Monat who disputes the lower line of the said Tract called Marl Bluff, the said line having never been ascertained, and praying a Warrant for a Resurvey on the said Land.

Ordered, that there be a Warrant for a resurvey on the said Lands to be returned to the Court of Claims.

Read the Petition of Samuel Green setting forth, that he holds in fee two Tracts of Land Viz^t One said to contain 640 Acres Granted to Roger Moore, the 24th November 1738, the other said to contain also 640 Acres granted to Christopher Bevis the 20th Feb^r 1735, which Tracts intersect one another, And praying an order for a Resurvey to the end that he may have Relief &c. Granted

The Hon^{ble} James Murray, James Hasell, John Rutherford, Lewis Henry De Rossett, John Sampson, Henry Eustace M^cCulloh, Alex^r M^cCulloh, William Dry, Robert Palmer, and Benjamin Heron, members of Council. and Maurice Moore and Robert Howe Esquires, Qualified as Justices under the General Commission of the peace, by taking the Oaths appointed by Law for the qualification of Publick Officers, together with an Oath of Office and subscribing the Test.

At a Council held at Wilmington 24th November 1764.

Present—His Excellency the Governor.

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|---------------------------|---|---------------------|-------------------------------------|---|----------|
| The Hon ^{ble} | { | James Murray | Henry Eustace M ^c Culloh | } | Esquires |
| | | James Hasell | Alexander M ^c Culloh | | |
| | | Lewis H. De Rossett | Robert Palmer and | | |
| | | John Sampson | Benjamin Heron | | |

Read the Petition of John Cheeck setting forth that he is possessed of a Patent for two hundred Acres of Land in Anson County, That the surveyor has by mistake mentioned the beginning corner to be below the mouth of Williams Creek Although in fact the said Tree stands above the mouth of the Creek, which can be proved by a living evidence who was present at the survey and praying relief &c.

Ordered that there be a warrant of Resurvey of the said Land to be returned to the next Court of Claims

Read the Petition of Sarah Roe of Beaufort County praying a warrant of Resurvey of Land originally patented by John Barras,

in the year 1706 lying on the S^o side of Pamphico River near Derhams Creek in Beaufort County. Granted.

Read the Petition of Robert Palmer praying for Warrant for a Resurvey on the Lands of James Adams Sen^r, James Adams Jun^r and John Fullerton on Bath Town Creek, to ascertain their Lines. Granted.

Read the Petition of Thomas McGuire praying a Warrant of Resurvey to Ascertain the bounds of a thousand Acres of Land situated on the N^o E^t river formerly belonging to John Porter, and bounding upon Mr. Herons Line, Granted.

Ordered that Commissions of the peace and *Dedimus* issue for the Counties of Carteret, Currituck and Orange as pr Com^s book

At a Council held at Wilmington 28th November 1764

Present—His Excellency the Governor

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|------------------------|---|--------------|------------------------|----------------------|
| The Hon ^{ble} | { | James Murray | Henry Eustace McCulloh | } Esq ^{res} |
| | | James Hasell | Robert Palmer and | |
| | | John Sampson | Benjamin Heron | |

Ordered, That the Secretary transmit to the several Receivers of the Duty on Liquors the Command of his Excellency's Council not to allow any draw back of the Country duty on Wine and Spirituous Liquors upon the exportation thereof, such allowance being contrary to Law.

Ordered, That the publick Treasurers and each of them do procure and transmit to the Secretarys Office on or before the first day of June next the following accounts from the several Clerks as compleat as they can possibly obtain them.

1st An annual Account of the number Taxables in each County from the year 1754 to 1764 inclusive of both years.

2^d An Account of the Number of delinquents or defaulters on the tax list each year as allowed by the County Court to the Sheriffs.

3^d An Account from the late Treasurer Barker or his Agent and from Mr. Starkey how the Several Sheriffs and the receivers of the duty on Liquors have annually accounted with them and what Balance remains due from them respectively.

Ordered, That the Accounts so returned be delivered by the Secretary to Mr. Burgwin to be put in the most regular method he can And that he be allowed for his trouble therein

Ordered, That the said Treasurers do furnish Mr. Burgwin with any other Accounts requisite for settling and adjusting the said Accounts.

Ordered That the Treasurers on rendering their accounts hereafter, do produce and file in the Secretarys Office the List of Taxables for each Country in their Districts respectively.

LEGISLATIVE JOURNALS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 33.]

NORTH CAROLINA—SS.

At an Assembly begun and held at Wilmington the Third day of February, in the Year of Our Lord One Thousand seven hundred and Sixty four, and in the fourth year of the Reign of Our Sovereign Lord George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith, &c. being the first Session of this Assembly.

In the Upper House
Present

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|------------------------|---|-----------------|------------------|---------------------|
| The Hon ^{ble} | { | James Murray | Lewis De Rossett | } Esq ^{rs} |
| | | James Hasell | and | |
| | | John Rutherford | John Sampson | |

Then the House adjourned till 10 o'clock to Morrow Morning

Saturday Morning The House met according to adjournment

Present

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|------------------------|---|------------------|----------------------------|---------------------|
| The Hon ^{ble} | { | James Murray | John Sampson | } Esq ^{rs} |
| | | James Hasell | and | |
| | | Lewis De Rossett | Alex ^r McCulloh | |

Then his Excellency was pleased to command the attendance of the Assembly, who accordingly attended, and his Excellency delivered to both Houses the following Speech, to wit

GENTLEMEN OF HIS MAJESTY'S COUNCIL MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

The reason of my meeting you so late, has been in great measure Occasioned by the late Assemblys dissolving themselves rather than submit to meet and Act by the Quorum appointed by his Majesty's Instructions; which is his Majesty's undoubted prerogative to direct, and the Rule which all the Colonies must submit to, and the delay of meeting the former Assembly was Occasioned by his Majesty's Commands to me, to meet the several Southern Nations of Indians, along with the Southern Governors upon this Continent at

a Congress in order to fix all the Indian Nations, which were in the Neighbourhood of the French and Spaniards in Louisiana and Florida in the British Interest as Friends and Allies upon so glorious a Peace, as has secured to us so great an Empire in North America, in which Congress I have now the pleasure to inform you, that we have had the desired Success by having made a Treaty of Perpetual Peace and Alliance with the Chickesaw, Choctaw, upper and lower Creek, Cherokee and Catabaw Indians and settled all their Claims and Boundaries with Virginia, North and South Carolina and Georgia to their Satisfaction, which I hope will make the Peace with them permanent so that the Inhabitants of these Southern Colonies may be safe from any Indian Depredations for the future.

Mr. Speaker, and Gentlemen of the Assembly, as I have received no Commands from his Majesty to require any aid from you, I shall only recommend to you, the keeping the same Number of Men in Fort Johnston, to take care of the Fort and Stores; and to secure Fort Granville, until such time as his Majesty shall give Orders, how those Forts shall be Garrisoned by the regular Forces; and hope you'll think it for the publick Good of this province, to give Premiums upon the Exportation of Hemp and Flax to Great Britain and Ireland.

The Act for laying a Duty upon Tonnage of Shipping being now expired, as there is now a settled Peace, I shall only recommend it to you as a Law fit to be reenacted, and of Publick Service, by lessening the Duty, and Appropriating the sum raised to fix Buoys, Beacons and Perches, at the several Bars, and in the Rivers leading to the Principal Trading Towns; and to apply the surplus to supply the several Stores with Ammunition—As the fund for contingencies will soon expire, it will be necessary for the Publick Service, to continue a further aid for that purpose, and I shall concur with you, and the Council, in drawing for the Money lying in the Agents Hands in London to pay for Debts not yet provided for and to apply the Surplus to sink the Paper Bills now standing out;

As many Counterfeit Bills are now passing; and as many paper Bills are worn out and scarce passable I must recommend it to you to call in all the Bills so worn out in order to be burnt and to issue out new Bills to be exchanged for such torn or defaced Bills.

GENTLEMEN OF HIS MAJESTY'S COUNCIL, MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

There are several Bills necessary to be Re-enacted and Amended, particularly the Superior Court Law, the Vestry Law, the Inspection and Militia Laws.

It is with great concern that I must take notice that notwithstanding there is a provision made for the Maintenance of an Orthodox Parochial Clergy; there is not at present more than Six established Clergymen in the province, to officiate in near Parishes; and that there are not above three or four Churches finished in the Province fit for divine Service; which is the reason why so many Sectarys abound and gross Immoralities prevail for want of properly instructing and educating the rising Generation.

I therefore recommend it to you as a wise measure, to enact a Law, that all such parishes as have no Churches erected or Clergymen established, shall be obliged to raise the sum annually allowed by the Law until Clergymen are fixed in such Parishes in order to erect Churches and Glebe Houses, in each Parish, as an encouragement for pious and learned Clergymen to come and reside in this Colony, and also to raise a fund to encourage Schools in each Parish that at least the appearance of Religion may be kept up in this Province.

As the Law for appointing publick Treasurers is now expired, with the Tax which was then raised for which they were appointed, as I have no instructions from his Majesty how to have them appointed for the future, I can only concur, in continuing or appointing Treasurers for a short time, until his Majesty's Pleasure is known.

As I have nothing more at heart than to promote the practice of Morality, and our holy Religion and to secure the peace and prosperity of this Province, by encouraging industry and Commerce and preserving his prerogative and the Rights and Libertys we enjoy by our happy Constitution in Church and State, I shall heartily concur in all Salutary Laws for those purposes in order to promote the general good of this province

Then the House proceeded to take under consideration his Excellency's Speech and ordered it to be read which was accordingly done, and the Hon^{ble} James Hasell, John Rutherford and Lewis De Rossett Esquires appointed a Committee to draw up an address in answer to his Excellency's Speech.

Then the House Adjourned till 10 o'clock Tomorrow Morning.

Monday Morning 10 o'clock February 6th 1764. The House met according to adjournment.

Present

| | | |
|---|---|---|
| { | James Murray | } |
| | James Hasell | |
| | John Rutherford | |
| | Lewis De Rossett | |
| | John Sampson | |
| | Alex ^r M ^c Culloh | |

Then the House adjourned till 10 o'clock tomorrow Morning

Tuesday February 7th 1764. The House met according to adjournment.

Present as before

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning Feb'y. 8th 1764. The House met according to adjournment.

Present as before

Received from the Assembly the following Message.

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House have appointed Mr. Harnett, Mr. Harris, Mr. Montford, Mr. Leech, Mr. James Moore, Mr. Cray and Mr. Gibson a Committee of this House to settle the publick Accounts of this province, and Mr. Starkey Mr. Caswell, Mr. Benton, Mr. Bartram, Mr. Kennan, Mr. Bell & Mr. Simpson to settle and allow Publick Claims in conjunction with such of your Honours, as you shall think proper to appoint.

JOHN ASHE Speaker.

7th February 1764.

On motion, Ordered that the following Message be sent to the Assembly

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your Message relative to the Committee we have appointed the Hon^{ble} James Hasell, John Rutherford, Alexander McCulloh Esquires a Committee of this House, to examine State and Settle the Publick Accounts, and the Hon^{ble} Lewis De Rossett

and John Sampson Esquires, a Committee of this House, to settle and allow the publick Claims.

By Order BURGWIN C^{lk}.

8th Feb^r. 1764.

The Committee appointed by this House, to draw up an address in answer to his Excellency the Governors Speech, reported that they had prepared the same which was Ordered to be read.

The same was read and approved of, and Resolved that the same stand the Address of this House, and be entered on the Journal thereof, as follows, to wit

MAY IT PLEASE YOUR EXCELLENCY,

We his Majesty's most dutifull and Loyall subjects the Council of this province, beg leave to return your Excellency our sincere and hearty thanks for your Speech at the beginning of this Session.

It is with pleasure we embrace this opportunity, of congratulating your Excellency on your safe and happy Return from the Congress at Augusta; the Zeal your Excellency has shewn in obeying his Majesty's Orders, and your attachment to the Publick Welfare, in undergoing so fatiguing a Journey, at a time when your bad State of Health rendered such an undertaking very dangerous demands our most gratefull Acknowledgement And we hope your Excellency's endeavours to conclude a perpetuall peace with the several Nations of Indians there assembled will be attended with the desired Success, & considerably add to the Security of this extensive Continent, and the Tranquility of the Southern Colonies, such a prospect fills us with great Joy, and we doubt not that your Excellency's constant attachment to the true interest and happiness of this Province, will give great satisfaction to all those, that have the good of their country at heart.

We have long lamented the want of Churches and an established clergy, in the different Parishes of this province, and Shall readily joyn with the other House in such Laws as shall be necessary, for the encouragement of pious and learned Clergymen to come and reside here, and for the other purposes your Excellency has so wisely recommended, Assuring your Excellency that whatever may tend to support, not only the Appearance, but the real Existence & practice of true Religion in this Province, and contribute in any shape to the prosperity and happiness of the People, and to the Honour of

your Excellency's Administration, shall always meet with our hearty and zealous concurrence.

JAMES MURRAY President.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning Feby. 9th 1764 The House met according to Adjournment.

Present as before

This House waited on his Excellency and by the Honble James Murray Esq^r. presented him with their Address, to which he was pleased to make the following Answer.

I return you my sincere thanks for this Kind and affectionate address, and the Zeal you express for the Welfare of this Province;

Your Kind Acceptance of my having done my Duty, in attending at the Indian Congress, is very agreeable to me, as well as your concurrence in promoting true Religion and Virtue, and the happiness of this Colony, which will add to my Zeal in promoting his Majesty's Service, and the general good of all his American Empire.

Received from the Assembly by Mr. James Moore and Mr. Sampson, the following Message to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

For the preservation of the good Order and Harmony, which ought to subsist between you, the Gentlemen of his Majestys Honble Council, and this House we have appointed Mr. Speaker, Mr. Harnett, Mr. Starkey, Mr. Maurice Moore and Mr. Harris, a Committee to settle the decorum to be observed between your Honours and this House, on transacting the Business of this Province, in the several Assemblies hereafter to be held, and also the sums that shall hereafter be allowed on the Estimates, for the extra Services of the Clerks, and the Clerks of the several Committees, and other Clerks to be occasionally employed, which after being concurred with by the Council and Assembly and entered on the Journal thereof shall be the Rule for making out the Estimates for the future in conjunction with such of your Honours, as you shall think proper to appoint.

JOHN ASHE, Speaker.

9th Feby. 1764.

Then the above Message was on motion, read and taken into con-

sideration, and Ordered that the following Message be sent to the Assembly viz:

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Taking into consideration your Message of this day, for appointing a Committee to settle the Decorum to be observed between this House and the Assembly, and also for regulating the Estimates for the Clerks This House appoint the Honble the President, the Honble James Hasell, & John Rutherford Esquires a Committee to confer with the Committee of your House, on the premises & to report.

9th Febr'y. 1764 In the Upper House

By order

J BURGWIN Clk.

Then the House adjourned till 4 o'Clock.

Thursday afternoon. The House met according to Adjournment.
Present as before

Received from the Assembly by Mr. Bell and Mr. Bartram the following Message,

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House finding that thro' Age and other Infirmities, Daniel Dupee, Mace Bearer thereto, is become incapable of longer performing the dutys Acquired by that Office, therefore have thought proper to discharge him therefrom, and in consideration of his being very aged, poor, helpless and unable to get a livelyhood and also of his faithfull Service, and good behaviour in his said Office, have Resolved that he be allowed Ten pounds per Annum during his natural Life, to be paid him out of the contingent Fund by the Treasurers of this Province; and that the same be allowed them on passing their Accounts with the Publick, to which desire your Honours Concurrence.

9th Febr'y. 1764 In the Upper House, Concurred *nem. con.*

JAMES MURRAY President.

By order

BURGWIN Clk.

Then the House adjourned till 10 o'clock tomorrow Morn'g.

Fryday Morning Feb'y. 10 1764 The House met according to Adjournment.

Present as before

Received from the Assembly by Mr. Benton & Mr. Gibson

A Bill for altering the dividing line betwixt the Counties of Bladen & Cumberland.

On motion read the first time & passed.

A Bill for erecting part of S^t Philips Parish in New Hanover County, and the lower part of Bladen County into a Separate County by the name of County and for dividing the County of Granville, and erecting that part thereof called S^t John's Parish into a separate and distinct County and other purposes.

On motion read the first time amended and passed.

Recd from the Assembly by Mr. Leech & Mr. James Moore the following Bills to wit.

A Bill concerning Vestries.

On motion read the first time & passed. (Sent to the Assembly.)

A Bill to encourage and impower William Dry to make a Publick Road thro' the great Island opposite to the Borough of Wilmington.

On motion read the first time and passed. (Sent to the Assembly.)

A Bill for ascertaining a proper place for Building thereat, a Court House, Clerks Office, Prison and Stocks for the County of Edgecombe.

On motion read the first time & passed.

Then the House adjourned till 3 o'clock.

The House met according to Adjournment.

Present as before

Then the House adjourned till 10 o'clock tomorrow Morning.

Saturday Morning 11th February 1764 The House met according to adjournment.

Present as before

Recd. from the Assembly by Mr. Harnett & Mr. Hardy the following Bills to wit

A Bill for confirming the Charter of the Borough of Wilmington, and other purposes.

On motion read the first time & passed.

A Bill for encouraging the Culture of Hemp & Flax.

On motion read the first time & passed. (Sent to the Assembly.)

Then the House adjourned till 10 o'clock on Monday morning

Monday morning Feb^{ry} 13th 1764. the House met according to Adjournment.

Present

| | | | | |
|------------------------|---|-----------------|------------------------|---------------------|
| The Hon ^{ble} | { | James Murray | Lewis Henry De Rossett | } Esq ^{rs} |
| | | James Hasell | John Sampson & | |
| | | John Rutherford | Alexander McCulloh | |

Reed from the Assembly by Mr. Howe & Mr. James Moore the following Resolve, to wit,

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

Execution having issued on Judgment obtained by the Publick, against the real & Personal Estate, of the late Jeremiah Vail and the personal Estate, after being sold, not amounting to near the value of the said Debt due to the Publick and the Lands having been exposed to sale, to satisfy the Residue of the said Debt, and no Bidders for the said Lands appearing, the same were not sold; and this House being Acquainted that if the said Lands were sold at six Months Credit, on Bond with good Security given, it would greatly enhance the price thereof, whereby the publick may receive the full Ballance of the said Debt due.

This House have therefore Resolved, that the Treasurer of the Southern District, give Directions to the several Sheriffs, who have the said Executions in their Hands, to sell the said Lands at Six Months Credit, on Bond with good Security, and desire your Honours Concurrence.

JOHN ASHE, Speaker.

By Order W. HERRITAGE Clk.
13th February 1764.

Reed. from the Assembly by Mr. Howe & Mr. James Moore a Bill for appointing a Militia.

On motion read the first time & passed. (Sent to the Assembly.)

Reed. from the Assembly by Mr. Montford & Mr. Benton a Bill for Erecting in the town of Halifax a public Gaol, & Gaoler House for the District of Halifax in this Province.

Reed. from the Assembly by Mr. Leech & Mr. Caswell, a Bill for annexing part of Craven County, to Dobbs County and for removing the Seat of the Inferior Court of the said County of Dobbs from Walnut Creek to Kingston and for other purposes.

On motion, read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday morning Feb^y 14th 1764. The House met according to adjournment.

Present as before.

Then on motion, the Bill for Erecting in the Town of Halifax, a Publick Gaol, and Gaolers House for the District of Halifax in this Province, was Ordered to be Read. Read the first time & passed.

Reed. from the Assembly, by Mr. Moore & Mr. Harris a Bill for Erecting part of S^t Philips Parish in New Hanover County and the lower part of Bladen County, into a separate County, by the name of Brunswick County, and for dividing the County of Granville, and Erecting that part thereof called S^t Johns Parish into a separate and distinct County, and other purposes.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday morning Feb^y 15th 1764. The House met according to adjournment.

Present

| | | | | | |
|------------------------|---|---------------------------------|---|---|-------------------|
| The Hon ^{ble} | { | James Murray | Lewis De Rossett | } | Esq ^{rs} |
| | | James Hasell | John Sampson | | |
| | | John Rutherford | Henry Eust ^e M ^c Culloh | | |
| | | Alexander M ^c Culloh | | | |

Rec^d from the Assembly, by Mr. Howell & Mr. Gibson the following Bills to wit

A Bill for appointing a Treasurer in the room of Thomas Barker Esq^r

On motion, Read the first time & passed

A Bill for altering the dividing Line betwixt the Counties of Bladen & Cumberland.

On motion, Read the Second time & passed.

A Bill for Erecting in the Town of Halifax, a publick Gaol, and Gaolers House, for the District of Halifax in this province.

A Bill for Ascertaining a proper place, for Building thereat, a Court House, Clerks Office, Prison & Stocks, for the County of Edgecombe.

On motion, Ordered that the following Message be sent to the Assembly, to wit

MR. SPEAKER, & GENTLEMEN OF THE ASSEMBLY,

In answer to your Message of the 13th concerning the Sale of the Lands of the late Jeremia^h Vail deceased, this House will join you in an Address to his Excellency the Governor praying him to give Orders

to the Treasurer of the Southern District, & by him to the proper Sheriffs directing them to sell the said Lands at Six or Twelve Months credit, taking good security upon Bond and Judgment, that the Price of the said Lands may be enhanced for the Benefit of the Publick and of the Defendants in the Suit, and the Sheriffs to return the Bonds so taken, to the said Treasurer.

In the Upper House By Order BURGWIN C^{lk}
15 February 1764

Rec^d from the Assembly, by Mr. Simpson & Mr. Bryan the following Message to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

Mr. Dry who undertook to finish Fort Johnston, acquainted the House, that he had finished the said Fort, pursuant to his Agreement, and desires a Committee may be appointed to view the same. This House have therefore appointed Mr. Speaker, Mr. Corbin, Mr. Montford, Mr. Caswell, Mr. Harnett, Mr. Harris & Mr. Starkey, a Committee of this House in conjunction with such of your Honours as you shall think fit to appoint for that purpose.

JOHN ASHE Speaker.

By Order WILLIAM HERRITAGE C^{lk}
14th Feb^y 1764

Then on motion, the above Message was Read and taken into consideration, and Ordered that the following Message be sent to the Assembly to wit

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

In Answer to your Message, relative to the appointment of Committees for the examination of Fort Johnston This House appoint The hon^{ble} John Sampson Henry Eustace M^cCulloh and Alex^r M^cCulloh Esq^{rs} a Committee thereof, to view the said Fort, and report accordingly.

Rec^d from the Assembly by Mr. Simpson and Mr. Bryan a Bill directing the Boundary line between the Counties of Dobbs & Pitt, & appointing Commissioners to see the same run.

On motion read the same the first time & passed

Then the House adjourned till 10 o'clock tomorrow Morning.

Thursday Morning February 16th 1764. The House met according to Adjournment.

Present

| | | | | |
|------------------------|---|-------------------------------------|---|----------|
| The hon ^{ble} | { | James Murray | } | Esquires |
| | | James Hasell | | |
| | | John Rutherford | | |
| | | Lewis De Rossett | | |
| | | John Sampson | | |
| | | Henry Eustace M ^c Culloh | | |
| | | Alexander M ^c Culloh | | |

Recd from the Assembly, the following Bills by Mr. Caswell & Mr. Cray.

A Bill concerning Vestries.

A Bill to regulate the inspection of the several Commodities therein mentioned.

On motion read the first time and passed.

A Bill for annexing part of Craven County to Dobbs County and for moving the Seat of the Inferior Court of the said County of Dobbs, from Walnut Creek to Kingston, and for other purposes.

On motion ordered to lie on the Table for consideration.

A Bill to revive and continue an Act intituled an Act to make provision for paying the Chief Justice and Attorney General Salaries, and defraying the contingent Charges of Government.

On motion read the first time and passed.

A Bill to supply the Treasury, by laying an additional Duty on Wine and Distilled Liquors imported into this Province

Recd. from the Assembly the following Message to wit

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House by their Message to your Honours of the 9th instant, having acquainted you that we had discharged Daniel Dupee, from his Office of Mace Bearer thereto, and Resolved to allow him the sum of Ten pounds £ annum, during his natural Life, which said Message we received from you endorsed in the upper House, Concurred with *Nem. Con.* 9th February 1764. Since which the said Daniel Dupee is dead, and thereby the said allowance will Cease.

Therefore this House have Resolved, that the sum of Ten pounds be paid to Benjamin Fordham the present Mace Bearer to this House, to discharge the funeral Expenses of the said Daniel Dupee, and after the said Charges are satisfied to pay or cause to be paid, the

surplus to the Widow of the said deceased, and desire your Honours concurrence thereto.

JOHN ASHE, Speaker.

By order W^m HERRITAGE Clk.
15th February 1764

16th February 1764 In the Upper House, Concurred with.
Signed JAMES MURRAY Presi^t
By Order BURGWIN Clk

Received from the Assembly by Mr. Leech and Mr. Caswell the following Bills to wit

A Bill to supply the Treasury by laying an additional Duty on Wine and Distilled Liquors, Imported into this Province.

A Bill Directing the Boundary Line, between the Counties of Dobbs & Pitt, and appointing the Commissioners to see the same Run.

A Bill to revive and Continue an Act intituled an Act, to make provision for paying the Chief Justice and Attorney General Salaries, and defraying the contingent Charges of Government.

A Bill for appointing a Militia.

A Bill for encouraging the Culture of Hemp & Flax

A Bill for appointing a Treasurer in the room of Thomas Barker Esquire.

Then the House adjourned till 10 o'clock tomorrow Morning.

Fryday Morning Feb^{ry} 17, 1764. The House met according to adjournment.

Present

| | | | | |
|------------------------|---|------------------------|---|----------|
| The Hon ^{ble} | { | James Murray | } | Esquires |
| | | James Hasell | | |
| | | John Rutherford | | |
| | | Lewis De Rossett | | |
| | | John Sanipson | | |
| | | Henry Eustace McCulloh | | |
| | | Alexander McCulloh | | |

Received from the Assembly by Mr. James Moore and Mr. Howe the following Bills to wit.

A Bill to empower the several County Courts in this Province, to order the laying out of Public Roads and Establish and settle Fer-

ries and to appoint where Bridges shall be Built for the use and Ease of the Inhabitants.

On motion read the first time, amended and passed.

A Bill for laying a Tax on the Inhabitants of the several Counties of the District of Salisbury Superior Court to repair the publick Goal thereof and other purposes.

On motion Read the first time, Amended & passed.

A Bill for further continuing James Davis, Printer to this province.

On motion, Ordered to lie on the Table for consideration.

A Bill for altering the dividing line, between the Counties of Bladen & Cumberland.

Then on motion, ordered that the Bill concerning Vestries be Read a second time.

Read the same a second time, and then on motion, Resolved that the House Resolve into a Committee of the whole House to consider the subject matter of the said Bill.

The House Resolved into a Committee of the whole House, for the purpose aforesaid, and made choice of the Hon^{ble} Mr. Sampson for Chairman, who took the Chair accordingly.

After some consideration, the Committee came to several Resolutions, and then on motion, the Hon^{ble} the President resumed the Chair.

The Committee proposed several Amendments to the said Bill, which he laid before the House, and then on motion Ordered that the said Amendments be inserted in the said Bill.

The same are inserted accordingly, and then on motion, the said Bill was read again and passed the Second time with Amendments.

Recd. from the Assembly, by Mr. Nash & Mr. Moore the following Bills to wit

A Bill for an Act to amend an Act intituled An Act, for the Relief of such persons as have suffered, or may suffer, by not having had their Deeds, and Mesne Conveyances proved and Registered, within the time heretofore appointed for those purposes and to prevent disputes and Law Suits concerning Lands.

On motion, Read the first time & passed.

A Bill to amend, explain and Continue an Act, Intituled an Act for dividing this province into five several Districts &c.

On motion, Read the first time & passed.

Then on motion the following Bills were ordered to be Read

A Bill for Erecting in the Town of Halifax, a Publick Goal and Goalers House, for the District of Halifax in this Province.

Read the Second time, Amended & passed.

A Bill for ascertaining a proper place for Building thereat a Court House, Clerks Office, Prison & Stocks for the County of Edgewood.

Read the Second time and passed.

A Bill directing the Boundary Line, between the Counties of Dobbs & Pitt, and appointing Commissioners to see the same run.

Read the Second time and passed

Then the House adjourned till 9 o'clock tomorrow Morning.

Saturday Morning Feby. 18th 1764 The House met according to adjournment.

Present as before

Received from the Assembly by Mr. Ormond and Mr. Taylor the following Bills to wit

A Bill for destroying Vermin, in the several Counties within this Province.

On motion Read the first time and passed.

A Bill to regulate the inspection of the several Commodities herein mentioned.

Received from the Assembly by Mr. Kennan and Mr. Coal, the following Bills to wit.

A Bill to Impower the Public Treasurer to draw for the proportion of Money, granted by Parliament to this Province now in the hands of James Abercrombie and Samuel Smith of London Esquires.

On motion, Read the first time and passed.

A Bill to Impower the Inferior Courts, of the several Counties in this Province, to order the laying out of Publick roads, and Establish and settle Ferries and appoint where Bridges shall be Built for the Use and Ease of the Inhabitants and to clear navigable Rivers and Creeks.

A Bill to continue Couchet Jouvencal Esquire Agent for this Province.

On motion, Read the first time and passed.

A Bill to continue an Act Intituled an Act to amend and further continue, an Act Intituled an Act for facilitating the Navigation of Port Bath, Port Ronoak and Port Beaufort, passed the 31st day of May One thousand Seven hundred and fifty two for five years.

On motion, Read the first time and passed.

Then the House adjourned till 10 o'clock on Monday Morning.

Monday Morning Febry. 20th 1764 The House met according to adjournment.

Present

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|------------------------|---|---------------------------------|---|----------|
| The Hon ^{ble} | { | James Murray | } | Esquires |
| | | James Hasell | | |
| | | John Rutherford | | |
| | | Lewis De Rossett | | |
| | | John Sampson | | |
| | | Henry Eus M ^c Culloh | | |
| | | Alexander M ^c Culloh | | |

Then on motion, the Bill to revive and continue an Act Intituled an Act; to make provision for paying the Chief Justice and Attorney General Salaries, and defraying the contingent charges of Government was Read the second time, amended and passed.

On motion, the Bill for appointing a Treasurer, for the Northern District of this Province was Read the second time Amended and passed.

On motion, the Bill to supply the Treasury by laying an Additional Duty on Wine and distilled Liquors, imported into this Province, was Read the second time.

Then the House adjourned till 9 o'clock tomorrow Morning.

Tuesday Morning Febry. 21st 1764. The House met according to Adjournment.

Present as before

On motion, The Bill to regulate the Inspection of the several Commodities therein mentioned, was Read the second time, Amended and passed.

Received from the Assembly by Mr. Leech and Mr. Francis Nash, the following Bills to wit

A Bill for ascertaining a proper place for Building thereat a Court House, Clerks Office Prison and Stocks for the County of Edgecombe.

A Bill directing the Boundary Line, between the countys of Dobbs and Pitt, and appointing Commissioners to see the same Run.

A Bill for the more effectual detecting and punishing the makers and utterers of counterfeit Bill Money, Robbers and other Felons.

On motion Read the first time and passed.

A Bill for defraying the Expence of the Members of his Majesty's Honourable Council, and the Members of the General Assembly of this Province, in their travelling to from and attending the Assemblies, and to compel their Attendance.

On motion, Read the first time and passed.

A Bill for the Building a House for a School and the residence of a School Master in the Town of New Bern.

On motion; Read the first time and passed.

A Bill to regulate Elections of Members, to serve in the Assembly of this Province.

On motion Read the first time and passed.

A Bill to Impower the Sheriff of Orange, to collect and apply the Arrears of the Taxes, due in the said County for the several Years therein mentioned.

On Motion, Read the first time and passed.

A Bill for suppressing Excessive and Deceitfull Gaming

On Motion, Read the first time and passed.

A Bill for Establishing a Town on the Lands of Benjamin Wynus, at a place called Barfields Landing on the South West Side of Chowan River in Hertford County.

On Motion, Read the first time and passed.

A Bill for Regulating the Pilotage of Cape Fear River.

A Bill to supply the Treasury by laying an additional Duty on Wine, and Distilled Liquors Imported into this Province.

Received from the Assembly by Mr. Hardison and Mr. M^cKilwean, the following Bills to wit

A Bill concerning Vestries.

A Bill for erecting in the Town of Halifax, a Publick Goal and Goalers House for the District of Halifax in this Province.

Then the House adjourned till 9 o'clock tomorrow morning.

Wednesday Morning Feby. 22 1764 The House met according to adjournment.

Present as before

On Motion, a Bill for appointing a Militia was read the Second time, amended and passed.

On Motion, a Bill for annexing part of Craven County to Dobbs County and for removing the Seat of the Inferior Court, of the said County of Dobbs, from Walnut Creek to Kingston and for other purposes—was read the second time and passed.

On Motion, a Bill to Impower the Inferior Courts of the several Counties in this Province, to order the laying out of publick Roads, and Establish and settle Ferries, and to appoint where Bridges shall be built for the Use and Ease of the Inhabitants, and to clear Navigable Rivers and Creeks—was read the second time and passed.

Received from the Assembly by Mr. Harnett and Mr. Taylor the following Resolve to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

It having been made appear to this House that Captain Robert Ellis, by Order of his Excellency the Governor Transported several Spanish prisoners towards the latter end of the last war from hence to S^t Augustine, and that he deserved to have for the expence and Charge, he was put to on that Occasion, the sum of Eighty pounds, We have therefore Resolved, that the said Robert Ellis, be paid the sum of Eighty pounds by the public Treasurers of this province for such his Expences and Charges and that the Treasurers be allowed the said sum in passing their Accounts with the Publick, to which desire your Honours Concurrence.

JOHN ASHE Speaker.

By Order WILLIAM HERRITAGE Clk
21st February 1764

The Hon^{ble} Mr. Rutherford moved to absent himself from the business of this House, and shewing sufficient cause is ordered that he has leave accordingly.

Received from the Assembly the following Bills per Mr. Harnett & Mr. Taylor to wit

A Bill for appointing a Treasurer for the Northern District of this Province, in the room of Thomas Barker.

A Bill for confirming the Charter of the Borough of Wilmington and other purposes.

Then on Motion, the Bill for Erecting part of Saint Philips Parish in New Hanover County, and the lower part of Bladen County into a seperate County, by the name of Brunswick, and for dividing the County of Granville and Erecting that part thereof called S^t Johns Parish into a seperate and distinct County.

On Motion, the said Bill was read the Second time Amended and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday morning Feb^{ry} 23^d 1764. The House met according to adjournment.

Present as before, Mr. Rutherford Excepted.

Then on motion, The Resolve relative to Robert Ellis's Expence

and Charge in Transporting Several Spanish Prisoners to S^t Augustine was taken under consideration and Concurred with.

JAMES MURRAY, Presid^t

By Order BURGWIN Clk.

On motion a Bill for Erecting in the Town of Halifax a Publick Goal, and Goalers House for the District of Halifax in this Province, was read the third time and passed. Ordered to be Engrossed.

On motion, ordered that the following Bills be read:

A Bill for confirming the Charter of the Borough of Wilmington and other purposes. Read the second time, amended and passed.

A Bill concerning Vestries, which was read the second time, and Ordered that the following Message be sent to the Assembly.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading in this House, a third time the Bill concerning Vestries, we discover an Inconsistency between 2 Clauses viz, One in the fifth page permitting the Vestrymen elected by the Freeholders, to qualify at the first or second meeting of the Vestry, and another Clause in the Sixth page Stated on the third reading in your House Impowering the Vestry, to choose Vestrymen, in the room of such of the elected Vestry, as shall not qualify within thirty days after the Election; now it may not be necessary to have two meetings of the Vestry within thirty days one of the other;

The other Objection we have to the Bill is the Clause compelling the Freeholders to attend at the Election of Vestrymen, under a penalty of Twenty shillings to be recovered by a Warrant before One Justice of the Peace, and we object for these reasons among others.

1st. It puts it into the power of one Justice, to harrass the poor people in the Extremities of Counties without appeal.

2^d. It compells to the Election of Vestrymen the people on these Extremities, who may have little benefit by Churches in the Centre, who contribute little towards the expense of them, and who too many of them are indifferent, if not averse, to every decent support of the publick Worship of Almighty God, such a Spirit as this, prevailing in many Counties, has long since been the Publick Reproach of this Province, this Clause, therefore, tending indirectly indeed, but effectually to defeat, the pious purposes of the Bill, we doubt not your concurrence to the expunging of it, as well as to rectifying the other clauses before mentioned, that the Bill may Pass, to which

Amendment if you agree, please to send two of your Members, to see the same made.

Then the House adjourned till 9 o'clock tomorrow morning.

Friday morning Feb^{ry} 24th 1764. The House met according to Adjournment.

Present as before.

On motion the Bill for Encouraging the Culture of Hemp and Flax, was read the second time amended and passed.

On motion, the Bill to regulate the Inspection of the several Commodities therein mentioned was read the third time, and the Hon^{ble} Lewis De Rossett and Henry Eustace McCulloh, appointed a Committee to report, such Alterations as may be necessary to be made in the said Bill, and to prepare a message thereon.

Received from the Assembly by Mr. Maurice Moore and Mr. Kenan, the following Bills, to wit—

A Bill for appointing a Militia.

A Bill to amend an Act Intituled an Act, for dividing this Province into several Districts &c.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday Morning Feb^{ry} 25th 1764. The House met according to adjournment.

Present

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|------------------------|---|------------------|---------------------|---|-------------------|
| The Hon ^{ble} | { | James Murray | John Sampson | } | Esq ^{rs} |
| | | James Hasell | Henry E. McCulloh & | | |
| | | Lewis De Rossett | Alexander McCulloh | | |

Received from the Assembly by Mr. Caswell and Mr. McClewean the following Bills to wit

A Bill to Impower the Inferior Courts, of the several Counties in this Province, to Order the laying out Publick Roads and Establish and settle Ferries and to appoint where Bridges shall be Built for the Use and Ease of the Inhabitants and to clear Navigable Rivers and Creeks.

A Bill to continue an Act, Intituled an Act to make provision for paying the Chief Justice and Attorney Generals Salarys, and defraying the contingent Charges of Government.

A Bill for annexing part of Craven County to Dobbs County and for removing the seat of the Inferior Court of the said County of Dobbs, from the Walnut Creek to Kingston, and for other purposes.

Received from the Assembly by Mr. Caswell and Mr. Macklewin the following Message to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In answer to your Message, relative to the Alterations you proposed to the Vestry Bill, as to the expunging the Clause, compelling the Freeholders to attend at the Election of Vestrymen we cannot agree.

To the other alterations to wit that of making the Clauses in the fifth and Sixth page consistent, and that of granting an appeal, to prevent the harassment of the poor people you therein mention, We agree thereto & on notification of your concurrence herewith, we will send two of the Members of this House to see such Alterations made.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE C^{lk}
24th February 1764

Received from the Assembly the following Resolves to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

The Petition of William Dry, which we herewith send you, having been presented to this House and mature consideration thereon had, we have Resolved that the Ballance of his Excellency's Warrant to William Walker for Four hundred, Eighty three pounds, three shillings and four pence after deducting One hundred and fifty pounds part of the sum of the said Warrant mentioned paid by the Treasurers to the said Walker and the Honourable Lewis Henry De Rossett, be allowed to W^m Dry, and applied toward discharging the Judgment against him in favour of the publick, as security of the said William Walker.

And have also Resolved, that Colonel Hugh Waddell be allowed Three hundred and forty two pounds and five shillings, in full for all his Services rendered this Province, during the late War, to which two Resolves desire your Honours concurrence

JOHN ASHE, Spkeaker.

By Order W^m HERRITAGE C^{lk}
24th February 1764.

Then on motion, the Bill to Impower the Inferior Courts of the several Counties in this Province, to Order the laying out of Pub-

lick Roads, and to Establish Ferries &c. was Read the third time and Ordered that the following be sent to the Assembly, to wit

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill to Impower the Inferior Courts, to Order the laying out publick Roads &c. A necessary Amendment made in your House on the third reading, oblidging Overseers to put up Posts, with Arms of Pointers at the Cross Roads, put us in mind of another Clause of the same import viz to Mile mark the Roads, for which a Clause is herewith sent, if it is agreeable to your House you will fill up the Blanks, or alter it as you see fit & send two of your Members to see it inserted in its proper place.

On motion, Ordered that the following Message be sent to the Assembly, to wit

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

This House concurring with your Message relative to our Amendments to the Vestry Bill, desire you to send two of your Members to see the Amendments inserted.

By Order BURGWIN C^{lk}

25th February 1764

Then the House adjourned till 10 o'clock on Monday morning.

Monday morning Febr. 27th 1764. The House met according to adjournment.

Present

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|------------------------|---|------------------|-------------------------------------|-------------|
| The Hon ^{ble} | { | James Murray | John Sampson | } Esquires. |
| | | James Hasell | Henry Eustace M ^c Culloh | |
| | | Lewis De Rossett | Alexander M ^c Culloh | |

Received from the Assembly by Mr. Starkey and Mr. Benton the following Message to wit

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

In answer to your Message, wherein you say you concur with us, to insert the Amendments by us proposed to the Vestry Bill and also to that regarding the Bill to Impower the Inferior Courts to lay out publick Roads &c. wherein you mention a Clause necessary to be inserted in that Bill, we have considered the Clause, made some

Amendments thereto, and herewith send Mr. Starkey and Mr. Benton to see the said Amendments inserted accordingly.

By Order W. HERRITAGE C^{lk}

25th February 1764

The Amendments mentioned to be inserted in the Bill concerning Vestries were inserted in presence of Mr. Starkey and Mr. Benton, and the Clause with the Amendment proposed to the Bill to Impower the Inferior Courts of the several Counties in this Province to order the laying out of publick Roads &c. was also inserted, and then the said Bills were put the third time, and passed with Amendments.

Ordered to be engrossed.

Received from the Assembly by Mr. Starkey and Mr. Benton the following Bills to wit

A Bill for suppressing excessive and deceitfull Gaming.

A Bill for the Building a House for a School, and the Residence of a School Master, in the Town of New Bern.

A Bill for laying a Tax on the Inhabitants of the several Counties of the District of Salisbury Superior Court to repair the publick Goal thereof.

A Bill for destroying Vermin in the several Counties within this Province.

On motion Read the Second time, Amended and Passed.

A Bill for encouraging the Culture of Hemp and Flax, and other purposes.

On motion, Read the third time and passed

Ordered to be Engrossed.

Received from the Assembly, by Mr. Moore and Mr. Montford, the following Bills to wit

A Bill for Regulating the Pilotage of Cape Fear River.

On motion, Read the Second time, Amended & passed

A Bill to Impower the Publick Treasurers to draw for the proportion of Money Granted by Parliament to this Province now in the hands of James Abercrombie and Samuel Smith of London Esquires.

A Bill to continue Couchet Jouvencal Esquire, Agent for this Province.

A Bill for defraying the Expence of the Members, of his Majestys Honourable Council, and the Members of the General Assembly of this Province, in their travelling to from and attending the Assemblies, and to compell their attendance.

Then the House adjourned till 10 o'clock tomorrow Morning

Tuesday Morning Feby 28th 1764

Present as before

Received from the Assembly, by Mr. Caswell and Mr. Benton the following Bills to wit

A Bill for Establishing a Town on the Land of Benjamin Wynns at a place called Barfields Landing on the South West side of Chowan River, in Hertford County.

A Bill to continue an Act, Intituled an Act to Amend and further continue an Act Intituled an Act for facilitating the Navigation of Port Bath, Port Roanoak and Port Beaufort passed the thirty first day of May, One thousand Seven hundred and fifty two for five years.

On motion, Read the second time, amended & passed.

A Bill to amend an Act Intituled an Act for the relief of such persons as have suffered or may suffer by not having their Deeds and Mesne conveyances proved and Registered within the time heretofore appointed for those purposes, and to prevent disputes, and Law Suits concerning Lands.

On motion, Read the Second time Amended & passed.

A Bill to Impower the Sheriff of the County of Orange to collect and apply the arrears of the Taxes, due in the said County, for the several years therein mentioned.

On motion, Read the second time, Amended & passed.

A Bill to regulate Elections of Members, to serve in the Assembly of this Province.

On motion, Read the second time, and passed.

On motion, Ordered that the following Bills be read to wit

A Bill, to amend an Act, Intituled an Act, for dividing this province into five several Districts &c.

Read the said Bill the second time, and then on Motion Resolved that the House Resolve into a Committee of the whole House to consider the subject matter of the said Bill.

The House Resolved into a Committee of the whole House, for the purpose aforesaid, and made choice of the Honourable James Hasell Esquire for Chairman, who took the Chair accordingly after some consideration, the Committee came to a Resolution and then, On motion the Honourable the president resumed the Chair. The Chairman Reported, that the Committee proposed an Amendment to the said Bill which he laid before the House, and then on motion

Ordered that the said Amendment be made, and then the said Bill was put, and passed the second time with amendment.

A Bill for defraying the Expence of the Members of his Majesty's Honourable Council, and the Members of the Assembly of the Province, in Travelling to, from and attending the Assemblys, and to compel their Attendance.

Read the Second time, amended and passed.

A Bill for the Building a House for a School and the residence of a School Master in the Town of New Bern.

Read the Second time, amended and passed.

A Bill for laying a Tax, on the Inhabitants of the several Counties of the District of Salisbury Superior Court, to repair the Publick Goal thereof.

Read the Second time amended and passed.

A Bill to supply the Treasury by laying an additional Duty on Wine and Distilled liquors, imported into this Province.

On motion, Read the Second time, Amended and passed.

Then the Committee appointed by this House to inquire into the State of Fort Johnston, Reported as follows, to wit

That they found the Buildings, as far as could appear to them in good Order except the Magazine the Flooring of which is wanting, as also a Door, Lock, and a Key;

That the Walls and other part of the Fortification seem to be well finished, except about the space of twenty Feet, on the North East corner of the Glacis, or outer Wall, which remain Open;

That there appeared to them to be Nine Guns (Eighteen pounders) mounted on the lower Battery, and the same number of Nine pounders on the upper as also several Swivels all which were in good Order and fit for Service,

That there were likewise, sundry other great Guns, lying on the Beach, which they apprehend should be removed, to a more proper Situation.

That Nine Men fit for Duty, appeared on the Platform, the Tenth, they were informed deserted a few days before;

That it is your Committees Opinion that as the Fort is now in proper Order for their Reception the Stores which are now at Wilmington, belonging to the Publick may be removed thereto, as a place of greater Security whereby the Annual Expence of Storage will be saved to the Publick;

That it is also your Committees opinion that upon a proper Occasion his Excellency should be addressed on that Head, and also to

direct the persons, who are appointed to take care of the same, to lend out the Powder belonging to this Province; now in their hands upon good Security, as it is a Commodity perishable in its nature, and the Publick will thereby be freed from the Risque of any loss on the Account.

Then the House adjourned till 10 o'clock tomorrow Morning.

Wednesday Morning 29th Febry. 1764. The House met according to adjournment

Present as before

Received from the Assembly, by Mr. Knox and Mr. Wynns the following Bills to wit

A Bill for Regulating the Pilotage of Cape Fear River.

A Bill for Destroying Vermin, in the several Counties within this Province.

Received from the Assembly by Mr. Knox and Mr. Wynns the following Resolves to wit

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House having received sufficient Testimony, that William Crane, with a party of Six others, have taken John Pyburne, one of the confederated Rogues and Vagabonds, who have for some time past, infested several of the Counties of this Province, and committed sundry Outrages, Robberies and Murders and delivered him to the Keeper of his Majesty's Goal in Wilmington In consideration of which service this House have Resolved that the said William Crane, be paid the sum of Fifty Pounds for the use of himself and party by the publick Treasurers, out of the contingent Fund; and that the said Treasurers be allowed the same in passing their Accounts with the Publick, to which desire your Honours Concurrence.

JOHN ASHE Speaker.

By order W^m HERRITAGE Clk
28th February 1764.

On motion, the foregoing Resolve, was Read, taken under Consideration, and Concurred with.

JAMES MURRAY President.

By Order BURGWIN Clk.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

This House having fully considered the Petition of Hannah Dunbibbin, which we herewith send you and have Resolved that the said

Hannah Dunbibbin be paid the sum of Fifty Pounds, by the publick Treasurers out of the contingent Fund as a Gratuity for the services rendered this Province, by her deceased Husband Daniel Dunbibbin in surveying and Making a Map of the Sea Coast thereof, and that the Treasurers be allowed the same on passing their accounts with the Publick, and desire your Honours Concurrence thereto.

JOHN ASHE Speaker.

By Order W^m HERRITAGE Clk.
28th February 1764

On motion A Bill for destroying Vermin, was Read the third time and Ordered that the following Message be sent to the Assembly to wit

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On Reading a third time, the Bill for destroying Vermin, in the several Counties within this Province, We are of opinion, that as it may in its consequences, prove extremely prejudicial and burthensome to particular Counties, it will be improper to grant it so long a duration, as the space of Five years, We therefore propose, that our Amendment, confining it to two years, be reinstated, to which if you agree desire you will send some of your Members to see the same made.

By Order BURGWIN Clk
29th February 1764

Then on motion, the Resolve relative to Hannah Dunbibbin, was taken under Consideration, and Ordered that the following Message be sent to the Assembly to wit

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

This House taking into consideration your Resolve of the 28th for the payment of fifty pounds to Hannah Dunbibbin, and well Knowing the care and time which the late Daniel Dunbibbin employed in the necessary work of Surveying the Coast, are of Opinion, that the sum of One hundred pounds for that Service, was well Earned by the said deceased, and hope you will therefore alter your Resolve Accordingly.

On motion a Bill for Establishing a Town on the land of Benjamin Wynns was read the Second time and rejected.

On motion Ordered that the Bill for to Regulate the Inspection of several Commodities therein mentioned be Read, read the same the third time and then on motion Ordered that the following Message be sent to the Assembly to wit

MR. SPEAKER, AND GENTLEMEN OF THE ASSEMBLY,

On Reading over a third time the Bill to regulate the Inspection of the several Commodities therein mentioned. we observe several Matters, which we apprehend have not been duly attended to in your House, and which we propose should be amended as follows viz

We observe that you have excepted Tanned Leather out of the Commodities proposed for Inspection, but as we are of Opinion it may become a valuable Branch of Exports, and that from its nature it is liable to great difference in quality, and has often been shipped damp and in bad order we proposed it should be stated in the Bill as before;

In page 4 with respect to the appointment of two Inspectors, in the Town of Wilmington, we apprehend the Expression is too vague, and therefore propose that instead of the Words "at which place" the Words "at the latter of which places," should be inserted;

We are of Opinion, that New Exeter being a place of no Note or Business, is improper for a place of Inspection that the insertion of it, cannot answer, any publick Good, though it may the Opposite Interests of Individuals, and that therefore it should be *dele'd*;

In page 5 upon the proviso, that on agreement, Commodities may be inspected at any private Landing, we must observe, that it seems to us liable to great objections as in the Consequences it may tend to defeat the end proposed by the Bill, which is for preventing the shipping of bad Commodities; to gain our Exports a Character in foreign Markets, as though the Commodities may be found good upon an Inspection, at a private Landing yet they may get endamaged in being brought down to the place of shipping; and we further observe on this head, that if this part of the Bill, should stand it renders it in some measure inconsistent in point of Justice, for in a subsequent part of the Bill, the Inspectors are directed, to give their Attendance at the places by Law appointed, and in case of damage to any person by reason of any failure in their Duty (of which Attendance is certainly a part) they are exposed to a suit upon their Bond, as we are of Opinion that the granting a liberty, for the inspection of Commodities at private Landings, may give an opening to defeat the Law, that it lays the Inspector under a hardship and

risque, which he cannot guard against, and that it cannot Answer any good End as to the publick, we propose that so much of the Bill as relates to the Inspecting of Commodities at private Landings, may be *dele'd*.

In page 6 the Bill inflicts a penalty upon any Master of Vessels, taking on board any Cask or Barrell without being inspected—the expression here we apprehend is not sufficiently restrictive, we propose therefore, that instead of those Words, the Words, any of the Commodities in this Act, directed to be inspected and branded, before the same has been duly inspected and branded, should be inserted.

We Observe in the same page, a Clause relative to the Informers giving Bond, which appears so new and Strange to us, that we are at a loss for its meaning, unless it should be all together, to prevent information against any persons, who may by neglecting to conform to the directions of the Bill, incur any of the penalties therein mentioned. We shall observe no further upon it, than to say, we apprehend it has not been duly attended to in your House, and that we doubt not you will join us in Opinion, that it ought to be *dele'd*.

In page 7 the Collector is directed not to clear out any Vessell, till the Master produces a certificate of his Cargo's being inspected . . . the expression here is too general, and it [we] apprehend it should be confined, to such part of his Cargo only, as is by law liable to inspection.

In page 12, we observe that you have allowed pork, Beef, Rice, Flower and Butter to be shipped at any time, within three months after inspection, which we apprehend from a mature consideration of the perishable nature of these Commodities to be improper, and that the greatest length of time, which should be allowed, might not exceed the space of forty days, We therefore propose that the words three months in folio 12 & 13 should be *dele'd*, and the words forty days inserted.

In page 14 we observe you have *dele'd* the exception as to provisions Rafted upon the Water, but as we are of opinion, that however proper that mode of Conveyance may be for Naval Stores, it cannot be otherwise than injurious and prejudicial to provisions, we must insist upon the necessity of stating that Exception.

In page 26, we observe you have allowed the Inspector, only a fee of four pence, for every Thousand Shingles inspected, which we apprehend to be greatly inadequate to the Labour, and therefore propose it should be made One Shilling.

These are the principal points which have Occurred to us, upon this Bill, and as we flatter ourselves, that you are actuated by as warm a desire of promoting the publick Good, independent of any Regard to the opposite Views, or Interests of Individuals as ourselves, we are of opinion, that you will think the Amendments proposed by us necessary to cure the Law of Several Inadvertencies, and to put it upon such a footing, as may ensure, a reasonable prospect, of answering those Salutary Ends, which the publick proposes by it

If you agree to these our amendments, you will please to send two of your Members to see the same made.

Then the House adjourned till 4 o'clock in the afternoon.

Wednesday Afternoon The House met according to adjournment.

Present as before

Received from the Assembly, by Mr. Ormond and Mr. Mackilwean, the following Bills to wit

A Bill, to Impower the Sheriff of the County of Orange, to Collect and apply the Arrears of the Taxes, due in the said County, for the several years, therein mentioned.

On motion, Read the third time and passed. Ordered to be Engrossed.

A Bill to amend an Act, Intituled an Act for the Relief of such Persons as have suffered or may suffer by not having had their Deeds or Mesne Conveyances proved and Registered, within the time heretofore appointed for those purposes, and to prevent disputes and Law Suits concerning Lands.

On motion, Read the third time and passed. Ordered to be Engrossed.

A Bill for laying a Tax on the Inhabitanfts of the several Counties of the District of Salisbury Superior Court, to repair the publick Goal thereof.

On motion, Read the third time and passed. Ordered to be Engrossed.

A Bill, to continue an Act, intituled an Act, to amend and further continue an Act, intituled an Act for facilitating the Navigation of Port Bath, Port Roanok and Port Beaufort &c.

On motion, Read the third time and passed. Ordered to be Engrossed

Then on motion, the following Bills were Ordered to be Read.

A Bill, for ascertaining a proper place for Building thereat a Court House, Clerks Office, Prison and Stocks for the County of Edgecombe.

Read the third time and passed. Ordered to be Engrossed.

A Bill directing the Boundary Line between the Counties of Dobbs and Pitt, and appointing Commissioners to see the same run

Read the third time and passed. Ordered to be Engrossed.

Thursday Morning March 1st 1764. The House met according to adjournment.

Present as before

Received from the Assembly by Mr. Montford and Mr. Benton, the following Message to wit.

In answer to your two Messages of this day the One, wherein you propose, to amend the Bill, for destroying Vermin in the several Counties within this Province, by *deleing* the term of Five years, as it now stands in the Bill, and Reinstating Two years, the term inserted by you; on your second Reading of that Bill, to which amendment we concur, and send Mr. Montford and Mr. Benton, two of the Members of this House, to see the same inserted.

The other in the Bill, for the Counties of Brunswick and Bute, concerning the proper Boundary between the said Counties of Brunswick and Bladen, as you are pleased to term it, as we apprehend it would take too great a number of Taxables from the latter, we therefore cannot agree thereto, and hope your Honours will pass that Bill, as sent you from this House.

JOHN ASHE Speaker.

By Order W^m HERRITAGE Clk.
29th February 1764

Then the amendment in the Bill for destroying Vermin &c. was made in presence of Mr. Montford and Mr. Benton, and then on motion, the said Bill was put, and passed the third time, with amendments

Ordered to be Engrossed.

On motion, the Bill for Erecting part of S^t. Philips Parish in New Hanover County, and the lower part of Bladen County into a seperate County by the name of Brunswick County, and for dividing the County of Granville &c. was put and passed the third time.

Ordered to be Engrossed.

Received from the Assembly by Mr. Montford and Mr. Benton, the following Bill to wit

A Bill for the more effectual defeating and punishing the makers and utterers of counterfeit Bill Money, Robbers and other Felons.

On motion the Bill for appointing a Treasurer &c. was Read a third time, and Ordered that the following Message be sent to the Assembly,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On considering for the third time, the Bill for appointing a Treasurer, we observe that we conceive a matter of surplusage in the Title and propose that the Words "in the room of Thomas Barker Esquire" be *dele'd*, for the same reason we propose likewise that the repealing Clause should be *dele'd*.

As to the term of duration as it now stands we are induced to believe, from a consideration of his Excellency's Speech, at the Opening of this Session that it will not meet with his assent, and therefore we propose it should be reduced to the term of two years.

To these Amendments, if you agree, you will send two of your Members, to see the same made.

1st March 1764

By Order

BURGWIN C^{lk}.

On motion the Bill for suppressing excessive and deceitfull Gaming was read the Second time, Amended and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday morning March 2nd 1764. The House met according to adjournment.

Present as before

On motion a Bill for altering the dividing Line between the Counties of Bladen & Cumberland, was Read the third time and passed.

Ordered to be Engrossed.

Received from the Assembly, by Mr. Leach and Mr. Knox the following Bills to wit

A Bill to amend an Act, Intituled an Act, for dividing this Province into five Several Districts &c.

A Bill to regulate Elections of Members, to serve in the Assembly of this Province.

A Bill for the Building a House for a School, and the residence of a School Master in the Town of New Bern.

On motion, read the third time & passed

Ordered to be Engrossed.

A Bill for Defraying the Expence of the Members of his Majesty's Honourable Council, and the Members of the Assembly of this Province, in their Travelling to, from, and attending the Assemblies and to compel their attendance.

Received from the Assembly the following Message to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer of your Message of yesterday, relative to *deleing* the words "in the room of Thomas Barker Esquire" and also the Repealing Clause in the Bill, for appointing a Treasurer &c. We must inform you we cannot concur thereto; we agreed to the alteration from five years, as it now stands, to two years, the term you proposed, to which if you concur we shall send two of the Members of this House, to see the Alterations made.

JOHN ASHE, Speaker

By Order W^m HERRITAGE C^{lk}
2nd March 1764

Then on motion the Bill for appointing a Militia was Read the third time and passed. Ordered to be Engrossed.

Received from the Assembly by Mr. Benton and Mr. Harris the following Bill to wit

A Bill for suppressing excessive and deceitfull Gaming.

On motion the Bill for regulating the Pilotage of Cape Fear River was Read and Ordered that the following Message be sent to the Assembly Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading the third time the Bill for regulating the Pilotage of Cape Fear River, and for other Purposes; we observe you have appointed seven Commissioners, We are of opinion that six are sufficient, and therefore propose that the Honourable Lewis De Rossett Esquire, William Dry, Richard Quince, William Purviance, Alexander Duncan and John Paine Esquires be the Commissioners. It is also requisite to have a Clause inserted in the Bill, for the continuation of Commissioners, we would further propose to have the following Clause inserted Viz^t

"And be it further Enacted by the Authority aforesaid, that in case of Death, or removal of any Commissioner, the other Commissioners, or the Majority of them, shall chuse another Commissioner or

Commissioners, in the room of such Commissioner or Commissioners, so dead or removed."

And to remove an uncertainty as to the Rates to be taken by the several Pilots, it seems necessary to express the Upper Line in the said Rates in the following manner to wit—

"For Eleven feet and under, inward and outward bound, Five Shillings and four pence per Foot."

To which amendment, if you agree, we desire you will send two of your Members to see the same made.

Then on motion the Bill to regulate Elections &c was Read the third time and rejected.

A Bill for further continuing James Davis Printer to this Province was on motion Read the first time and rejected.

Resolved that the Honourable Mr. De Rossett be added to the Committee of Decorum &c.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday morning March 3rd 1764 The House met according to adjournment.

Present as before.

Received from the Assembly by Mr. Wynns and Mr. Gibson, the following Message, to wit—

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

We have duly considered your Message of Wednesday last, relative to the Bill, for the Inspection of the several Commodities therein mentioned, in the first part of which We find, that your Honours ascribing such parts of the said Bill, as you are pleased to say are defective (to a want of attention in this House) have proposed several Alterations, which your Honours we perceive have stiled amendments;

In Answer thereto, we are of opinion, that the subjecting Tanned Leather to the same Restrictions other Commodities are liable to, which are proposed for Inspection will be attended with consequences injurious to the Interest of this Province, inasmuch as by that Bill, no Commodities proposed to be inspected, can be shipped off, unless a Certificate of their having passed Inspection, be shewn to the Collector, by which means Leather, of an inferior quality, that answers the end as well as the best for some purposes, and sells at foreign Markets, as well as here, at a price proportioned to its quality, must

be retained in the Country and made use of for purposes that good Leather only is fit for We cannot therefore agree to that Alteration, but purpose that it shall be liable to the same inspection, and Regulation, that Deer skins are.

The Alteration you think necessary, in respect of the appointment of two Inspectors, for the town of Wilmington, we readily agree to, but are of opinion, that if your Honours had duly adverted to that Clause, you would have thought it sufficiently explicit, and of consequence any alteration unnecessary; we cannot devise why your Honours should object to that part of the Bill, which appoints an Inspector for the town of New Exeter; for tho' you suppose, that no public Good can arise from the insertion of that Clause, yet you seem to admit *that* it may be for the Interest of *Individuals*, and as *these* constitute the publick, we cannot help being of opinion, that they ought not to be unnecessarily divided, and that every measure which is not inconsistent with the good of the Community in general, and which tends to the Advancement of the Interest of the Members of it ought to be attended to, and pursued by every branch of the Legislature, we therefore cannot agree to *dele* that part of the Bill.

We cannot join your Honours in opinion that any inconvenience will arise from inspecting Commodities at a private Landing, as we are satisfied that it will not be the interest of any person whatever to put himself to any extraordinary Expence to get Commodities inspected at a private landing, unless he designs to ship them from thence, in which case, the end of an Inspection is as fully answered, as if such Commodities had been inspected, at any publick place appointed for such purpose, nor can we agree with you that the least injustice will derive therefrom to the Inspector, for the places appointed in that Bill for inspection, being expressly named; at them only can the attendance of the Inspector be compelled, and if at any time he should be called upon to inspect Commodities at a private Landing he will without doubt, have a right to an allowance for his extraordinary services.

We agree to the alteration of the Words, you propose in respect to the Certificate, the Master of every Vessell, is directed to produce to the Collector, before he is cleared; tho' we are clearly of opinion, that the purpose designed by such Alteration was fully and sufficiently implied, to warrant any Collectors clearing out a vessell, on the Masters producing a certificate of such part of his cargo only, having been inspected as is made liable by that Bill to inspection.

The alteration you propose as to the time limited for exportation of Pork, Beef, Rice, Flower and Butter, after they had passed Inspection, which you think too long, we cannot altogether agree to, but propose, that the time shall be limited to sixty days, instead of three months.

We cannot agree with you in stating the Exception as to Rafted Provisions, as we apprehend such an exception will Occasion great inconveniencys to many persons who living on long and shallow Rivers, are obliged to wait an Opportunity of a Fresh, to transport their provisions to a Market; nor are we of Opinion, that such mode of conveyance will be attended with any worse consequence to Provisions, than to Naval Stores, both being liable to be injured by the Water, if put up in leaky Casks, which it will always be the Interest, and of consequence the Care, of the Owner to prevent.

We must also differ from your Honours in Opinion, with regard to the insufficiency of the fee, allowed the Inspector for every thousand of Shingles he shall Inspect, as we apprehend that four pence per Thousand is fully and entirely adequate, to the trouble of viewing Shingles, as they are counted, and landed on Shore, by the Owners of them, every other alteration you have proposed, we readily agree to, and if you are of opinion that it will be for the interest of the Country, that that Bill with the alterations agreed to, should be passed into Law we will send two of our Members to see the same made.

Having answered all the Objections, arising on such points, as occurred to your Honours on reading that Bill, we desire to express our satisfaction for the real Flattery you are pleased to signify, you have submitted to, in favour of the *Warmth of desire* of this House, to promote the public Good independent of Views, that are Interested, which we find you have done us the Honour to put on a Footing with that, by which you yourselves are actuated in publick affairs, and to assure you, that the Welfare of those we represent, is and always will be, the constant object of our care and attention, and it is *that alone*, which has induced this House, to differ from you in respect to the *Alterations you proposed* which could we, with your Honours, consider as Amendments, we should readily agree to.

JOHN ASHE, Speaker.

By Order

W^m HERRITAGE Clk.

2nd March 1764.

On motion the consideration of the Bill for the inspection of the several Commodities therein mentioned was resumed, and the fore-

going Message duly considered and the said Bill put the third time and rejected

On motion the Resolve, from the Assembly relative to Mr. Dry, and Colonel Waddell was taken under Consideration and Concurred with

JAMES MURRAY, Pres^t.

By Order BURGWIN Clk
3^d March 1764

On motion the following Bills were ordered to be read to wit

A Bill to continue an Act, intituled an Act to make provision for paying the Chief Justice, and Attorney General Salaries, and defraying the contingent charges of Government. Read the third time and passed. Ordered to be Engrossed.

A Bill for suppressing excessive and deceitfull Gaming. Read the third time and passed. Ordered to be Engrossed.

A Bill to amend an Act, Intituled an Act for dividing the Province into five several districts &c. Read the third time and rejected.

Then on motion the Bill for appointing a Treasurer for the Northern District of this Province, in the room of Thomas Barker Esq^r was read and taken under consideration and ordered that the following Message be sent to the Assembly to wit

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading your Message of yesterday relative to the Bill for the appointment of a publick Treasurer, we would propose, That instead of appointing a Tréasurer for the Northern District, the Bill should be amended by appointing Treasurers for both Districts and that the Title, and the Bill be altered accordingly. We propose that for that purpose you will appoint some of your Members a Committee to join the Hon^{ble} the president, and the Hon^{ble} Lewis De Rossett, and Henry Eustace M^cCulloh, a Committee of this House, to consider and report upon the Amendments, necessary for that purpose, to their respective Houses

Or if it will be more agreeable to you to have the present Bill rejected, and to bring in a new Bill, for the purposes above, we will readily concur in giving it all the Dispatch in our power.

You will please to let us have your sentiments on these alterations, and be assured, that our only Intention is, to Conciliate matters, and prevent confusion.

Received from the Assembly by Mr. Harnett and Mr. Maurice Moore the following Message to wit

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

In answer to your Message of yesterday respecting the Bill for regulating the Pilotage of Cape Fear River, and other purposes we cannot agree to the Alterations you propose, as to the number and Commissioners of the pilotage, as we apprehend that a diligent attendance of the pilots, to the Dutys of their calling, almost entirely depend on a Majority of the Commissioners residing at Brunswick, where in case of the misbehaviour of Pilots a sufficient number of Commissioners, may be present on the spot to reprimand or suspend them.

In relation to the clause you think necessary for the Continuation of Commissioners in case of death or removal, we readily agree with you to insert one, if there is no provision made in the Bill for that purpose.

We also agree with you, that the Words inward and outward, Bound shall be inserted.

We would propose that the Rates allowed the Pilots in that Bill, for piloting from Brunswick to Wilmington which is one half of the Rates allowed from the Bar to Brunswick, should be increased to two thirds.

If your Honours agree to pass the Bill, with the alterations agreed to, we will send two of our Members to see the same made.

JOHN ASHE, Speaker.

By order W^m HERRITAGE Clk.

3^d March 1764

Then the consideration of the Bill, for regulating the Pilotage of Cape Fear River, &c, was resumed, and put the third time and rejected.

Received from the Assembly by Mr. Harnett &c. the following Message to wit

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your Message relative to the Alterations you mention to be made in the Bill, for appointing a publick Treasurer, and the proposition you make therein, of this House appointing some Members thereof, a Committee to Join those Gentlemen of his Majesty's Honourable Council, you have appointed to consider and Report upon the Amendments, necessary in that Bill to their respective houses;

This House have appointed, Mr. Jn^o Starkey, Mr. Cornelius Harnett, Mr. Maurice Moore, Mr. Joseph Montford and Mr. Joseph

Leech, five of the Members thereof, who will meet your Committee, when and where you think upon.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE Clk.
3rd March, 1764

Then the House adjourned till 10 o'Clock on Monday Morning.

Monday Morning March 5th 1764. The House met according to adjournment.

Present

| | | |
|------------------------|---------------------------------------|--------------------|
| The Hon ^{ble} | { James Murray | } Esq ^r |
| | { James Hasell | |
| | { Lewis De Rossett | |
| | { John Sampson | |
| | { Henry Eustace M ^c Culloh | |
| | { Alexander M ^c Culloh | |

Received from the Assembly by Mr. Moore and Mr. Leech, the following Bill to wit

A Bill for an Hospital on Cape Fear River.

On Motion Read the first time and passed.

The Committee appointed by this House to consider and Report on the Amendments necessary to the Bill for the appointment of a publick Treasurer &c. Report that they met the Committee of the other House for that purpose, and that they are of Opinion, that the Bill when amended should stand in the manner expressed in the following Draft to wit

Whereas it is highly Expedient that Publick Treasurers be appointed, for the Southern and Northern Districts of this Province, who may be authorized and Impowered, to Receive the Publick Taxes, which now are or hereafter may become due from the Sheriffs of the respective Counties within the said Districts respectively ;

Be it Enacted by the Governor, Council and Assembly, and by the Authority of the same, that John Starkey Esquire be, and is hereby appointed Publick Treasurer for the Counties of Anson, Beaufort, Bladen, Brunswick, Craven, Carteret, Cumberland, Duplin, Dobbs, Hyde, Johnston, Mecklenburgh, New Hanover, Onslow, Pitt and Rowan, and that Joseph Montford Esquire be, and is hereby appointed Publick Treasurer for the Counties of Currituck, Pasquotank, Perquimons, Chowan, Bertie, Tyrrell, Northampton, Edgecombe Orange Bute and Halifax which said Treasurers shall before they enter upon their said Office, give Bond respectively with sufficient Securities in the

sum of Ten thousand pounds lawfull money of Great Britain, each with condition that they, and each of them will well and truly account for and pay to the General Assembly of this Province, when he and they, shall be thereunto required all Publick Monies he or they shall at any time hereafter receive on account of Publick Taxes and for the faithfull and regular discharge of their said Offices, which Bonds shall be lodged in the Secretary's Office, and in case of the Breach of the Condition thereof, may be recovered in any Superior Court of Justice within this Province.

And be it further Enacted by the Authority aforesaid, that the said Treasurers, and each of them is and are hereby Impowered and directed, to Receive all Publick Taxes, and the Sheriff of each of the said respective Counties, is hereby required and Directed, on or before the 10th day of June yearly, during the continuance of this Act, to account with upon Oath and pay into the hands of the said Treasurers respectively all such Monies as the said Treasurers, or either of them, are by this Act Impowered to receive.

And be it Enacted by the Authority aforesaid, that the said Treasurers shall be allowed, Five per Cent for their Trouble on all the Monies by them respectively received and paid, into the General Assembly as aforesaid except upon such sum or sums, as the Publick Treasurer for the Northern District, appointed by this Act, shall receive from the late Publick Treasurer of the said District, or from any person or persons who hath, or have acted for the said Publick Treasurer, Upon which sum or sums so received, no Commission shall be allowed to the Publick Treasurer by this Act appointed.

And be it further Enacted by the Authority aforesaid, that the said Treasurers shall have the same Powers and Authorities, and be subject to the same pains, penalties, and Restrictions, as Publick Treasurers were intitled or subject to, in and by an Act of Assembly passed at New Bern in April One Thousand Seven hundred and forty eight.

And be it further Enacted by the Authority aforesaid, that all and every Act, and Acts of Assembly, and all and every Clause, or Clauses of an Act, or Acts of Assembly, relative to the Appointment of Publick Treasurers for this Province, within the purview of this Act, be and are hereby repealed.

And be it further Enacted by the Authority aforesaid, that this Act shall be and continue in force for and during the term of three years. And from thence, to the end of the next Session of Assembly, and no longer.

To which Report, the House having agreed,
On motion the following Message is Ordered to be sent

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

The Committee appointed by this House, to consider of Amendments necessary, in the Treasurers Bill, having Reported, that they are of Opinion that the Bill when amended, should stand in the same manner expressed in the draft, herewith sent, with which We having concurred transmit it to you for your perusal and Approbation, and in case you agree thereto you will please to send such of your Members, as you think proper, to see the Bill amended.

If you should have any objection to the mode of Expression, made use of in the amendment proposed provided the substance of them is not affected thereby, we shall not be against them.

In the Upper House of Assembly

By Order BURGWIN C^{lk}.

5th March 1764

On motion the Bill for Annexing part of Craven County to Dobbs County, and for removing the Seat of the Inferior Court of the said County of Dobbs &c. was Read the third time and Ordered that the following Message be sent to the Assembly viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Upon Reading the third time the Bill for annexing part of Craven County to Dobbs County and for removing the seat of the inferior Court of the said County of Dobbs &c. we would propose that such part of the Bill as relates to the removal of the Court House, from the place where it now stands, to Kingston, should be *dele'd*.

To which amendment if you agree, you will send some of your Members to see the same made.

5th March 1764.

On motion the Bill for defraying the Expence of his Majestys Honourable Council, and the Members of the Assembly of this Province, in their travelling to from and attending the Assemblies and to compel their attendance was Read the third time and Ordered that the following Message be sent to the Assembly viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill for defraying the Expences of

his Majesty's Honourable Council and the Members of the Assembly, We perceive some Alterations made on the third Reading of that Bill in your House, whereby you have *dele'd* the word, House, as applied to his Majesty's Honourable Council, and inserted the word *Board*, which Title we by no means approve of, and therefore send this preliminary Message to Know whether you adhere to, or recede from, that alteration you have made.

5th March 1764

Received from the Assembly the following Message to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In answer to your Message of this day, relative to the Bill for appointing Treasurers, and the Amen't to the said Bill, proposed by the Committee for that purpose, and Concurred with by you, this House herewith send Mr. Harnett, Mr. Maurice Moore and Mr. Joseph Leech three of the Members of this House, to see the same inserted in that Bill.

JOHN ASHE Speaker.

By Order W^m HERRITAGE Clk.

5th March 1764

Then the Alterations above mentioned, were made in the said Bill, in presence of the Members sent for that purpose. And on motion, the same Bill was put the third time and passed with Amendments. Ordered to be Engrossed.

Received from the Assembly by Mr. Caswell and Mr. Mackelwean, the following Message viz^t.

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In answer to your Message wherein you propose to *dele* that part of the Bill, for annexing part of Craven County to Dobbs County, which relates to the removal of the Court House, from the place where it now stands to Kingston, we agree thereto and send Mr. Caswell and Mr. Mackelwean two of the Members of this House to see the same done.

JOHN ASHE, Speaker.

By order W^m HERRITAGE Clk.

5th March 1764

Then the Alteration in the said Bill, was made in the presence of the Members, sent for that purpose, and then On motion, the Bill was put the third time and passed with Amendments. Ordered to be Engrossed.

Received from the Assembly, by Mr. Harnett and Mr. Moore the following Message to wit,

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your^{*} Message of this day, relative to the Word "*House*" in the Bill for defraying the Expence of his Majestys Honourable Council, and the Members of the Assembly being *dele'd*, and in place thereof the Word *Board* inserted, we find the word as well as *House*, made use of in a former Act of Assembly, yet to prevent any Misunderstanding between this House and your Honours, we are willing the Word *Board* in the above mentioned Bill be *dele'd*, and instead thereof, the Word *Council* be inserted, which if your Honours agree to, the two Members who bring this, will see the same inserted.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE Clk.
5th March 1764.

Then the House adjourned till 10 o'clock to Morrow morning.

Tuesday Morning March 6th 1764 The House met according to adjournment.

Present

| | | | | |
|------------------------|---|-------------------------------------|---|----------|
| The Hon ^{ble} | { | James Murray | } | Esquires |
| | | James Hasell | | |
| | | Lewis De Rossett | | |
| | | John Sampson | | |
| | | Henry Eustace M ^c Culloh | | |
| | | Alexander M ^c Culloh | | |

On motion, Ordered that the following Message be sent to the Assembly

MR. SPEAKER, AND GENTLEMEN OF THE ASSEMBLY,

A dispute about Words would be frivolous, were it not introductive of a dispute about Things and Powers, and as we are determined to maintain and Support firmly those Powers, and Authorities with which the Crown hath invested us, we will not permit you in any

Bill, Resolve or Message, to call us by any other Name less Respectable than that of *House*, and we have the greater Right to insist on this, as we never fail in any mark of respect to you, which can reasonably be desired.

We are therefore to inform you that unless you amend the Bill in question, by re-inserting the word *House*, as it stood on the second reading here, we will not pass that, or any other Bill, or Concur with you in, any Resolve or Estimate.

In the Upper House of Assembly

By Order

BURGWIN Clk.

6th March 1764

Received from the Assembly by Mr. Sugg and Mr. Taylor Junior, the following Message to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

We are sorry that a name in every respect, dignified and Honourable, importing Wisdom and deliberation, and which his Majesty has been graciously pleased to confer on you, should become so strangely disagreeable to your Honours, as to produce a Message threatening destruction to all Bills before you, however Serviceable they may become to the publick, unless this House will agree to the Alteration of the Name, your Honours seem so desirous to get rid of, to that of *House*. We cannot but consider this Message as inflammatory in its Tendency, and Obstructive of Publick Business in its consequences; and as such must observe to your Honours that a Measure of this Sort, we humbly conceive inconsistent with those professions of regard to the Publick, which your Honours have been pleased to make on several other Occasions, and that duty which is due from each Branch of the Legislature to his Majestys Subjects, inhabiting this Province, it is we apprehend very immaterial to the Crown or to the people which Laws be enacted by the Governor, Council and Assembly, or by the Governor, Upper and lower House, the Advantages arising therefrom will always be in proportion to the Wisdom of their Formation.

This House, however, more attentive to the Interest of the publick, and to things and powers, (which we are persuaded will neither be changed or increased by the alteration you propose,) than sounds, will for the sake of that peace and Harmony, which we consider is indispensably necessary to subsist, among the several Branches of the Legislature, readily agree that the word "*House*," shall be *steted*

in that Bill, and shall send two of the Members of this House, to see the same done;

And to prevent any disputes for the future, we will propose that the Committee of both Houses, should meet tomorrow Evening, at any place your Honours shall appoint, to settle a proper decorum between the two Houses.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE Clk.

6th March 1764.

Then on motion, the Bill to continue Couchet Jouvencal Esquire, Agent for this Province, was Read the second time, amended and passed.

On motion Ordered that the following Message be sent to the Assembly

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

As we think it our duty, to address his Majesty on the late Hon^{ble} Peace, we desire if you are in the same Sentiment, that you will please to appoint such of your Members as you see fit, a Committee to Join the Hon^{ble} Lewis De Rossett and Henry Eustace M^cCulloh a Committee on the part of this House to prepare the said address

6th March 1764 In the Upper House of Assembly

Then the House adjourned till 10 o'clock tomorrow Morning.

Wednesday Morning March 7th 1764 The House met according to Adjournment.

Present

| | | | |
|--------------------------|-----------------|---|---------------------|
| The Hon ^{ble} { | James Murray | John Sampson | } Esq ^{rs} |
| | James Hasell | Henry Eustace M ^c Culloh | |
| | Lewis DeRossett | Alex ^r M ^c Culloh | |

Received from the Assembly the following Message to wit—

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

In answer to your Message of this day relative to the appointment of a Committee of this House, to join the Honourable Lewis De Rossett and Henry Eustace M^cCulloh Esquires, to prepare an Address to his Majesty, on the late Honourable Peace, we have ap-

pointed Mr. Cornelius Harnett, Mr. John Starkey and Mr. Joseph Montford, a Committee of this House for that purpose.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE C^{lk}

6th March 1764

Then on motion the Bill for the more effectual detecting and punishing the Makers and Utterers of Counterfeit Bill Money Robbers and other Felons—was read the second time amended and passed.

Received from the Assembly by Mr. Montford and Mr. Harris A Bill, for the more effectual detecting and punishing the Makers and Utterers of Counterfeit Bill Money &c.

On motion, Read the said Bill the third time and passed. Ordered to be Engrossed.

On motion, the Bill to continue Couchet Jouvencal Esq^r Agent of this Province, was Read the third time and Ordered that the following Message be sent to the Assembly—

MR. SPEAKER, AND GENTLEMEN OF THE ASSEMBLY

In Reading the third time, the Bill to continue Couchet Jouvencal Esquire Agent to this Province, we must insist upon the reinstating of that proviso which you *dele'd*, relative to a Member of our House being of the Quorum of the persons corresponding; the propriety of it must Occur to you, if you are pleased to consider that as we admit a double Number of the Committee from your House, unless a Negative is vested in us, we should in fact be Cyphers, which we shall not willingly agree to We hope the Utility of the Bill, and the reasonableness of this amendment, which we adhere to, will induce you not to lay us under a necessity of Rejecting it.

Then on motion, Ordered that the following Message be sent to the Assembly—

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

If we were to consider our feelings, in preference to the desire we have, to prefer the publick Good to all other Considerations, we should think Ourselves very well Justified, in animadverting in a proper manner upon that Spirit of Aggravation which appears upon the face of your last Message, but as this House have received that publick Satisfaction thereby, which we are unanimously of Opinion, the Duty we owe to the Crown, the Publick and Ourselves, laid us

under a necessity of insisting upon from you, We shall proceed to give the Publick Business all the dispatch in our Power.

But at the time we must Observe to you, that our Objection to the term of *Council*, did not proceed from any Opinion, that it was in your Power to give us One more Honourable but from a Resolution of being addressed in our different Capacities, by proper and adequate Titles

As to those reflections you throw out, against the Resolution we took upon this dispute, we flatter ourselves, no person who considers impartially, will determine it improper, and as to our desires to promote the public Good, we hope our proceedings will ever Evince their Sincerity; and we may not be Cloathed, with the Specious Title of Representatives of the People, Our desires and intentions to promote and support their just Rights and Properties, are equally as strong as yours.

We are sensible that an indecent Spirit of Animadverting upon this House, has been often a popular procedure, but we must inform you that the easiness of our predecessors may have encouraged former Assemblies to treat this House with less respect, than they are Justly entitled to, we for our part are firmly determined never to attempt the least disrespect or Encroachment upon your Rights and Privileges, nor to permit Ourselves to be treated at any time in a manner derogatory of those Honours and Powers, which we apprehend to be our just due.

We sincerely wish, that this may be the last occasion on which we shall be forced to enter upon this truly disagreeable Subject, and that the two Houses may cordially strive for the future, to make themselves both truly Honourable by mutually giving that Honour and Respect to each other which they are entitled to.

With respect to the amendments, which we apprehend to be necessary in the Bill for defraying the Expence of his Majesty's Honourable Council, and the Members of the Assembly &c they are as follows

We propose that the Certificates or Tickets, of the Members of this House, should be signed by Our President only, and not countersigned by your Speaker, or if you chuse the Alternative, that all Tickets or Certificates should be countersigned by both

We propose further to reinstate all those Clauses in the Bill which relate to each Countys paying their own particular Members and to Ascertain the Tax; or we will agree further, that the Wages of your House, be paid by the Treasurers, out of the contingent fund, to be

replaced by the Tax to be laid on the Counties, each for its own Members, and for the Member of any Town within the County.

To which if you agree, you will please to send some of your Members to see the same inserted accordingly.

Then on Motion, the Bill to Impower the Publick Treasurers to draw for the proportion of Money granted by Parliament &c. was Read the Second time, amended and passed.

Received from the Assembly by Mr. Kenan and Mr. Coale, the following Message to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

We desire to observe to your Honours, that it has always been a practice, to appoint a Majority of a Committee of Correspondence in this House, and that we cannot see any reason to deviate from a Custom, which no Inconvenience has ever yet arose from. We therefore cannot agree with you, in the inserting the Clause you propose, We are sorry that a difference of Opinion, should Occasion the loss of a Bill, which we agree with your Honours, will be if passed into a law, of great utility to the Province,

JOHN ASHE, Speaker.

By Order W^m HERRITAGE Clk.

7th March 1764

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

The Chairman of the Committee of Accounts hath Reported that John Starkey Esquire, Publick Treasurer of the Southern District, hath paid into the hands of the said Committee the sum of Five hundred and Sixty nine pounds in Notes, uttered a Secnd time, £1104.12.6 in Treasurers Notes Interest included, and £1140.9.8 on the Sinking Fund, which said several Sums amounting in the whole to £2814.2.2 are by law to be burnt; This House have therefore appointed a Committee of the whole House, to join yours at the House of John Campbell in Wilmington at 5 o'clock this Evening.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE, Clk.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your Message, relative to the several Alterations you propose in the Bill, for defraying the Expence of His Majesty's Hon-

ourable Council, and Members of the Assembly &c. we cannot con-
curr in any of the alterations proposed by the said Message.

JOHN ASHE Speaker.

By order W^m HERRITAGE Clk
7th March 1764.

Then the Bill for defraying the Expence of the Members of his
Majesty's Honourable Council and the Members of the Assembly
&c. was put the third time and rejected.

On motion Ordered that the following Message be sent to the
Assembly

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

In answer to your Message of this day relative to burning the
several Sums, paid on the Sinking Fund, into the Committee of Ac-
counts, the Chairman of our Committee, having made a Report
similar to that of your Committee;

This House have appointed a Committee of the whole House, to
see the sum you mention burnt at the House of Mr. John Campbell
in Wilmington at the time you mention.

By Order BURGWIN Clk.

7th March 1764.

Then on motion the Bill to continue Couchet Jouvencal Esquire,
Agent for this Province, was put the third time and Rejected.

Received from the Assembly by Mr. Kenan and Mr. Coale the
Bill to Impower the Publick Treasurer, to draw for the proportion
of Money, granted by Parliament to this Province &c.

Then the House adjourned till 10 o'clock tomorrow morning

Thursday Morning March 8th 1764 The House met according to
adjournment.

Present

| | | | | |
|------------------------|---|-------------------------------------|---|---------------------|
| The Hon ^{ble} | { | James Murray | } | Esq ^{rs} . |
| | | James Hasell | | |
| | | Lewis De Rossett | | |
| | | John Sampson | | |
| | | Henry Eustace M ^c Culloh | | |
| | | Alexander M ^c Culloh | | |

Then on motion, the consideration of the Petition of Hannah
Dunbibbin and the Resolve of the lower House of Assembly for

Fifty pounds to be paid her for the Services therein mentioned, was again resumed and concurred with.

By Order

BURGWIN Clk.

On motion the following address was taken into consideration and Ordered to be entered on the Journal to wit

NORTH CAROLINA—SS.

To his Excellency Arthur Dobbs Esq^r Captain General Governor and Commander in Chief, in and over his Majestys Province of North Carolina.

The Address of his Majesty's Council, and the House of Assembly of this Province.

We, the Members of his Majestys Council, and the House of Assembly of this Province, beg leave to acquaint your Excellency, that Jeremiah Vail, late receiver of the Dutys of Rum and Spirituous Liquors in the port of Beaufort, at the time of his death, was largely in arrear to the Publick, on account of the said Dutys by him in his life time received, since whose Death, the Publick commenced an Action against the Administrators of the Estate of the said Jeremiah Vail, and recovered a Judgment for the said Arrears, and in Order to receive the Benefit of the said Judgment, the same was carried into Execution against, the Goods, Chattels, Lands and Tenements of the said Jeremiah Vail, whereof he was possessed at the time of his death, and those Goods and Chattels sold; but the Money arising by such Sale, falling greatly short of the said Debt, the said Lands were also exposed to Sale, few Bidders appearing and those not offering scarce half the value of the said Lands which if taken would have still fallen short of the Original Sum recovered, therefore the Sale of those Lands was postponed, being well assured, if they might be sold on reasonable credit, the price thereof would be greatly enhanced, and thereby the public receive the most part (if not all of the Debt) recovered as aforesaid; Therefore we are of Opinion and have resolved, that the Treasurer of the Southern District, do Order the Sheriffs to whom the said Executions are directed, to sell the said Lands on Six Months Credit, taking good Security upon Bond, and Judgment from the person or persons, purchasing the same, and deliver the Bonds when taken to the said Treasurer, from whence we have great reason to hope the public will not lose any part of the Debt due from that Estate, and desire your Excel-

lency will be pleased, to approve of our Resolution, and Concur with us therein.

Signed JAMES MURRAY President

JOHN ASHE, Speaker.

17th February 1764.

Received from the Assembly, by Mr. Starkey and Mr. Harnett, the following Message to wit

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have Resolved that the Sum of Twenty Pounds, be paid by the Public Treasurers to Lazarus Crul, and Ten pounds to Joseph Ford for their apprehending one William Willis, a noted Rogue and bringing him to the Gaol in Wilmington, and that the said Treasurers be allowed the same on passing their Accounts, and desire your Honours Concurrence thereto.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE C^{lk}.

8th March 1764

On motion the above Resolve was taken under consideration and concurred with

Received from the Assembly by Mr. Starkey, Mr. Montford, and Mr. Harnett the Reports of the Committee of Accounts (concurred with in the lower House) for the concurrence of this House

Received from the Assembly by Mr. Kenan and Mr. Sumner, the following Message to wit

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House taking into consideration the necessity of printing the Laws which may pass this Session, the Journals &c. have Resolved that the Honourable James Murray Esquire, John Ashe, John Starkey, Cornelius Harnett and Thomas Clifford Howe Esquires, or the Majority of them do agree with such person they shall think proper for a sum not exceeding Two hundred pounds to print the Laws which shall pass this Session of Assembly, the Journals of the House of Assembly, and all other Acts of Government for One Year; which said Laws and Journals shall be dispersed by the person who shall print the same, to the several Counties of this Province, in the manner and for the same use and purposes, as the late Printer James Davis was obliged to do, by an Act of Assembly

passed in the year of our Lord 1760, appointing the said James Davis Printer to this Province, and desire your Honours Concurrence.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE C^{lk}.

8th March 1864

Then on motion the said Resolve was taken under Consideration and Concurred with.

JAMES MURRAY President.

By Order JOHN BURGWIN C^{lk}.

Received from the Assembly by Mr. Wynns and Mr. Jones the following Message to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House in Reading the Petition of Charles Cogdell, and on mature consideration had thereon, have Resolved that the public Treasurers do pay the said Charles Cogdell, the legal Interest on the sum of £1199.9—being the sum due to him from the Public, until that sum be paid him, and that the Treasurers be allowed the same on passing their Accounts with the Publick.

JOHN ASHE Speaker.

By Order W^m HERRITAGE C^{lk}.

8th March 1764

On motion, Read and Concurred with.

JAMES MURRAY, President.

Received from the Assembly the Reports of the Committee of Claims (concurred with in the lower House) for the Concurrence of this House.

On motion, Ordered that the following Message be sent to the Assembly to wit

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Your Message proposing to allow Interest, to Charles Cogdell for the sum of £1199.9 due to him from the Public, being highly just, is very agreeable to us, and we are unanimously of Opinion that the same regard to Justice and the publick Faith, ought to induce the Legislature, to allow Interest to every other Creditor of the Public, and particularly to Colo^l Hugh Waddell, Major Bailey and Mr. Walter Lindsay which Hon^{ble} procedure would in the end, be truly

a saving to the Province as it would encourage good Servants to behave well and to serve on the lowest terms.

In the Upper House of Assembly

By Order

BURGWIN C^{lk}

8th March 1764

On motion the Bill to Impower the Public Treasurers to draw for the proportion of Money granted by Parliament to this Province &c. was Read the third time and Ordered that the following Message be sent to the Assembly, viz^t.

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY,

On Reading over for the third time, the Bill to Impower the Publick Treasurers to draw for the proportion of Money granted by Parliament to this Province &c. we observe you have reinstated that part, which relates to the Allowance proposed by it to be made to Mr. Bacon which we can by no means agree to; and therefore propose it should be amended as it stood upon the second Reading with us. Our reason for this Opinion must be obvious to you.

As we have found Ourselves under the necessity of Rejecting the Bill, for appointing an Agent, we are to observe to you that in case you think proper to agree to our amendment proposed in the above Bill, it will be necessary to prepare and insert a Clause, to Impower Mr. Jouvencal to receive from the Right Honourable the Lords of the Treasury, the proportion of the Parliamentary Grant allotted to this Province, for the Service of the War in the year 1761.

We would further propose that a Clause be added to the Bill to repay the Governor £400 Sterling the sum he advanced for 134 Men, at the request of S^r Jeffrey Amherst.

To which Amendments if you agree, you will send some of your Members to see the same made.

Then the House adjourned till 10 o'clock tomorrow Morning.

Friday Morning March 9th 1764. The House met according to adjournment

Present

| | | | | |
|------------------------|---|------------------|--|---------------------|
| The Hon ^{ble} | { | James Murray | John Sampson | } Esq ^{rs} |
| | | James Hasell | Henry Eus ^e M ^c Culloh | |
| | | Lewis De Rossett | Alexander M ^c Culloh | |

On motion, Ordered that the following Message be sent to the Assembly to wit

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY,

On considering the Report of your Committee of Claims We must Observe to you, that we do not apprehend the sum of £266.13.4 allowed for the Governors claim of £200 Sterling, is at all adequate in value; we therefore propose that the same should be rated, according to the real value of Exchange;

On considering likewise the Report of your Committee of Accounts, we observe that John Starkey Esquire, Publick Treasurer has charged One hundred and twenty Nine pounds Ten shillings, paid to James Davis Printer, said to be in part of a Resolve of last Session for Two Hundred Pounds; but as no such Resolve ever received the Concurrence of this House, we shall not allow the same; as we will by no means admit that the Treasurers are Impowered, or Authorised to pay away any Money, on the Foundation, of the Resolve of either House, but as it is the Mode, and not the Substance of the payment which we object to, if you will prepare and send us up a Resolve for that purpose, it shall meet with our Concurrence.

By Order

BURGWIN Clk.

9th March 1764

Received from the Assembly the following Messages by Mr. Moore and Mr. Brown

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

Mr. Starkey from the Committee appointed to prepare an Address to his Majesty, Reported that the Committee had prepared the same, which is approved of by this House, and herewith sent, to which desire your Honours Concurrence.

JOHN ASHE Speaker.

By Order

W^m HERRITAGE Clk.

9th March 1764

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House on Reading the Petition of Walter Lindsay, which we herewith send you, having duly considered the same, have resolved that the said Walter Lindsay, be allowed the legal Interest on the Sum of £557.1.—from the 25th March 1763, and paid him by the Treasurers, until he shall receive the said Sum of £557.1.—which

the Public is in arrear to him, and desire your Honours Concurrence thereto.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE C^{lk}
8th March 1764

On Motion Read and Concurred with.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

The Treasurer of the Southern District, having paid James Davis Printer, One hundred and Twenty Nine pounds Ten Shillings as appears by Report of the Committee of Accounts, for printing the Laws & Journals of the last Session of Assembly and other Services, in consequence of a Resolve of the said Assembly, which payment this House having allowed him, desire your Honours Concurrence.

JOHN ASHE Speaker.

By Order W^m HERRITAGE Clk
9th March. 1764

On Motion read and Concurred with

On Motion Ordered that the following Message be sent to the Assembly to wit

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

The address to his Majesty on the Peace prepared by your Committee and approved by your House, sent with your Message of this day, desiring our Concurrence, differing in some particulars from the Address prepared by your Committee, which we prefer This House is content that you address his Majesty seperately, on that Joyfull Occasion and we return your former Address for that purpose.

Received from the Assembly by Mr. James Moore and Mr. Knox, the following Message to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In Answer to your Message this day, relative to the allowance of £266.13.4 made to the Governor by the Committee of Claims, we must inform you that this House do not admit it as a matter of

Claim or Right, but allowed merely as a compliment, therefore cannot concur with your Honours in the Alterations proposed.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE Clk.

9th March 1764

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In answer to your Message of yesterday, (but received this day) regarding the Bill to Impower the Public Treasurers, to draw for the proportion of Money granted by Parliament to this Province &c. we must Acquaint you that that Bill was duly considered by us, on its third reading in this House, and as no Reasons appear to induce us to alter that Bill, We therefore must inform your Honours We cannot concur that any alteration be made therein,

JOHN ASHE, Speaker.

By Order W^m HERRITAGE Clk.

9th March 1764

Then on Motion, the Bill to Impower the Publick Treasurer, to draw for the proportion of Money granted by Parliament &c. was put the third time, and rejected.

Received the Estimates of the lower House of Assembly which were Read and concurred with, and returned to the Assembly.

Sent to the Assembly the Estimate of Allowances &c, of this House and received the same back, concurred with in the Assembly.

Then his Excellency the Governor, came to this House, and commanded the immediate attendance of the Speaker and Assembly, who attended accordingly, and presented his Excellency, with the following Acts for his Assent to wit

1st An Act concerning Vestries.

2nd An Act for appointing a Militia;

3rd An Act, for encouraging the Culture of Hemp & Flax &c.;

4th An Act for appointing Public Treasurers.

5th An Act, to continue An Act, intituled an Act, to make provision for paying the Chief Justice & Attorney General &c.

6th An Act, to Impower the Inferior Courts of the several Counties in this Province, to order the laying out the public Roads &c.

7th An Act, for destroying Vermin &c.

8th An Act, to Amend an Act, intituled an Act, for the Relief of such persons as have suffered or may suffer by not having had their Deeds or Mesne Conveyances proved &c.

9th An Act, for the more effectual detecting and punishing Money makers &c.;

10th An Act, for suppressing excessive and deceitfull Gaming.

11th An Act, to continue an Act to amend & further continue an Act for facilitating the Navigation of Port Bath &c.

12th An Act, for erecting part of S^t Philips Parish in New Hanover County, into a separate County by the name of Brunswick County, and for dividing the County of Granville &c.

13th An Act, for adding part of Craven to Dobbs County;

14th An Act, for altering the dividing Line, between Bladen and Cumberland.

15th An Act, for altering the dividing Line, between Dobbs & Pitt;

16th An Act, for laying a Tax, on the inhabitants of the several Counties, of the District of Salisbury Superior Court, to repair the Publick Goal &c.

17th An Act, for Erecting in the Town of Halifax, a publick Goal, and Goalers House for the District of Halifax &c.;

18th An Act, for Ascertaining a proper place, for Building thereat, a Court House, Clerks Office, Prison & Stocks for the County of Edgecombe;

19th An Act, to Impower the Sheriff of Orange to collect and apply the arrears of the Taxes due, in the said County &c.

20th An Act, for Building a School House &c at New Bern.

To which Acts, his Excellency was pleased to give his Assent.

Saturday Morning March 10th 1764.

Present.

| | | | | |
|------------------------|---|-------------------------------------|---|--------------------|
| The Hon ^{ble} | { | James Murray | } | Esq ^{'rs} |
| | | James Hasell | | |
| | | Lewis De Rossett | | |
| | | John Sampson | | |
| | | Henry Eustace M ^c Culloh | | |
| | | Alexander M ^c Culloh | | |

On motion, the Report of the Committees of Accounts, and Claims were Read, approved of and Concurred with, and sent to the Assembly.

Received from the Assembly, by Mr. Harnett and Mr. Starkey the following Message to wit.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have Resolved, that the Treasurers pay into the hands of Cornelius Harnett Esquire, Eight Pounds, to supply William Miller, now detained in Goal at Wilmington, as an Evidence in behalf of our Sovereign Lord the King, against James Farr and others, with such Necessaries, as the said Cornelius Harnett shall think fit.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE Clk.

9th March 1764. Read and Concurred with.

JAMES MURRAY President.

Received from the Assembly, by Mr. Harnett and Mr. Starkey, the following Message to wit

Saturday the 10th March 1764

In the Assembly

Resolved that the Treasurers of this Province be Impowered, to draw by Bills at the highest Current Exchange on James Abercrombie and Samuel Smith Esquires, for whatever Sum or Sums of Money, shall be in their hands, of the proportion of the Parliamentary Grant, allowed this Province, and that the Money arising therefrom, be applied by the said Treasurers towards discharging the sum due to his Excellency the Governor for the Purchase Money of the Land called Tower Hill, and the sum allowed him this Session as per Report of the Committee of Claims, and other Publick Debts due from this Province; and in Aid to the Taxes, defraying the contingent charges of Government

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have Resolved as above, and desire your Honours Concurrence thereto.

JOHN ASHE, Spkeaker.

By Order W^m HERRITAGE Clk.

10th March 1764.

Then on motion, the foregoing Resolve was taken under Consideration and Ordered that the following Message be sent to the Assembly.

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY

In answer to your Message of this day, for Impowering the Pub-

lic Treasurers, to draw on James Abercrombie and Samuel Smith Esquires, for the money in their hands, this House will concur with your Resolve, under the following Regulations,

1st. That a Schedule of all the considerable Public Debts be first prepared, Concurred with and Annexed, to the Resolve;

2^d. That his Excellency the Governor, or Commander in Chief for the time being, draw the Bills in such sums as shall be required, in favour of the Public Treasurers, who shall Indorse the same, and from time to time, render to his Excellency an Account to whom, and upon what terms they dispose of the said Bills;

3^d. That the Public Treasurers only be allowed a Commission of One per Cent, for the sums they shall receive for the said Bills;

To which proposals if you agree, you will prepare a Schedule and Resolve accordingly.

Received from the Assembly the following Message to wit

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your Message wherein you propose to concur with that of ours to you, relative to the Treasurers being Impowered to draw on James Abercrombie and Samuel Smith Esquires under certain Regulations, we must acquaint you, that we find the time in this Session will be too short (as we think it will end this day) to form a Schedule of the Publick Debt; and as to that part of your Message, wherein you propose, that the Governor draw the Bills, we would observe to you, that we think the Public will be very safe, in allowing the Treasurers only to draw, especially when we consider they give Security for the faithfull discharge of their Office in the sum of Twenty Thousand pounds sterling for which reason we cannot concur with you on those Heads, as to your third proposition, of allowing to the Treasurers a Commission of One per cent, for the sums they shall receive for the said Bills, we have no Objection.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE Clk.
10th March 1764

On motion, the following Message was sent to the Assembly, to wit,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On considering your Message of this day relative to the drawing for the money at home, we would propose that you should explain

your Resolve by specifying that by the *Words Public Debts* you intend no other than such as have received the sanction of the whole Legislature; We further propose that the Treasurer should be directed to give his Excellency a Bill for £200 Sterling, on Account of the Claim put in by him, and allowed by the two Houses this Session;

If you will prepare, and send up a Resolve to this purpose, it shall meet with our Concurrence.

Received from the Assembly, by Mr. Simpson and Mr. Fifer, the following Message, to wit,

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your last Message of this day, relative to the drawing for the money at home, to prevent disputes with your Honours, we do agree that it be added to the Resolve of this House this day sent you; That the Treasurers should be directed to give his Excellency a Bill of £200 Sterling, on account of the sum allowed him, as per the Report of the Committee of Claims this Session, and desire your Honours Concurrence thereto, and as nothing further is before this House, desire your Honours will please to return a speedy Answer.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE Clk.
10th March 1764

Then the Consideration of the first Resolve of this day, was again taken under consideration, as also the above, and both returned to the Assembly Concurred with.

Received from the Assembly by Mr. Wynns and Mr. Hardison, the following Resolve and Message to wit

March 3^d in the Assembly

Resolved that ten Men, and One Commiss^d Officer be appointed to Garrison Fort Johnston, the Officer @ 4^s per Diem & Eight pence for Subsistence, the Men at 1^s 4^d per Diem and Eight pence each for their Subsistence, and that four Men and One Commissioned Officer, be appointed to Garrison Fort Granville, the Officer at 2^s per Diem and Eight pence for his Subsistence, the Men at 1^s 4^d per Diem and Eight pence for their Subsistence.

JOHN ASHE, Speaker.

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

We herewith send the Resolve of the House relative to the Garrisoning Fort Johnston, and Fort Granville, and desire your Honours Concurrence thereto.

10th March 1764 By Order W^m HERRITAGE C^{lk}.

Then on motion, Ordered that the following Message be sent to the Assembly to wit—

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On considering your Resolve, relative to the Garrisons of Fort Granville and Johnston, we must insist upon the Commissioned Officers being put upon the same footing, you will therefore alter your Resolve accordingly, as we cannot concur with it as it stands.

By Order JOHN BURGWIN C^{lk}

10th March 1764.

Received from the Assembly the following Message to wit—

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

In answer to your Message relative to the propositions, of putting the Officer of Fort Granville on an equal footing, with the Officer of Fort Johnston, we cannot agree, therefore desire your Honours concurrence to our former Resolve.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE C^{lk}.
10th March 1764.

Then on motion, the Consideration of the aforementioned Resolve was Resumed and Concurred with.

JAMES MURRAY, President.

By order JOHN BURGWIN C^{lk}.
10th March 1764.

Then his Excellency was pleased to prorogue the General Assembly by Proclamation untill the day of October next.

I hereby Certify, that the foregoing Sheets, contain a true copy of

the Journal of the Upper House of Assembly for February and March—Session 1764.

J^{no} BURGWIN C^{lk}

May 14, 1764.

[FROM MSS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

NORTH CAROLINA—SS.

At an Assembly begun and held at Wilmington the Third day of February in the fourth year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith (and so forth) and in the year of our Lord One Thousand seven Hundred and Sixty four, being the first Session of this present Assembly.

Friday the 3^d of February 1764.

Certificates of the Election of the following Representatives for the several Counties and Towns within this Province were by the Clerk of the Crown returned as follows, Viz^t

Craven County—Mr. Joseph Leech, Mr. Thomas Clifford Howe.

Onslow County—Mr. John Starkey, Mr. William Cray.

Wilmington—Mr. Cornelius Harnett.

New Hanover County—Mr. John Ashe, Mr. James Moore.

Brunswick—Mr. Maurice Moore.

Johnston County—Mr. Benjamin Hardy, Mr. Needham Bryan.

Bath Town—Mr. Wyriott Ormond.

New Bern—Mr. Alexander Elmsley.

Cumberland County—Mr. Farquhar Campbell, Mr. Walter Gibson.

Beaufort County—Mr. John Barrow, Mr. Thomas Bonner.

Granville County—Mr. Robert Harris, Mr. Samuel Benton.

Duplin County—Mr. Felix Kenan, Mr. Joseph Williams.

Bladen County—Mr. William Bartram, Mr. Isaac Jones.

Carteret County—Mr. Joseph Bell, Mr. William Coale.

Pursuant to which the following members appeared, to wit, Mr. John Ashe, Mr. Wyriot Ormond, Mr. Benjamin Hardy, Mr. Samuel Benton, Mr. Felix Kenan, Mr. Joseph Bell, Mr. Isaac Jones, Mr. Farquhar Campbell, Mr. James Moore, Mr. Walter Gibson, Mr. William Bartram, Mr. Joseph Williams, Mr. Cornelius Harnett, Mr. William Cray, Mr. Robert Harris, Mr. Maurice Moore, Mr. Needham Bryan and Mr. John Starkey.

Two of the members of his Majesty's Hon^{ble} Council to the House and the last above mentioned Eighteen members took the Oaths by Law appointed for their Qualification subscribed the Test and took their Seats.

William Herritage Clerk took the Oaths by Law appointed for his Qualification subscribed the Test and took his place.

Two members waited on his Excellency the Governor and acquainted him that Eighteen members were met—and being returned acquainted the members that his Excellency desired their attendance immediately

The members accordingly waited on his Excellency the Governor and his Excellency directed them to return and make Choice of a Speaker

The members Returned and Mr. Starkey proposed Mr. John Ashe for their Speaker who was unanimously Chosen and placed in the Chair Accordingly.

The members with Mr. Speaker waited on his Excellency the Governor and his Excellency was pleased to approve of their Choice

The House Returned

Then the House Adjourned till 10 o'clock to morrow morning.

Saturday the 4th of February 1764 The House met according to Adjournment

Two of the Members of his Majesty's Hon^{ble} Council came to the House and Mr. William Coale one of the Members for Carteret County appeared and took the Oaths by Law appointed for his Qualification subscribed the Test and took his seat in the House.

His Excellency the Governor sent a Message to the House desiring the Immediate attendance thereof in the Council Chamber.

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber where his Excellency made a Speech to his Majestys Council and this House a Copy of which to prevent mistakes Mr. Speaker obtained and laid the same before the House.

Ordered the same lye till Monday for Consideration

Then the House adjourned till Monday Morning 11 o'clock

Monday the 6th of February 1764 The House met according to Adjournment

Two of the Members of his Majestys Hon^{ble} Council came to the House and Mr. Martin Fifer and Mr. Richard Berry the two Representatives for Mecklenburg County Mr. Thomas Lloyd one of the

Representatives for Orange County appeared took the Oaths by Law appointed for their Qualification subscribed the Test and took their Seats in the House

The Order of the day being Read the House Resolved his Excellency's Speech lye till To morrow for Consideration

The House adjourned till 10 o'Clock tomorrow Morning

Tuesday the 7th of February 1764 The House met according to Adjournment

The Clerk of the Crown Presented Certificates of the Return of the Writs for Electing Representatives for the Counties of Tyrell, Hyde, Pasquotank, Northampton, Currituck, Edgecombe, Perquimons and Bertie, and also for the Town of Edenton, Thereby Certifying that Mr. William Mackey, Mr. Edmond Smithwick, Mr. Jacob Blount, Mr. William Barns and Mr. John Hardison, were Elected for Tyrell County, Mr. Thomas Smith and Mr. George Barrow for Hyde County, Mr. Samuel Swann, Mr. Thomas Taylor Jun^r Mr. Lemuel Sawyer, Mr. Joseph Jones, and Mr. Josiah Nash for Pasquotank County, Mr. Joseph Sykes, and Mr. Robert Jones for Northampton County, Mr. William Cumming Mr. Henry White, Mr. Stephen Williams, Mr. Francis Brown, and Mr. Samuel Barnard for Currituck County, Mr. Aquilla Sugg, and Mr. Joseph Howell for Edgecomb County Mr. John Harvey, Mr. Benjamin Harvey, Mr. Charles Blount, Mr. Seth Sumner and Mr. Andrew Knox for Perquimons County, Mr. Cullen Pollock, Mr. William Gray and Mr. Thomas Pugh for Bertie County and Mr. Samuel Johnston for Edenton

The Order of the day being Read the House took under consideration his Excellency the Governors Speech and Ordered the same be read, the same was read and ordered to be entered on the Journal of the House, and is as follows—Viz^t

[For the Governor's Speech see Journal of Upper House.—EDITOR.]

Then on motion, Resolved, that a Committee be appointed to prepare an Address in Answer to his Excellency the Governors Speech and Mr. Starkey, Mr. Harnett, Mr. Moore, Mr. Benton and Mr. Harris are accordingly appointed.

The Clerk of the Crown presented Certificates of the return of the Writs for Electing Representatives for the Counties of Dobbs, Halifax and Pitt, thereby Certifying that Mr. Richard Caswell and Mr. Francis Mackelwean were Elected for Dobbs County, Mr. George

Moy and Mr. John Simpson for Pitt County and Mr. Blake Baker and Mr. Joseph Montfort for Halifax County.

Two of the members of his Majesty's Hon^{ble} Council came to the House and Mr. Joseph Howell, Mr. Joseph Leech and Mr. Thomas Clifford Howe appeared took the Oaths appointed by Law for their Qualification subscribed the Test and took their Seats in the House.

Ordered Mr. Harnett, Mr. Harris, Mr. Montfort, Mr. Leech, Mr. Moore, Mr. Cray and Mr. Gibson be appointed a Committee to settle the Public Accounts of this Province, and Mr. Starkey, Mr. Caswell, Mr. Benton, Mr. Bartram, Mr. Kenan, Mr. Bell and Mr. Simpson to settle and allow Public Claims in Conjunction with such of his Majestys Hon^{ble} Council as they shall think fit to appoint.

Resolved the following message be sent to his Majesty's Hon^{ble} Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have appointed Mr. Harnett, Mr. Harris, Mr. Montfort, Mr. Leech, Mr. James Moore, Mr. Cray and Mr. Gibson a Committee of this House to settle the Public Accounts of this Province, And Mr. Starkey, Mr. Caswell, Mr. Benton, Mr. Bartram, Mr. Kenan, Mr. Bell, and Mr. Simpson to settle and allow Public Claims in Conjunction with such of your Honours as you shall think fit to appoint.

JOHN ASHE Sp.

Sent by Mr. Caswell and Mr. Howe.

Mr. Moore moved that a Committee of Privileges and Elections be appointed, and Mr. Moore, Mr. Montfort, Mr. Caswell, Mr. Starkey, Mr. Bell, Mr. Benton, Mr. Kenan, Mr. Harnett, Mr. Lloyd Mr. Simpson, Mr. Bartram, Mr. Campbell, Mr. Bryan, Mr. Williams and Mr. Isaac Jones are accordingly Appointed

Mr. Starkey moved that a Committee of Propositions and Grievances be appointed, and Mr. Kenan, Mr. Harris, Mr. James Moore, Mr. Leech, Mr. Lloyd, Mr. Hardy, Mr. Mackilwean, Mr. Montfort, Mr. Howell, Mr. Starkey. Mr. Simpson, Mr. Jones, Mr. Gibson, Mr. Coal, Mr. Barrow, Mr. Fifer, Mr. Ormond, Mr. Hardison, Mr. Harnett and Mr. Maurice Moore are accordingly appointed

Then the House Adjourned till 10 °Clock To morrow Morning

Wednesday the 8th of February 1764 The House met according to Adjournment

The House Adjourned till 3 o'clock Afternoon.

The House met according to Adjournment

Mr. Starkey from the Committee appointed to prepare an Address in answer to His Excellency the Governors Speech Reported that the Committee had prepared the same and laid it before the House for approbation

Ordered the same be read—The same is read, approved of by the House and Ordered the same stand the address thereof, and be entered on the Journal thereof, and is as follows Viz^t

To His Excell^y Arthur Dobbs Esq^{re} Captain General, Governor and Commander in Chief in and over His Majesty's Province of N. Carolina.

The Address of the Assembly of the said Province.

SIR,

We beg leave to congratulate your Excellency's safe return from the late Congress with the other Southern Governors at Augusta, nothing less than your known zeal for the Public in obedience to His Majesty's commands could induce your Excell^y in such an advanced time of life and declining state of health to undertake so long & hazardous a journey.

How agreeable must it be to us to be assured the Treaty had it's desired success, we have reason to hope the claims and boundaries of the several Indian Nations you are pleased to mention being now adjusted & settled to their satisfaction, the peace made with them may prove durable and lasting; but as the execution of the Treaty may in some instances affect the People of this Province, we humbly request the terms of the Treaty may be communicated to us, that our Constituants may conform their conduct thereto.

As the Province still labours under a large debt occasioned by the many liberal grants made for the service of the late war, it is great pleasure to us that no new aid is required, we shall provide a few men to guard the Forts you are pleased to mention and to take care of the Artillery and Stores belonging to them.

We are sensible Hemp and Flax exported to our Mother Country will make a valuable remittance, and intend to provide proper encouragement to promote the cultivating & raising those Commod-

ities for that Purpose. The Tonage duty on shipping has been a heavy burden upon our Trade, but being now expired, we shall enquire what is become of the large sums already collected, how it has been applied or in whose hands it lies, and should that fall short and the Public service require it, re-enact some part of that duty for the purposes you are pleased to mention.

We thank your Excellency for your promise to concur with this House and the Council, in drawing for and applying the money in the Agents hands in London in order to pay off the Public debts and claims, by which means it will appear how farr the tax for Contingencies will prove deficient and so provision may be made accordingly.

As the emission of new Bills to exchange for those torn, or worn, must be attended with considerable expense, we are clearly of opinion were the several Treasurers and Sheriffs strictly enjoined to exchange all such ragged and torn Bills that shall be tendered for that purpose for any Public money in their hands which might every Assembly be burnt on the sinking fund, would answer all the purposes seemingly intended by a new Emission.

We agree with your Excellency that several of our Laws are expired and require re-enacting, and others may need amending, particularly those four you are pleased to mention, We shall take them into our consideration and make provision accordingly, but we are sorry to differ in opinion with your Excellency in regard to your construction of the Law for appointing Treasurer's as tho' that was also expired, We apprehend that Law from the very words of it is perpetual, the Tax imposed by it was indeed temporary which time is now elapsed, we must inform your Excell^y that great part of that Tax is not yet come into the Treasury, & it may be doubted whether it could be recovered in case that Act was really expired.

We heartily wish the number of regular clergymen in the Province was increased and are perswaded that the settling ministers in the several Parishes would greatly tend to amend the morals of our people & prevent those evils you are pleased to point out, Permit us to say Provision is by Law made for the support of the Parochial clergy as farr as the circumstances of our Constituents could admit, as also large sums granted for Glebes and schools under a suspending clause untill His Majesty's pleasure was known, those sums have been borrowed for the service of the late war and since in part for contingencies, if your Excellency would be pleased to inform us whether you have any instructions to apply them for the purposes

originally intended, in such case the necessity of a Parochial tax will be very much lessened.

Your Excellency's readiness to concur in all Laws calculated for those salutary Purposes you are pleased to mention in order to promote the general good of the Province merit our grateful acknowledgments

JOHN ASHE, Speaker.

Feb^y the 9th day 1764.

Mr. Caswell Presented the Petition of Jacob Blount of Craven County complaining of the undue Election and Return of Mr. Thomas Cliford Howe for one of the Representatives for Craven County, which was read, Ordered the same be Referred to the Committee of Privileges and Elections and that they Report thereon to the House.

Mr. Bell moved that a Committee be appointed to prepare and bring in a Bill Concerning Vestries, And Mr. Starkey, Mr. Bell and Mr. Harnett are accordingly appointed.

Mr. Harnett moved a Committee be appointed to prepare a Bill to amend an Act Intituled an Act for dividing this Province into five several Districts and for Establishing a Superior Court of Justice in each of the said Districts and Regulating the Proceedings therein, And Mr. Caswell, Mr. Montfort and Mr. Starkey are accordingly appointed.

Mr. Harnett moved a Committee be appointed to prepare a Bill for the Inspection of the several Commodities therein named, And Mr. Harnett, Mr. Leech, Mr. Caswell, Mr. Ormond and Mr. Cray are accordingly appointed.

Mr. Kenan moved a Committee be appointed to prepare a Bill for appointing a Militia, And Mr. Leech, Mr. Kenan, Mr. Cray, Mr. Montfort, Mr. Bryan, Mr. Caswell and Mr. Moore are accordingly appointed.

Mr. Leech Presented a Certificate from the County Court of Craven thereby Certifying that Solomon Smith, is of the said County very poor old and infirm and recommending him to be exempt from paying Public Taxes. Granted.

Mr. Bryan Presented a Certificate from the County Court of Johnston thereby Certifying that Moses Sugg is of said County, aged, infirm and very poor and recommending him to be exempt from paying Public Taxes and doing Public duties. Granted.

sett and John Sampson Esquires a Committee of this House to settle and allow the Public Claims In the upper House Feb^{ry} 8th 1764

Then the House Adjourned till 3 o'clock Afternoon

P. M. The House met according to adjournment.

The Clerk of the Crown presented Certificates of the return of the Writ for Electing two Representatives for Anson County, Pursuant to which Mr. Anthony Hutchins and Mr. John Crawford appeared and before John Sampson and Alexander McCulloh Esquires two of the Members of His Majesty's Hon^{ble} Council took the Oath by Law appointed for their Qualification, Subscribed the Test and took their Seats in the House.

Two Members waited on his Excellency the Governor and Acquainted him the House desired to know when they [should] wait on him with the address thereof, and being returned, brought for Answer that his Excellency desired their Immediate Attendance

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber, and being returned Mr. Speaker acquainted the House that he had presented the Address thereof to his Excellency who was pleased to return an Answer thereto, a Copy of which to prevent mistakes he had Obtained Which is read, and Ordered to be Inserted in the Journal of this House, And is as follows

The Approbation you Express for my readiness in going to, and attending at the Indian Congress, and Congratulation upon my safe return gives me great satisfaction as well as the Zeal you Express for the real good of this Province

Mr. Gibson moved for leave to Present a Bill for altering the dividing Line betwixt the Counties of Bladen and Cumberland

Ordered he have leave Accordingly

Mr. Gibson Presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed, and Ordered to be sent to the Council

Mr. Benton moved for leave to Present a Bill for Erecting part of St Philips Parish in New Hanover County, and the lower part of Bladen County into a Separate County by the name of County, And for dividing the County of Granville and Erecting that part thereof called St John's Parish into a Separate and distinct County and other purposes

Ordered he have leave accordingly

Mr. Benton Presented the above mentioned Bill which he Read in his place and delivered in at the Table where the same was again Read by the Clerk, Passed, and Ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Gibson and Mr. Benton

Received from the Council the following Message (to wit)

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Taking into consideration your Message of this day for appointing a Committee to settle the Decorum to be Observed between this House and the Assembly and also for regulating the Estimates for the Clerks This House appoint the Hon^{ble} the President the Hon^{ble} James Hasell and John Rutherford Esquires a Committee to confer with the Committee of your House on the Premises, and to Report

In the upper House February 9th 1764

Received from the Council the Message sent to them this day regarding the allowance of Ten Pounds p annum to Daniel Dupee late Mace bearer to the same

Endorsed in the Upper House Concurred *Nem. Con.* 9th February 1764

Then the House Adjourned till 10 o'Clock to morrow morning

Fryday 10th February 1764 The House met according to Adjournment

Mr. Howell presented a remonstrance from the County Court of Edgcomb shewing that the place where the [Court is] held for the said County is usually very inconvenient for the Inhabitants of said County to attend at to transact the Public Business of the said County And also a Petition from several of the Inhabitants of the said County to the like purpose Praying the Court for the said County may be held at Tarborough and that a Court House Prison and Stocks may Also be there Erected &c^a Which was read

Mr. Howell moved for leave to Present a Bill pursuant to the Prayer of the said Petition

Ordered that he have leave, and that he present the same

Mr. Howell presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again Read by the Clerk, Passed, and Ordered to be sent to the Council

Mr. Starkey from the Committee appointed to prepare a Bill Concerning Vestries Reported the Committee had prepared the same, which he read in his place.

Ordered the same pass and be sent to the Council

Mr. Harnett moved for leave to Present a Bill to enable and Encourage William Dry Esquire to make a Public Road thro' the great Island opposite to the Borough of Wilmington.

Ordered he have leave accordingly

Mr. Harnett Presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, Passed, and Ordered to be sent to the Council

Sent the above three Bills to the Council by Mr. Leech and Mr. James Moore

Mr. Kenan moved for leave to bring in a Bill to impower the several County Courts in this Province to Order the laying out of Public Roads and Establish and Settle and to appoint where Bridges shall be built for the use and ease of the Inhabitants of this Province and other Purposes.

Ordered he have leave, and that he prepare and bring in the same.

Mr. Starkey from the Committee of Privileges and Elections Reported that the said Committee had proceeded on the Examination of the Election of one of the Members for Craven County and came to several Resolutions which he laid before the House, the same were Read and approved of by the House.

Received from the Council the Bill concerning Vestries Endorsed 10th February 1764 In the upper House, Read the first time and Passed

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday 11th February 1764 The House met according to Adjournment.

Mr. Starkey moved for leave to Present a Bill for encouraging the Culture of Hemp and Flax

Ordered he have leave accordingly

Mr. Starkey Presented the said Bill which he read in his place and delivered in at the Table where the same was again Read by the Clerk, passed, and Ordered to be sent to the Council

Mr. Harnett moved for leave to Present a Bill for Confirming the Charter of the Borough of Wilmington and other purposes

Ordered he have leave accordingly

Mr. Harnett Presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again Read by the Clerk, Passed, and Ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Harnett and Mr. Hardy

Mr. Harnett presented the Petition of Hannah Dunbibbin setting forth that her late Husband Daniel Dunbibbin in his life time was at great Expence and Labour in making out an accurate survey and Map of the sea Coast of this Province (and so forth)

Praying this House would take the same into consideration and make such allowance for the same as shall be thought proper

Ordered the same lye for Consideration

Mr. Starkey acquainted the House that several Executions were issued at the suit of the Public against the Land belonging to the Estate of the late Mr. Jeremiah Vail, and served, and the said Lands in consequence thereof have been Exposed to Sale, but as in such cases the Sales must be for ready money, therefore little more than half the value were Bid for said Lands, and desired the House would take into Consideration whether it would not be more Eligible to direct that the said Lands be sold on Reasonable Credit with sufficient Security that thereby the amount of the sale of the said Lands may be greatly Increased and the Public receive the most part (if not all) the Debt due to [from] him

The House taking the same into Consideration Resolved that the Public Treasurer of the Southern District give directions to the several Sheriffs having the said Executions for levying the Debt due to the Public to sell the said Lands at six months Credit on sufficient Security

Received from the Council the Bill for Encouraging the Culture of Hemp and Flax Endorsed the 11th February 1764. In the upper House of Assembly, Read the first time and passed

Received from his Excellency the Governor the Two following Messages in Writing (and also the Papers therein Referred to) Viz^t

MR. SPEAKER AND GENTLEMEN,

I herewith send you a letter dated the 27th of November 1762, which I received from Lord Egremont then his Majestys Principal Secretary of State for the American Appartment which I think proper to lay before you tho' it doth not affect the present Assembly, yet it shews his Majestys Resentment against the former Assembly for their undutiful behaviour in not raising Men or recruits so necessary then for the Public Service

This however will shew you for the future his Majestys sense of

such neglect, then so necessary for securing the future peace, Safety and Prosperity of his American Provinces.

I therefore hope the House of Assembly will approve of my having advanced my own money for that Service which his Majesty has approved of and of my two draughts of £200 each, which I drew upon the Agent in England to reimburse the sums I laid out here for that Public Service.

ARTHUR DOBBS.

Feb^{ry} 10th 1764.

MR. SPEAKER AND GENTLEMEN,

Having had lately a Copy of a Representation laid before his Majesty dated the 11th of November 1761, by the Lords Commissioners for Trade and Plantations relating to Grants made of Indian Lands which extends also to all the American Colonies as well as to New York and also against an Application for Granting Commissions to Judges *Quamdiu se bene Gesserint* in American Colonies, but only during Pleasure with their Reasons for the same, And also an Additional Instruction from his Majesty to me thereupon, I have thought proper to lay them before the House of Assembly for your future Consideration I have also sent you a Letter from the Lords Commissioners for Trade and Plantations dated the 17th of February 1762, directed to me in relation to the manner of appointing an Agent and disapprobation of making Lottery Bills for your Information and future Consideration

ARTHUR DOBBS.

February 10th 1764.

Ordered the Clerk take Copies of the Papers mentioned in the Two last above Messages and file the same among the Papers of this House

Received from the Council the Bill for ascertaining a proper place for building thereat a Court House, Clerks Office, Prison and Stocks for the County of Edgecombe.

The Bill to encourage and Impower William Dry to make a Public Road through the great Island opposite to the Borough of Wilmington

The Bill for Confirming the Charter of the Borough of Wilmington and other purposes, and

The Bill for altering the dividing Line between the Counties of Bladen and Cumberland Endorsed the 11th February 1764. In the upper House of Assembly, Read the first time and Passed.

And the Bill for Erecting part of St Philips Parish in New Hanover County and the lower part of Bladen County into a separate County by the name of County, and for dividing the County of Granville and Erecting that part thereof called St Johns Parish into a Seperate and Distinct County and other purposes Endorsed 10th February. 1764. In the upper House of Assembly, Read the first time amended and Passed

Mr. Williams moved for leave to absent himself from the Service of the House till Monday seve'night next

Ordered he have leave accordingly

Mr. Kenan moved for leave to absent himself from the Service of the House till Thursday next

Ordered he have leave accordingly

Then the House Adjourned till Monday 12 °Clock

Monday 13th February 1764 The House met according to Adjournment

The Clerk of the Crown presented to the House a Certificate of the Return of the Writ for Electing Representatives for Chowan County thereby Certifying that Francis Corbin, Thomas Jones, James Blount, Lemuel Benbury and James Bond were duly Elected Representatives for said County to sit and vote in this present Assembly

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

Executions having Issued on Judgments obtained by the Public against the Real and Personal Estate of the late Mr. Jeremiah Vail, and the Personal Estate after being sold not amounting to near the Value of the said Debt due to the Public, and the Lands having been exposed to sale to satisfy the Residue of the said Debt and no Bidders for the said Lands appearing the same were not sold, And this House being acquainted that if the said Lands were sold and six months Credit On Bond with good Security given it would greatly Enhance the price thereof, whereby the Public may Receive the full Ballance of the said Debt.

This House have therefore Resolved that the Treasurer of the Southern District give directions to the several Sheriffs who have the said Executions in their hands to sell the said Lands at six Months Credit on Bond with good Security, and desire your Hon^{rs} Concurrence thereto

JOHN ASHE Sp

Sent by Mr. Howe and Mr. James Moore

Mr. Leech from the Committee appointed to prepare a Bill for appointing a Militia. Reported that the Committee had prepared the same, which was Read, Passed and Ordered to be sent to the Council Sent by Mr. Howe and Mr. James Moore.

Mr. Montfort moved for leave to Present a Bill for Erecting in the Town of Halifax a Public Goal and Goalers House for the District of Halifax in this Province.

Ordered he have leave accordingly

Mr. Montfort presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again Read by the Clerk Passed and Ordered to be sent to the Council

Sent by Mr. Montfort and Mr. Benton

Mr. Caswell Presented the Petition of Sundry Inhabitants of Dobbs County, Praying an Act may pass for removing the Seat of the Inferior Court of the said County from Walnut Creek to Kingston &c^a which was Read,

On motion Ordered Mr. Caswell prepare and bring in a Bill pursuant to the Prayer of the said Petition, and also to annex part of Craven County to Dobbs County

Pursuant to Order Mr. Caswell brought in the above mentioned Bill which he Read in his place and delivered in at the Table where the same was again Read by the Clerk Passed ordered to be sent to the Council

Sent the same to the Council by Mr. Leech and Mr. Caswell.

Then the House adjourned till 10 o'clock tomorrow morning

Tuesday 14th February 1764. The House met according to Adjournment

On motion Ordered the Bill Erecting part of New Hanover County into a County by the name of County &c, And for Erecting part of Granville County into a County by the name of County &c, be read the Second time.

Read the same a second time amended Passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Maurice Moore and Mr. Harris.

Received from the Council the Bill for Annexing part of Craven County to Dobbs County and for removing the Seat of the Inferior Court of the said County of Dobbs from Walnut Creek to Kingston &c^a. And the Bill for appointing a militia Endorsed 13th February 1764. In the upper House, Read the first time and passed, and

The Bill for Erecting in the Town of Halifax a Public Goal &c Endorsed 14th February 1764. In the upper House of Assembly Read the first time and Passed

Two of the members of His Majesty's Hon^{ble} Council came to the House and Mr. Francis Corbin and Mr. James Bond two of the members for Chowan County, Mr. Thomas Taylor Jun^r one of the members for Pasquotank County and Mr. Andrew Knox one of the members for Perquimons County appeared took the Oaths by Law Appointed for their Qualification subscribed the Test and took their Seats in the House.

Mr. Harnett acquainted the House that Mr. Dry is desirous that the House would appoint a Committee thereof to view Fort Johnston and Examine whether the same be finished according to the agreement made with him for that purpose, in Conjunction with such of His Majestys Council as they shall think fit to appoint, and make Report thereof to the House, And Mr. Speaker, Mr. Corbin, Mr. Montfort, Mr. Caswell, Mr. Harnett, Mr. Harris and Mr. Starkey are accordingly Appointed.

Resolved the following message be sent to his Majesty's Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

Mr. Dry who undertook to finish Fort Johnston acquainted this House that he has finished the said Fort pursuant to his Agreement and desires a Committee may be appointed to view the same. This House therefore have appointed Mr. Speaker, Mr. Corbin, Mr. Montfort, Mr. Caswell, Mr. Harnett, Mr. Harris and Mr. Starkey a Committee of this House in Conjunction with such of your Honors as you shall think proper to appoint for that purpose.

JOHN ASHE, Speaker

February 14th 1764

Mr. Simpson moved for leave to Present a Bill directing the Boundary line between the Counties of Dobbs and Pitt and appointing Commissioners to see the same done.

Ordered he have leave accordingly.

Mr. Simpson presented the above mentioned Bill which he Read in his place and delivered in at the Table where the same was again Read by the Clerk Passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Simpson and Mr. Bryan.
Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to Adjournment.

Mr. Harnett moved for leave to Present a Bill for appointing a Treasurer for the Northern District in the Room of Thomas Barker Esquire. Ordered he have leave accordingly.

Mr. Harnett presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk Passed and Ordered to be sent to the Council.

On motion Ordered the Bill for Altering the dividing Line between the Counties of Bladen and Cumberland be read the second time. Read the same a second time, amended, Passed and Ordered to be sent to the Council.

On motion Ordered the Bill for Erecting in the Town of Halifax a Goal &c^a be read the second time. Read the same a second time, Amended, Passed and Ordered to be sent to the Council.

On motion Ordered the Bill for ascertaining a place to Build thereat a Court House Prison and Stocks in Edgecombe County be read the Second time Read the same a second time, amended passed and Ordered to be sent to the Council

Sent the above four Bills to the Council by Mr. Howell and Mr. Gibson.

Then the House adjourned till 9 o'clock tomorrow morning.

Wednesday 15th February 1764. The House met according to Adjournment.

Mr. Starkey moved for leave to bring in a Bill to Supply the Treasury by laying an Additional Duty on Wine and Distilled Liquors Imported into this Province, And also A Bill to Revive and Continue an Act Intituled an Act to make Provision for Paying the Chief Justice and Attorney General's Salaries and defraying the Contingent Charges of Government

Ordered he have leave accordingly

Mr. Starkey presented the Two above mentioned Bills which he read in his place and delivered in at the Table where the same were again Read by the Clerk Passed and Ordered to be sent to the Council.

Mr. Leech from the Committee appointed to prepare a Bill to Regulate the Inspection of the several Commodities therein mentioned, Reported the Committee had prepared the same which he read in his place and delivered in at the Table where the same was

again read by the Clerk, passed and Ordered to be sent to the Council.

Received from the Council the Bill for Altering the dividing Line between the Counties of Bladen and Cumberland. Endorsed 15th February, 1764 In the upper House of Assembly, Read the second time and passed

And the Bill for appointing a Treasurer for the Northern District in the Room of Thomas Barker Esquire Endorsed 15th February 1764 In the Assembly read the first time and passed

And also the following message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In Answer to your Message of the 13th Concerning the Sale of the Lands of the late Jeremiah Vail deceased This House will join you in an address to his Excellency the Governor Praying him to give Orders to the Treasurer of the Southern District and by him to the proper Sheriffs directing them to sell the said Lands at Six or Twelve Months Credit taking good Security upon Bond and Judgment that the price of the said Land may be enhanced for the benefit of the Public, and of the Defendant in the suit and the Sheriffs to return the Bonds so taken to the said Treasurer—15th February 1764.

On Motion Ordered the Bill concerning Vestries be read the second time—Read the same a second time amended Passed and Ordered to be sent to the Council.

Sent the same four Bills by Mr. Caswell and Mr. Cray.

Resolved an Address be Presented to His Excellency the Governor in Conjunction with His Majestys Council agreeable to a Resolve of this House and Message to the Council regarding the sale of the Lands of the late Jeremiah Vail, for his Excellencys Concurrence

Mr. Howe acquainted the House that Daniel Dupee late Mace bearer to the House is dead, and moved that the House would direct the Treasurer of the Southern District to Pay unto Benjamin Fordham the present Mace bearer Ten Pounds being a Years Allowance intended for the said Daniel Dupee, thereby to enable him to Pay the Funeral Charges of the said Daniel Dupee, and that the Surpluss of the said Ten Pounds after the said Charges are satisfied he pay or cause to be paid to the Widow of the said Daniel Dupee.

Resolved the following Message be sent to the Council, Viz^t

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House by their Message to your Honours of the 9th Instant having acquainted you that we had discharged Daniel Dupee from his office of Macebearer thereto, and Resolved to allow the sum of Ten Pounds p. annum during his natural life, which said Message we received from you Endorsed in the Upper House Concurred with *Nem. Con.* 9th February 1764—Since which the said Daniel Dupee is dead and thereby the said allowance will cease therefore this House Have Resolved that the sum of Ten Pounds be paid to Benjamin Fordham the present Mace bearer to this House to discharge the funeral Expences of the said Daniel Dupee and after the said Charges are satisfied he pay or cause to be paid the surpluss to the Widow of the said Deceased, And desire your Honours Concurrence thereto.

JOHN ASHE Sp.

15th February 1764

Mr. Starkey from the Committee of Correspondence laid before the House several Papers and Letters from the Agent to this Province residing in London and Copy of the Minutes of Proceedings of the Lords Commissioners for Trade and Plantations, and also a Copy of a Letter from the said Committee to the said Agent. Ordered the same lye for Consideration to morrow.

On motion Ordered the Bill for annexing part of Craven County to Dobbs County be read the second time. Read the same a second time. Amended, Passed and Ordered to be sent to the Council

Sent the above mentioned Vestry Bill and Message to the Council by Mr. Caswell and Mr. Cray.

Then the House adjourned till 9 o'clock tomorrow morning

Thursday 16th February 1764 The House met according to Adjournment

The Order of the day being read the House took into Consideration the several Papers and Letters laid before the House by Mr. Starkey from the Committee of Correspondence, as follows, (to wit) A Copy of a Letter from the Committee of Correspondence dated February 3^d 1763 To the Agent of this Province, and also several Letters from the said Agent to the said Committee together with a Copy of the Minutes of the Proceedings of the Lords Commissioners of Trade and Plantations relative to some extraordinary Claims and Pretensions of the lower House of Assembly, And also a Memorial of the Agents for the Provinces of Virginia and South Carolina To

the Right Hon^{ble} Lords Commissioners for Trade and Plantations relating to the Importation of Salt to America All which were Read Ordered the same be sent to His Majesty's Hon^{ble} Council.

Two of the Members of his Majestys Council came to the House and Mr. Abner Nash, Representative for Halifax, Mr. Francis Nash one of the Members for Orange County, And Mr. Aquilla Sugg one of the Members for Edgecombe County Appeared took the Oaths by Law appointed for their qualification Subscribed the Test and took their Seats in the House.

On motion the Bill for Appointing a Militia be read the second time Read the same a second time Amended Passed and Ordered to be sent to the Council

Sent the above Bill to the Council by Mr. Leech and Mr. Caswell.

Received from the Council The Bill directing the Boundary line between the Counties of Dobbs and Pitt &c. Endorsed 15th February 1764. In the upper House of Assembly read the first time and passed

The Bill to Revive and Continue an Act Intituled an Act to make Provision for Paying the Chief Justice and Attorney General's Salaries &c.

The Bill to supply the Treasury by laying an Additional Duty on Wine and Distilled Liquors &c.

And The Bill to Regulate the Inspection of the several Commodities therein mentioned. Endorsed 16th February 1764. In the upper House of Assembly read the first time and passed

And also the message to the Council yesterday regarding the Interment of Daniel Dupee late Mace bearer to this House Endorsed 16th February 1764 In the Upper House Concurred with

JAS MURRAY President

On motion Ordered the Bill for appointing a Treasurer for the Northern District in the Room of Thomas Barker Esquire be read the second time Read the same a second time, Amended Passed and Ordered to be sent to the Council

Sent the above Bill to the Council by Mr. Leech and Mr. Caswell
Then the House adjourned till 3 o'clock afternoon.

P. M. The House met according to Adjournment.

On motion Ordered the Bill to supply the Treasury by laying an Additional Duty on Wine and Distilled Liquors, be read the second

time, Read the same a second time Amended Passed and Ordered to be sent to the Council

On motion Ordered the Bill to encourage the Culture of Hemp and Flax, be read the second time, Read the same a second time, amended passed and Ordered to be sent to the Council

On motion Ordered the Bill to Revive and Continue an Act Intituled an Act to make Provision for Paying the Chief Justice and Attorney Generals Salary &c^a be read the second time, Read the same a second time, amended passed and Ordered to be sent to the Council

On motion Ordered the Bill directing the Boundary line between the Counties of Dobbs and Pitt &c^a be read the second time. Read the same a second time, amended passed and Ordered to be sent to the Council

Sent the above four Bills to the Council by Mr. Leech and Mr. Caswell.

Mr. Abner Nash moved for leave to Present a Bill to amend and explain and continue an Act for dividing the Province into five several Districts &c^a

Ordered he have leave accordingly.

Mr. Nash presented the aforementioned Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk, Passed and Ordered to be sent to the Council.

Mr. Abner Nash moved for leave to Present a Bill to amend an Act Intituled an Act for the Relief of such Persons as have suffered or may suffer by not having their Deeds and Mesne Conveyances proved and Registered within the time heretofore appointed for those purposes to prevent Disputes and Law suits Concerning Lands.

Ordered he have leave accordingly.

Mr. Nash Presented the above mentioned Bill which he read in his Place and delivered in at the Table where the same was again read by the Clerk, Passed and Ordered to be sent to the Council.

Sent the above two Bills to the Council by Mr. Nash and Mr. Maurice Moore.

Mr. Hutchins moved for leave to Present a Bill to Impower the Commissioners therein mentioned to lay out and make a Road from Mecklenburg to Cumberland County.

Ordered he have leave accordingly.

Mr. Hutchins presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, Passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. Hutchins and Mr. Crawford. Then the House adjourned till 9 o'clock tomorrow morning.

Friday 17th February 1764. The House met according to Adjournment.

Mr. Mackelwean moved for leave to absent himself from the Service of the House till Monday next. Ordered he have leave accordingly.

Mr. Bryan, Mr. Hardy and Mr. Lloyd moved for leave to absent themselves from the service of the House. Ordered Mr. Bryan have leave accordingly, and Mr. Hardy and Mr. Lloyd have leave to absent themselves tomorrow.

Mr. Kenan according to order Presented a Bill to Impower the several County Courts in this Province to order the laying out of Public Roads and Establish and settle Ferries and to appoint where Bridges shall be built for the use and ease of the Inhabitants, which he read in his place and delivered in at the Table where the same was again Read by the Clerk, Passed and Ordered to be sent to the Council

Mr. Caswell presented the Petition of James Davis Printer setting forth that the Laws for appointing the said James Davis Printer to this Province are Expired (and so forth)

Praying a Law may Pass for encouraging him to carry on his said Business as Printer to this Province, which was Read and then on motion Ordered Mr. Caswell prepare and bring in a Bill pursuant to the Prayer of the said Petition

Mr. Caswell Presented a Bill for further Continuing James Davis Printer to this Province which he read in his place and delivered in at the Table where the same was again Read by the Clerk Passed and Ordered to be sent to the Council

Mr. Hutchins moved for leave to present a Bill for laying a Tax on the Inhabitants of the several Counties of the District of Salisbury Superior Court to Repair the Public Goal thereof and other purposes.

Ordered he have leave accordingly.

Mr. Hutchins presented the above mentioned Bill which he read in his place and delivered in at the table where the same was again Read by the Clerk and Ordered to be sent to the Council

On motion Ordered the Bill for confirming the Charter of the Borough of Wilmington and other purposes, be read.

Read the same, and then on motion resolved the House Resolve.

into a Committee of the whole House to consider and debate on the Subject matter of the said Bill.

The House Resolved into a Committee of the whole House and chose Mr. Francis Corbin Chairman, who accordingly took the Chair, after some time spent therein Mr. Speaker resumed the Chair.

Mr. Chairman Reported that the Committee had taken the said Bill into Consideration and agreed to several Amendments but not having time to Reduce them into Form desired leave to sit again tomorrow.

Resolved the said Committee sit again tomorrow.

On motion Ordered the Bill for running the dividing line between the Counties of Bladen and Cumberland be read the third time Read the same a Third time amended, Passed and Ordered to be sent to the Council

Sent the above four Bills to the Council by Mr. James Moore and Mr. Howe

Then the House Adjourned till 3 °Clock Afternoon

P. M. The House met according to Adjournment

Mr. Taylor moved for leave to Present a Bill for destroying Vermin in this Province

Ordered he have leave accordingly

Mr. Taylor presented the above mentioned Bill which he read in his Place and delivered in at the Table where the same was again Read by the Clerk, Passed and Ordered to be sent to the Council

On motion Ordered the Bill for Regulating the Inspection of the several Commodities therein mentioned be read the second time, Read the same a second time, amended Passed and ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Taylor and Mr. Ormond.

Received from the Council the following Bills, Viz^t

The Bill concerning Vestries

The Bill for Erecting in the Town of Halifax a Public Goal Goalers House &c^a Endorsed 17th February, In the upper House of Assembly, Read the second time amended and Passed

The Bill directing the Boundary line between the Counties of Dobbs and Pitt &c^a

The Bill for ascertaining a proper place for building thereat a Court House Clerks Office &c^a in Edgcombe County Endorsed 17th

February 1764, In the upper House of Assembly Read the second time and Passed,

The Bill to amend, explain and Continue an Act Intituled an Act for dividing this Province into five several Districts &c*

The Bill to amend an Act Intituled an Act for the Relief of such persons as have suffered or may suffer by not having had their Deeds and Mesne Conveyances Proved and Registered within the time heretofore appointed for those Purposes &c* Endorsed 17th February 1764 In the upper House of Assembly, Read the first time and Passed

The Bill for laying a Tax on the Inhabitants of the several Counties of the District of Salisbury Superior Court to Repair the Public Goal thereof And

The Bill to Impower the several County Courts in this Province to Order the laying out of Public Roads and Establish and settle Ferries &c Endorsed 17th February 1764 In the upper House of Assembly, Read the first time amended and Passed

Then the House Adjourned till 9 °Clock tomorrow morning.

Saturday 18th February 1764 The House met according to Adjournment

Mr. Montfort moved for leave till Monday next to prepare and bring in a Bill for the more effectual Detecting and Punishing the utterers of Counterfeit Bill Money, Robbers and other Felons.

Ordered he have leave accordingly

Mr. Starkey moved for leave to present a Bill to Impower the Public Treasurer to draw for the proportion of Money Granted by Parliament to this Province now in the hands of James Abercrombie and Samuel Smith of London Esquires.

Ordered he have leave accordingly

Mr. Starkey Presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again Read by the Clerk, Passed and Ordered to be sent to the Council

Mr. Starkey moved for leave to bring in a Bill to Continue Couchet Jouvencal Esq^r Agent for this Province

Ordered he have leave accordingly

Mr. Starkey Presented the above mentioned Bill which he read in his Place and delivered in at the Table where the same was again Read by the Clerk, Passed and Ordered to be sent to the Council

Mr. Corbin moved for leave to bring in a Bill to Continue an Act Intituled an Act to amend and further continue an Act Intituled an

Act for facilitating the navigation of Port Bath, Port Roanoak and Port Beaufort Passed the Thirty first day of May One Thousand seven hundred and fifty two, for five years

Ordered he have leave accordingly

Mr. Corbin Presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again Read by the Clerk, Passed and Ordered to be sent to the Council

On motion Ordered the Bill to Impower the several County Courts in this Province to order the laying out of Public Roads and Establish and Settle Ferries &c^a be read the second time, Read the same a second time amended Passed and Ordered to be sent to the Council

Sent the above four Bills to the Council by Mr. Kenan and Mr. Coale.

Mr. Benton moved for leave to Present a Bill for suppressing Excessive and Deceitful Gaming

Ordered he have leave accordingly

Mr. Leech moved for leave to Present a Bill for the Building a House for a School and the Residence of a school Master in the Town of New Bern

Ordered he have leave accordingly

Mr. Francis Nash moved for leave to Present a Bill to Impower the Sheriff of Orange to collect and apply the Arrears of the Taxes due in the said County for the several years therein mentioned

Ordered he have leave accordingly

Mr. Benton moved for leave to bring in a Bill for Regulating the Pilotage of Cape Fear River and other purposes

Ordered he have leave accordingly

The above Gentlemen Presented the last abovementioned four Bills

Ordered they be read on Monday next

Mr. Corbin Chairman of the Committee on the Bill for Confirming the Charter of the Borough of Wilmington &c^a Reported that the amendments to the said Bill were not reduced into form, therefore moved for leave to sit on Monday

Then the House Adjourned till 3 o'clock Monday Afternoon

Monday 20th February 1764. The House met according to Adjournment

The Clerk of the Crown presented a Certificate of the return of a Writ for Electing Representatives for the County of Hertford

whereby it appears that Mr. Benjamin Wynns and Mr. Robert Sumner are Elected Representatives for the said County.

The Order of the day being Read,

The Bill for Building a House for a school and the Residence of a School Master in the Town of New Bern.

The Bill to Impower the Sheriff of Orange to Collect and apply the Arrears of the Taxes due in the said County for the several years therein mentioned.

The Bill for Regulating the Pilotage of Cape Fear River and other purposes And

The Bill to prevent Excessive and Deceitful Gaming, Were Read Passed and Ordered to be sent to the Council

Sent the above four Bills to the Council by Mr. Leech and Mr. Francis Nash

Two of the Members of his Majesty's Council came to the House and Mr. Benjamin Wynns and Mr. Robert Sumner the two Members for Hertford County appeared took the Oaths by Law appointed for their Qualification, Subscribed the Test and took their Seats in the House.

Received from the Council,

The Bill for Destroying vermin in the several Counties within this Province

The Bill to Continue Couchet Jouvencal Esquire Agent for this Province

The Bill to Continue an Act Intituled an Act to amend and Continue an Act Intituled an Act for facilitating the Navigation of Port Bath Port Roanoak and Port Beaufort &c^a

The Bill to Impower the Public Treasurer to draw for the Proportion of Money Granted by Parliament to this Province now in the hands of James Abercrombie and Samuel Smith of London Esquires. Endorsed 18th February 1764 In the upper House of Assembly, Read the first time and Passed

Received from the Council

The Bill to Continue an Act Intituled an Act to make Provision for paying the Chief Justices and Attorney Generals Salarys &c— And—

The Bill for appointing a Treasurer for the Northern District in the Room of Thomas Barker Esquire—Endorsed 20th February 1764 In the upper House of Assembly Read the second time amended and Passed

Mr. Caswell acquainted the House that pursuant to Order he had prepared a Bill to Regulate Elections of Members to serve in the

Assembly of this Province which he presented—Read the same in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Mr. Caswell moved for leave to Present a Bill for Establishing a Town on the Land of Benjamin Wynns at a place called Barfields Landing on the South West side of Chowan River in Hertford County

Ordered he have leave accordingly

Mr. Caswell presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Mr. Maurice Moore moved for leave to present a Bill for defraying the Expence of the Members of His Majesty's Hou^{ble} Council and the Members of the Assembly of this Province in their Travelling to from and attending the Assemblies and to Compell their Attendance

Ordered he have leave accordingly

Mr. Moore presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

The Order of the day being read Mr. Chairman acquainted the House that the Amendments proposed by the Committee to the Bill for Confirming the Charter of the Borough of Wilmington were not yet reduced into form ; therefore desired leave to sit again to morrow

Resolved the said Committee sit again to morrow.

On motion Ordered the Bill for Directing the dividing line between the Counties of Dobbs and Pitt be read the third time. Read the same a Third time, amended passed and Ordered to be sent to the Council

On motion Ordered the Bill for ascertaining a proper place for Building thereat a Court House Prison and Stocks &c^a for the County of Edcombe be read the third time. Read the same a third time passed and Ordered to be sent to the Council

Mr. Montfort pursuant to Order presented a Bill for the more Effectual detecting and Punishing the utterers of Counterfeit Bill Money, Robbers and other Felons, which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and Ordered to be sent to the Council

Sent the above six Bills to the Council by Mr. Leech and Mr. Francis Nash

Then the House adjourned till 9 o'clock tomorrow morning.

Tuesday 21st February 1764 The House met according to adjournment

On motion Ordered the Bill concerning Vestries be read the Third time Read the same a third time, amended Passed and Ordered to be sent to the Council

Sent to the Council by Mr. Hardison and Mr. Macklewean

On motion Ordered the Bill for Erecting in the Town of Halifax a Public Goal and Goalers House &c^a be read the third time, Read the same a Third time amended, Passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Hardison and Mr. Macklewean

Then the House Adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment

The Order of the day being Read the House Resolved into a Committee of the whole House and Mr. Chairman took the Chair, after some time spent therein Mr. Speaker Resumed the Chair

Mr. Chairman Reported that the amendments proposed to the Bill for confirming the Charter of the Borough of Wilmington and other purposes were reduced into form, which he laid before the House, the same were Read approved of and Inserted in the said Bill and read a second time and with the said Amendments Passed and Ordered to be sent to the Council

On motion Ordered the Bill for appointing a Public Treasurer for the Northern District of this Province be read the Third time Read the same a Third time amended passed and Ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Harnett and Mr. Taylor

Received from the Council the Bill to Regulate the Inspection of the several Commodities therein mentioned Endorsed 21st February 1764 In the upper House of Assembly Read the second time amended and passed

And The Bill to Regulate the Election of Members to serve in the Assembly of this Province Endorsed 21st February 1764 In the upper House of Assembly, Read the first time and passed

Mr. Maurice Moore acquainted the House that Capt Robert Ellis by Direction of His Excellency the Governor Transported from Cape Fear Several Spanish Prisoners to St Augustine and was thereby put to great Expence and Charge. Therefore moved that the said Rob-

ert Ellis be allowed and paid by the Public for such his Expence and Charges

Resolved that the said Robert Ellis be paid by the Public Treasurer the sum of Eighty Pounds to reimburse him for his said Expence and Charges and that the Treasurer be allowed the said sum in Passing his Accounts with the Public.

Resolved the following message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

It having been made appear to this House that Captain Robert Ellis by Order of his Excel^{cy} the Governor Transported several Spanish Prisoners towards the latter End of the last War from hence to S^t Augustine and that he desired to have for the Expence and Charge he was put to on that occasion the sum of Eighty Pounds We have therefore Resolved that the said Robert Ellis be paid the said sum of Eighty Pounds by the Public Treasurer of this Province for such his Expence and Charges and that the Treasurers be allowed the same in passing their Accounts with the Public to which desire your Honors Concurrence.

JOHN ASHE, Speaker.

21st February 1764

Sent by Mr. Harnett and Mr. Taylor.

Received from the Council, the Bill for defraying the Expence of the members of his Majestys Hon^{ble} Council, And the members of the General Assembly of this Province in their Travelling to from and attending at the Assemblies, And to compel their attendance.

The Bill for the more effectual detecting and Punishing the makers and utterers of Counterfeit Bill Money, Robbers and other Felons; And

The Bill for the Building a House for a school and the Residence of a school master in the Town of New Bern. Endorsed 21st February 1764. In the upper House of Assembly, Read the first time and passed.

Then the House adjourned till 9 o' clock tomorrow morning.

Wednesday 22^d February 1764. The House met according to adjournment.

On motion ordered the Bill to Regulate the Inspection of the several Commodities therein mentioned be read the third time. Read

the same a third time, amended, Passed and ordered to be sent to the Council.

Sent to the Council by Mr. James Moore & Mr. Kenan

Received from the Council

The Bill for Regulating the Pilotage of Cape Fear River

The Bill to Impower the Sheriff of the County of Orange to Collect and Apply the Arrears of Taxes &c^a

The Bill for suppressing Excessive and Deceitful Gaming

The Bill for Establishing a Town on the Lands of Benjamin Wymms at a place called Barfields Landing &c^a

Endorsed 21st February 1764. In the upper House of Assembly Read the first time and passed

The Bill for appointing a Militia. Endorsed 22^d February 1764. In the upper House of Assembly Read the second time amended and Passed

The Bill for annexing part of Craven County to Dobbs County and for Removing the seat of the Court of the said County &c

And also the Bill to Impower the Inferior Courts of the Several Counties in this Province to Order the laying out of Public Roads &c Endorsed 22^d February 1764 In the upper House of Assembly Read the second time and Passed

Then the House Adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment

Received from the Council

The Bill for Erecting part of St Philips Parish in New Hanover County and the lower part of Bladen County into a Separate County by the name of Brunswick County and for dividing the County of Granville &c^a Endorsed 22^d February 1764 In the upper House of Assembly Read the second time amended and passed

Resolved that Colonel Hugh Waddell be allowed the sum of £342.5, in full for all his services rendered this Province during the late War

Resolved that Lewis Henry De Rossett Esquire be paid by the Public Treasurer of the Southern District the sum of Fifty Pounds which Captain William Walker borrowed of him for the use and service of the Garrison of Fort Granville, and that the said Treasurer Discount the same out of a Claim due to the said Walker by the Public

Then the House Adjourned till 10 o'Clock tomorrow Morning.

Thursday 23^d February 1764 The House met according to adjournment

On Motion Ordered the Bill for appointing a Militia be read the third time, Read the same a Third time amended Passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Maurice Moore and Mr. Kenan.
Received from the Council

The Bill for Erecting in the Town of Halifax a Public Goal and Goalers House in this Province, Endorsed 23^d February 1764 In the upper House of Assembly, Read the Third time and Passed

Ordered to be Engrossed.

And the Bill for Confirming the Charter of the Borough of Wilmington and other purposes—Endorsed 23^d February 1764 In the upper House of Assembly read the second time amended and passed.

And also, The Message sent from this House to His Majestys Council on Monday last regarding the Payment of Eighty Pounds to Captain Robert Ellis Endorsed 23^d February 1764—In the upper House of Assembly—Concurred with

JAS. MURRAY President.

On Motion Ordered the Bill to Amend Explain and Continue an Act Intituled An Act for dividing this Province into five several Districts &c^a be read the second time Read the same a second time, Amended Passed and Ordered to be sent to the Council

On motion Ordered the Bill for Erecting part of St Philips Parish in New Hanover County into a County by the name of Brunswick County and for Erecting part of Granville County into a County by the name of Bute County be read the third Time, Read the same a Third time Amended, Passed and Ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Maurice Moore and Mr. Kenan

Then the House adjourned till 10 °Clock tomorrow Morning

Friday the 24th February 1764 The House met according to Adjournment

Received from the Council the following Message Viz^t

MR. SPEAKER* AND GENTLEMEN OF THE ASSEMBLY

On reading in this House, a third time the Bill concerning Vestries, we discover an Inconsistency between 2 Clauses viz, One in the fifth page permitting the Vestrymen elected by the Freeholders,

to qualify at the first or second meeting of the Vestry, and another Clause in the Sixth page Stated on the third reading in your House Impowering the Vestry, to choose Vestrymen, in the room of such of the elected Vestry, as shall not qualify within thirty days after the Election; now it may not be necessary to have two meetings of the Vestry within thirty days one of the other;

The other Objection we have to the Bill is the Clause compelling the Freeholders to attend at the Election of Vestrymen, under a penalty of Twenty shillings to be recovered by a Warrant before One Justice of the Peace, and we object for these reasons among others.

1st. It puts it into the power of one Justice, to harrass the poor people in the Extremities of Counties without appeal.

2^d. It compells to the Election of Vestrymen the people on these Extremities, who may have little benefit by Churches in the Centre, who contribute little towards the expense of them, and who too many of them are indifferent, if not averse, to every decent support of the publick Worship of Almighty God, such a Spirit as this, prevailing in many Counties, has long since been the Publick Reproach of this Province, this Clause, therefore, tending indirectly indeed, but effectually to defeat, the pious purposes of the Bill, we doubt not your concurrence to the expunging of it, as well as to rectifying the other clauses before mentioned, that the Bill may Pass, to which Amendment if you agree, please to send two of your Members, to see the same made.

Which was read, and Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your message relative to the alterations you propose to the Vestry Bill, as to the Expunging the Clause Compelling the Freeholders to attend at the Election of Vestrymen, we cannot agree, To the other alterations (to wit) that of making the Clauses in the fifth and sixth Pages Consistent, and that of Granting an Appeal to prevent the Harrassment of the Poor people you therein mention we agree thereto And on Notification of your Concurrence herewith We will send two of your members of this House to see such Alterations made

24th February 1764.

JOHN ASHE, Sp.

Mr. Harnett presented the Petition of William Dry setting forth he was Security for William Walker in the year 1758, at which time the said William Walker was appointed Sheriff of New Hanover County, that after said Walker was superseded and on settling his Accounts as Sheriff fell largely in Debt to the Public, since which the Public obtained a Judgment against him as Security for said Walker.

That some time after said Walker was appointed to the Command of Fort Granville, and on settling his Accounts as Commander of the said Fort the Public was in debt to him £483.3.4 Currency, for Pay and Provisions he had given and procured for the men in Service of the said Fort, and Obtained a Warrant from his Excellency the Governor for the above Sum, and the said Walker assigned the said Order to him in part Discharge of what was due to him, that the Treasurer since the Obtaining of the said Warrant has paid £150 part thereof. Praying this Assembly would allow the Ballance due on said Warrant to go in Discharge of the above mentioned Judgment which was Read, and Resolved that the Ballance of the said Order, to wit £333.3.4 be allowed and Discounted Accordingly out of the above mentioned Judgment against William Dry as Security of said Walker

Received from the Council the Bill for encouraging the Culture of Hemp and Flax. Endorsed 24th February 1764. In the upper House of Assembly, Read the second time amended and passed

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

The Petition of William Dry which we herewith send you having been presented to this House, and mature Consideration thereon had, we have Resolved that the Ballance of his Excellency's Warrant to William Walker for £483.3.4 after Deducting One hundred and fifty Pounds part of the sum in the said Warrant mentioned paid by the Treasurers to the said Walker and the Hon^{ble} Lewis Henry De Rossett, be allowed to William Dry, and applied towards discharging the Judgment against him in favour of the Public as Security for the said William Walker, And have also Resolved that Colonel Hugh Waddell be allowed Three Hundred and forty two pounds five shillings in full for all his Services rendered this Province during the late war. To which two Resolves desire your Honors Concurrence

JOHN ASHE Sp.

24th February 1764.

On motion Ordered the Bill to Continue an Act Intituled an Act to make Provision for Paying the Chief Justice and Attorney Generals Salary &c be read the Third time.

Read the same a Third time, Passed and Ordered to be sent to the Council

On motion Ordered the Bill to Impower the Inferior Courts of the several Counties in this Province to Order the laying out of Public Roads and Establish and settle Ferries &c be read the third time. Read the same a Third time, Amended Passed and Ordered to be sent to the Council

On motion Ordered the Bill for annexing part of Craven County to Dobbs County and for removing the seat of the Court of the said County of Dobbs &c^a be read the third time. Read the same a Third time, Passed and Ordered to be sent to the Council

Sent the above three Bills to the Council by Mr. Caswell and Mr. Mackilwean

On motion Ordered the Bill for confirming and Enlarging the Limits of the Borough of Wilmington be read the third time, Read the same a Third time and on motion Rejected

Then the House Adjourned till 9 o'clock tomorrow morning

Saturday 25th February 1764 The House met according to Adjournment

On motion Ordered the Bill for Building a House for a School and the Residence of a School Master in the Town of New Bern be read the second time Read the same a second time Passed and Ordered to be sent to the Council

On motion Ordered the Bill for laying a Tax on the Several Counties in the District of Salisbury Superior Court to Repair the Public Goal thereof &c^a be read the second time, Read the same a Second time amended Passed and Ordered to be sent to the Council

On motion Ordered the Bill for Destroying Vermin in the Several Counties within this Province be read the second time Read the same a second time, Amended Passed and Ordered to be sent to the Council

Sent the above Three Bills to the Council by Mr. Starkey and Mr. Benton

Mr. Starkey from the Committee appointed to view Fort Johnston Reported that the Committee had, the 18th Instant Carefully Examined and viewed the said Fort and find as follows, Viz^t The House and Buildings within the said Fort in good order

Mr. Starkey from the Committee of Privileges and Elections Reported that the Committee had taken again under their Consideration the Petition of Jacob Blount and came to several Resolutions thereon, which he read in his place

The House after Consideration thereof Resolved they do not Concurr with the said Report, Then on motion Resolved that the Consideration of the said Petition lye over till next Session of Assembly and that on Application of the said Jacob Blount the Petitioner and Mr. Thomas Clifford Howe the sitting Member or either of them Mr. Speaker Issue his Warrant to bring before the Assembly at the next Session thereof all such Persons Papers and Records as they the said Jacob Blount and Mr. Howe or either of them shall require

Resolved that his Excellency be Addressed to direct that the Kings Stores be removed from Wilmington down to the Fort now fitted to Receive them

On motion Resolved that as soon as Colonel William Dry shall have finished the Outside of the ditch and put a floor to the Magazine and a lock and barr to the door thereof together with a Door to the Sallie Port and Obtained a Certificate thereof from the Commanding Officer of Fort Johnston the said William Dry shall be from thenceforth discharged from his Contract for finishing the said Fort

On motion Ordered the Bill for Encouraging the Culture of Hemp and Flax, be read the Third time, Read the same a Third time Amended Passed and Ordered to be sent to the Council

On motion Ordered the Bill to prevent Excessive and Deceitful Gaming be read the second time Read the same a second time, Amended Passed and Ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Starkey and Mr. Benton

Received from the Council, the following two Messages Viz^t

MR: SPEAKER AND GENTLEMEN OF THE ASSEMBLY

This House concurring with your Message relative to our Amendments to the Vestry Bill, desire you to send two of your Members to see the Amendments Inserted

25th February 1764

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On Reading a Third time the Bill to Impower the Inferior Courts to Order the laying out Public Roads &c^a A Necessary amendment

made in your House on the Third Reading Obliging Overseers to put up Posts with Arms and Pointers at the Cross Roads, puts us in mind of another Clause of the same Import, Viz^t to mile mark the Roads, for which a Clause is herewith sent, If it is agreeable to your House you will fill up the Blanks or alter it as you see fit and send two of your Members to see the same Inserted in its proper place

25th February 1764

Resolved the following message be sent to his Majestys Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In answer to your message wherein you say you concur with us to Insert the Amendments by us proposed to the Vestry Bill, And also to that regarding the Bill to Impower the Inferior Courts to lay out Public Roads &c^a wherein you mention a Clause necessary to be inserted in that Bill. We have considered the Clause, made some amendments thereto, and herewith send Mr. Starkey and Mr. Benton to see the amendments Inserted accordingly.

On motion Ordered the Bill for defraying the Expence of the members of his Majestys Council and the members of the Assembly be read. Read the same, and then on motion Resolved the House Resolve into a Committee of the whole House to consider and debate on the Subject Matter of the said Bill.

The House Resolved into a Committee of the whole House and appointed Mr. Joseph Bell Chairman, who took the Chair, And after some time spent therein Mr. Speaker resumed the Chair.

Mr. Chairman Reported the Committee had taken the above mentioned Bill into consideration and came to several resolutions thereon, but not having time to reduce them into form desired leave to sit again on Monday. Resolved the Committee sit again on Monday next.

Then the House Adjourned till 10 o'Clock Monday morning.

Monday 27th February 1764. The House met according to Adjournment.

The order of the day being read the House Resolved into a Committee of the whole House and Mr. Chairman took the Chair, After some time spent therein Mr. Speaker resumed the Chair.

Mr. Chairman Reported that the Committee had reduced the sev-

eral amendments proposed by the Committee to the Bill for defraying the Expense of the members of his Majestys Hon^{ble} Council and the members of Assembly &c^a into form, which were read and agreed to by the House and Ordered to be inserted in the said Bill. The same are inserted accordingly, And on motion the said Bill was read the second time with the amendments Passed and Ordered to be sent to the Council.

On motion Ordered the Bill to Impower the Treasurers of this Province to draw for the money Granted to this Province by Parliament &c be Read the second time Read the same a second time, Amended Passed and Ordered to be sent to the Council

On motion Ordered the Bill to continue Couchet Jouvencal Esquire Agent for this Province, be read a second time. Read the same a second time, Amended Passed and Ordered to be sent to the Council

Sent the above three Bills to the Council by Mr. Maurice Moore and Mr. Montfort

Received from the Council the Bill concerning Vestries. And the Bill to Impower the Courts of the several Counties in this Province to Order the laying out of Public Roads and Establish and Settle Ferries &c Endorsed 27th February 1764. In the upper House of Assembly, Read the third time amended and passed. Ordered to be Engrossed

On motion Ordered the Bill for Regulating the Pilotage of Cape Fear River and for other purposes be read the second time. Read the same a second time amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Maurice Moore and Mr. Montfort

Then the House Adjourned till 4 °Clock Afternoon

P. M. The House met according to Adjournment

On motion Ordered the Bill for Establishing a Town on the Lands of Benjamin Wynns at a place called Barfield's Landing in Hertford County be read the second time. Read the same a second time amended passed and ordered to be sent to the Council

On motion Ordered the Bill to Continue an Act Intituled an Act to amend and further Continue an Act Intituled an Act for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort &c. be read the second time. Read the same a second time passed and Ordered to be sent to the Council

On motion Ordered the Bill to Impower the Sheriff of Orange

County to Collect and Apply the Arrears of Taxes due for the several years therein mentioned be read the second time. Read the same a second time amended passed and Ordered to be sent to the Council

On motion Ordered the Bill to amend an Act Intituled an Act for the Relief of such Persons as have suffered or may suffer by not having their Deeds and Mesne Conveyances Proved and Registered &c^a be read the second time Read the same a second time amended passed and Ordered to be sent to the Council

On motion Ordered the Bill to Regulate Elections of Members to serve in the Assembly of the Province be read. Read the same.

Then on motion Resolved the House Resolve into a Committee of the whole House to Consider and Debate on the Subject matter of the said Bill and unanimously chose Mr. Maurice Moore Chairman who took the Chair accordingly.

After some time spent therein Mr. Speaker resumed the Chair

Mr. Chairman Reported that the Committee had taken the said Bill into Consideration and agreed to several Amendments, which were read, agreed to by the House and Ordered to be Inserted in the said Bill. The same are Inserted accordingly

And on motion the said Bill was Read a second time with the said amendments Passed and Ordered to be sent to the Council

Sent the above five Bills to the Council by Mr. Caswell and Mr. Benton

Then the House adjourned till 9 o'clock tomorrow morning.

Tuesday 28th February 1764 The House met according to Adjournment

Received from the Council The Bill for Regulating the Pilotage of Cape Fear River, and the Bill for destroying Vermin in the several Counties within this Province Endorsed 27th February 1764. In the upper House of Assembly read the second time amended and passed

And also, the Bill for Encouraging the Culture of Hemp and Flax and other purposes Endorsed 27th February 1764 In the upper House of Assembly read the third time and passed—Ordered to be engrossed.

Mr. Gibson acquainted the House that William Crane together with six others, went on a party in the Back Country in order to apprehend several Rogues and vagabonds who are Confederated together and Infest the Frontier and other Counties, committing several out-

rages and Murders therein. In consequence whereof the said William Crane with his Party took John Pyburne one of the Confederates, and hath delivered him to the Keeper of His Majesty's Goal in Wilmington, And that several of the said William Cranes Party are now out in Quest of the other Confederated Rogues, All which having been made appear to the House It is therefore Resolved that the said William Crane have and Receive from the Public Treasurers the sum of Fifty Pounds out of the Contingent Fund for the use of himself and his party, And that the said sum be allowed the said Treasurers on Passing their Accounts with the Public,

Resolved that the following Message be sent to His Majesty's Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House having received sufficient Testimony that William Crane together with a party of six others have taken John Pyburne—One of the Confederated Rogues and Vagabonds who have for some time past Infested several counties of this Province and Committed Sundry Outrages Robberies and Murders and delivered him to the Keeper of his Majesty's Goal in Wilmington, in Consideration of which Service this House have Resolved that the said William Crane be paid the sum of Fifty pounds for the use of himself and party by the Public Treasurers out of the Contingent Fund, And that the said Treasurers be allowed the same on passing their Accounts with the Public, to which desire your Honors Concurrence.

JOHN ASHE, Sp^r

28th February 1764.

On Motion Ordered the Bill for Regulating the Pilotage of Cape Fear River be read the third Time, Read the same a Third time, Amended Passed and Ordered to be sent to the Council

On Motion Ordered the Bill for destroying Vermin in the several Counties within this Province be read the third time—Read the same a Third time amended Passed and Ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Knox and Mr. Wynns.

The House took under consideration the Petition of Hannah Dunbibbin which was presented to this House on Saturday the 11th Instant, and Resolved that the Sum of Fifty Pounds be paid by the Public Treasurers out of the Contingent Fund to the said Hannah Dunbibbin as a Gratuity to the said Hannah for the services ren-

dered this Province by her deceased Husband Daniel Dunbibbin in surveying and making a map of the Seacoast thereof, And that the Treasurers be allowed the same on passing their Accounts with the Public

Resolved the following Message be sent to his Majesty's Council
Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House having fully Considered the Petition of Hannah Dunbibbin which we herewith send you, have Resolved that the said Hannah Dunbibbin be paid the sum of Fifty Pounds by the Public Treasurers out of the Contingent Fund as a Gratuity for the Services rendered this Province by her Deceased Husband Daniel Dunbibbin in Surveying and making a map of the Sea Coast thereof and that the Treasurers be allowed the same on passing their Accounts with the Public, and desire your Honors Concurrence thereto

JOHN ASHE, Sp.

28th February 1764

Sent the above Message to the Council by Mr. Knox and Mr. Wynns

Received from the Council

The Bill to amend an Act Intituled an Act for the Relief of such Persons as have suffered or may suffer by not having their Deeds or mesne Conveyances Registered &c^a

The Bill for defraying the Expence of the Members of His Majestys Honble Council and the Members of the Assembly of this Province &c^a And

The Bill to amend an Act Intituled an Act for dividing this Province into five several Districts &c^a Endorsed 28th February 1764, In the upper House of Assembly Read the second time amended and passed

Mr. Starkey Treasurer of the Southern District acquainted the House that there are several sums of money remaining in the hands of the several Receivers of the Tonnage Duty on Vessels which heretofore have arrived in the several Ports to the Northward of Cape Fear which ought to have been paid to the Persons appointed by a late Law to receive the same. The House therefore Resolved that the said Receivers Account with and pay to the Treasurers the said sums they shall be found in arrear, And on non payment thereof the said Treasurers do give a list of the several Receivers of

the said Tonnage Duty who do not account and pay the said monies as aforesaid to the Attorney General of this Province, who is hereby Required and Directed to Prosecute such Receivers

Then the House Adjourned till 3 °Clock Afternoon

P. M. The House met according to Adjournment

Received from His Excellency the Governor, the Journal of the Proceedings of the Southern Congress at Augusta in the year 1763, which was read.

Then the House Adjourned till 9 °Clock to morrow morning.

Wednesday 29th February 1764. The House met according to Adjournment

Received from the Council the Bill to Regulate Elections of members to serve in the Assembly of this Province. And the Bill to Grant to His Majesty an additional Duty on Wine and distilled Liquors Imported into this Province Endorsed 28th February 1764. In the upper House of Assembly Read the second time and passed.

The Bill for laying a Tax on the Inhabitants of the several Counties in the District of Salisbury Superior Court.

The Bill to Impower the Sheriff of the County of Orange to Collect and apply the Arrears of Taxes &c

The Bill to continue an Act Intituled an Act to amend and further continue an Act Intituled an Act for facilitating the navigation of Port Bath &c, and

The Bill for Building a House for a School and the Residence of a School Master in the Town of New Bern. Endorsed 28th February 1764. In the upper House of Assembly Read the second time amended and passed.

On motion Ordered the Bill to Amend an Act Intituled an Act for the relief of such persons as have suffered or may suffer by not having their Deeds and Mesne Conveyances Proved and Registered &c be read the third time. Read the same a Third time passed and Ordered to be sent to the Council

On motion Ordered the Bill to Continue An Act Intituled an Act to amend and further Continue an Act Intituled an Act for facilitating the Navigation of Port Bath &c be read the Third time. Read the same a third time, passed and Ordered to be sent to the Council

On motion Ordered the Bill for laying a Tax on the Inhabitants of the several Counties in the District of Salisbury Superior Court

&c^a be read the third time Read the same a third time Amended Passed and Ordered to be sent to the Council

On motion Ordered the Bill to Impower the Sheriff of Orange County to Collect and pay the Arrears of Taxes &c^a be read the third time, Read the same a third time Passed and Ordered to be sent to the Council

✱ Sent the above four Bills to the Council by Mr. Ormond and Mr. Macklewean

Received from the Council the Message sent to them yesterday by Mr. Knox and Mr. Wynns requesting their Concurrence to the Resolve of this House for allowing Fifty pounds to Mr. Crane and others for taking one John Pyburne an Infamous Rogue and Vagabond, Endorsed 29th February 1764 In the upper House of Assembly, Concurred with

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill for destroying Vermin in the Several Counties within this Province. We are of Opinion that as it may in its Consequences prove extreemly Prejudicial and Burthensome to Particular Counties it will be improper to Grant it so long a duration as the space of five years, We therefore propose that our amendment Confining it to two Years be reinstated to which if you agree desire you will send some of your Members to see the same made

29th February 1764.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On Reading a third time the Bill for the Counties of Brunswick and Bute, This House have carefully examined Evidences concerning the proper Boundary between the said County of Brunswick and Bladen County and find the following to be the most equal on both sides (to wit) Beginning at the mouth of Plummers Run thence up the various courses of the Run to the main Road thence by a direct Line to the East end of Waggamaw lake, thence by another straight line to the Plantation where William Gressett formerly lived and thence by a line Extended in the same course to South Carolina Boundary Line to which amendment if you agree desire you will send two of your Members to see the same Inserted

Then the House Adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment
Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

In answer to your two messages of this day the one wherein you propose to amend the Bill for destroying Vermin in the several Counties within this Province by *deleting* the Term of five years as it now stands in the Bill and reinstating two years the Term inserted by you on your second reading of that Bill. To which amendment we Concur and send Mr. Montfort and Mr. Benton two of the Members of this House to see the same Inserted The other in the Bill for the Counties of Brunswick and Butte, Concerning the proper Boundary between the said Counties of Brunswick and Bladen (as you are pleased to Term it) We apprehend it will take too great a number of Taxables from the latter, therefore we cannot agree thereto, and hope your Honors will pass that Bill as sent you from this House

29th February 1764.

JOHN ASHE Sp.

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

This House taking into Consideration your Resolve of the 28th for the Payment of Fifty Pounds to Hannah Dunbibbin and well knowing the time which the late Daniel Dunbibbin Employed in the necessary work of surveying the Coast, are of Opinion that the sum of One Hundred Pounds for that service was well earned by the said Deceased and hope you will therefore alter your Resolve accordingly.

Resolved the House will not alter the Resolve thereof relative to the payment of Fifty Pounds to Hannah Dunbibbin

On motion Ordered the Bill for the more Effectual suppressing of Felonies and Counterfeiting the Paper Currency of this Province and of Virginia, be read the second time. Read the same a second time, amended passed and Ordered to be sent to the Council.

Sent the above Bill to the Council by Mr. Montfort and Mr. Benton

Received from the Council the following message Viz^t

[Relating to the bill for the inspection of certain commodities, &c.—
See page 1116 *ante*.—EDITOR.]

Received from the Council The Bill directing the Boundary Line between the Counties of Dobbs and Pitt &c^a The Bill to amend an

Act entitled an Act for the Relief of such Persons as have suffered or may suffer by not having their Deeds and Mesne Conveyances Proved and Registered within the time heretofore appointed &c The Bill for laying a Tax on the Inhabitants of the several Counties in the District of Salisbury &c^a—The Bill for ascertaining a proper place for Building thereat a Court House &c^a for the County of Edgcomb—The Bill to Continue An Act Intituled an Act to amend and further Continue an Act Intituled an Act for facilitating the navigation of Port Bath And the Bill to Impower the Sheriff of the County of Orange to Collect and apply the Arrears of Taxes due for the several years therein mentioned &c^a Endorsed 29th February 1764 In the upper House of Assembly, Read the third time and Passed

Ordered to be Engrossed.

Then the House Adjourned till 9 o'clock tomorrow morning.

Thursday 1st March 1764. The House met according to Adjournment.

On motion, Ordered the Bill to Regulate Elections of Members to serve in the Assembly of this Province be read the third Time, Read the same a Third time, Amended Passed and Ordered to be sent to the Council

On motion Ordered the Bill for Building a House for a School and the residence of School Master in the Town of New Bern, be read the third time. Read the same a Third time Amended Passed and Ordered to be sent to the Council

On Motion Ordered the Bill for defraying the Expence of the Members of His Majesty's Hon^{ble} Council and the Members of the Assembly of this Province, be read the third time—Read the same a Third time amended Passed and Ordered to be sent to the Council

Sent the above three Bills to the Council by Mr. Leech and Mr. Knox.

Received from the Council the following Bills, Viz^t

The Bill for destroying Vermin in the several Counties within this Province—Endorsed 1st March 1764. In the upper House of Assembly Read the third time amended and Passed

Ordered to be Engrossed.

The Bill for Erecting part of St Philips Parish in New Hanover County and the lower part of Bladen County into a separate County &c^a Endorsed 1st March 1764. In the upper House of Assembly, Read the third time and passed Ordered to be Engrossed.

And the Bill for suppressing Excessive and Deceitful Gaming.

Endorsed 1st March 1764. In the upper House of Assembly Read the second time amended and passed

Received from the Council the following Message

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On Considering for the third time the Bill for appointing a Treasurer &c^a we observe, that we conceive a matter of surplussage in the Title and propose that the Words "in the Room of Thomas Barker Esquire" be *dele'd*

For the same reason we propose likewise that the Repealing Clause should be *dele'd*.

As to the Term of Duration as it now stands we are Induced to believe from a Consideration of His Excellencys Speech at the opening of this Session that it will not meet with his Assent, and therefore we propose that it should be reduced to the Term of Two years.

To these amendments if you agree you will send two of your members to see the same made

Then the House Adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment

On motion Ordered the Bill to amend An Act Intituled An Act for dividing this Province into five several Districts &c^a be read the third time. Read the same a third time Amended passed and Ordered to be sent to the Council

Sent the above Bill to the Council by Mr. Leech and Mr. Knox

Then the House Adjourned till 9 o'Clock tomorrow morning

Fryday 2^d March 1764. The House met according to Adjournment

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In Answer to your Message of yesterday relative to *deleing* the Words "in the Room of Thomas Barker Esquire" and also the Repealing Clause in the Bill for Appointing a Treasurer &c^a we must inform you we cannot Concur thereto. We agree to the Alteration from five years as it now stands to Two Years, the Term you propose, to which, if you Concurr we shall send two of the members of this House to see the Alteration made.

JOHN ASHE Sp^r

On motion Ordered the Bill for suppressing Excessive and Deceitful Gaming be read the third time. Read the same a Third time, amended Passed and Ordered to be sent to the Council

Sent the above Message and Bill to the Council by Mr. Harris and Mr. Benton

Then the House Adjourned till 2 o'clock Afternoon.

P. M. The House met according to Adjournment

Mr. Kenan presented a Certificate from the County Court of Duplin thereby certifying that Joshua Platt of said County is aged and rendered incapable of Paying Taxes and doing Public duties, And recommending him to be exempt therefrom Granted

Mr. Kenan presented a Certificate from the County Court of Duplin thereby certifying that Andrew Henderson is incapable of paying Taxes and doing Public duties and recommending him to be Exempt therefrom Granted

Mr. Montfort presented a Certificate from the Court of Hertford County thereby certifying that Peter Jones is aged and Infirm and rendered incapable of getting his living and recommending him to be exempt from paying Public Taxes and doing Public duties Granted

Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

We have duly considered your Message of Wednesday last relative to the Bill for Inspection of the several Commodities therein mentioned; in the first part of which we find that your Honors (ascribing such parts of the said Bill as you are pleased to say are defective, to a want of attention in this House) In answer thereto we are of Opinion that the subjecting Tanned Leather to the same Restrictions other Commodities are liable to which are proposed for Inspection; will be attended with Consequences injurious to the Interest of this Province, in as much as by that Bill no Commodities proposed to be Inspected can be Shipped off unless a Certificate of their having passed Inspection be shewn to the Collector; by which means leather of an Inferior Quality that Answers the end as well as the best for some purposes and sells at Foreign Markets as well as here at a Price proportioned to its Quality, must be retained in the Country and made use of for purposes that good Leather only is fit for, We therefore cannot agree to that alteration but propose that it

shall be liable to the same Inspection and Regulation that Deerskins are.

The alteration you think necessary in respect to the appointment of two Inspectors for the town of Wilmington we readily agree to, but are of opinion that if your Honors had duly adverted to that Clause you would have thought it sufficiently Explicit, and of consequence any alteration unnecessary.

We cannot devise why your Honors should Object to that part of the Bill which appoints an Inspector for the Town of New Exeter for tho' you suppose that no Public good can arise from the Insertion of that Clause yet you seem to admit that it may be for the Interest of Individuals and as these Constitute the Public we cannot help being of Opinion that they ought not to be unnecessarily divided and that every Measure which is not Inconsistent with the good of the Community in general and which tends to the advancement of the Interest of the Members of it ought to be attended to and Pursued by every branch of the Legislature, We therefore cannot agree to *Dele* that part of the Bill.

We cannot join your Honors in Opinion that any Inconvenience will arise from inspecting Commodities at a Private Landing, as We are satisfied that it will not be the Interest of any Person whatever to put himself to an Extraordinary Expence to get Commodities Inspected at a Private Landing unless he designs to ship them from thence in which case the end of an Inspection is as fully Answered as if such Commodities had been Inspected at any Public place appointed for such purpose nor can we agree with you that the least Injustice will derive therefrom to the Inspector; for the places appointed in that Bill for Inspection being Expressly named, at them only can the Attendance of the Inspector be Compelled. And if at any time he should be called upon to Inspect Commodities at a private Landing he will without doubt have a right to an allowance for his Extraordinary services.

We agree to the alterations of the Words you Propose in respect to the Certificate the Master of every Vessel is directed to produce to the Collector before he is Cleared; tho' we are clearly of Opinion that the purposes designed by such Alteration were fully and sufficiently implied to Warrant any Collectors Clearing out a Vessel on the Masters producing a Certificate of such part of his Cargo only, having been inspected, as is made liable by that Bill to Inspection.

The alteration you propose as to the time limited for Exportation of Pork, Beef, Rice, Flower and Butter after they had passed Inspec-

tion which you think too long, We cannot altogether agree to but propose that the time shall be limited to sixty Days instead of Three Months.

We cannot agree with you in stating the Exception as to Rafted Provisions as we apprehend such an exception will occasion great Inconveniences to many persons who living on long and shallow Rivers are obliged to wait an opportunity of a Fresh to Transport their provisions to Markett nor are we of Opinion that such mode of Conveyance will be attended with any worse Consequence to Provisions than to Naval Stores both being liable to be Injured by the Water if put up in leaky Casks which it will always be the Interest and of Consequence the Care of the owner to prevent.

We must also differ from your Honors in Opinion with regard to the Insufficiency of the fee allowed the Inspector for every Thousand of Shingles he shall Inspect, as we apprehend that four Pence p Thousand for Shingles is fully and intirely adequate to the Trouble of Viewing Shingles as they are counted and landed on Shore by the owners of them, Every other alteration you have proposed we readily agree to, and if you are of Opinion that it will be for the Interest of the Country that That Bill with the Alterations agreed to should be Passed into a Law we will send two of our Members to see the same made.

Having answered all the objections arising on such points as occurred to your Honors on Reading that Bill, We desire to express our satisfaction for the real Flattery you are pleased to signify you have submitted to in favour of the Warmth of Desire of this House to promote the Public Good Independant of Views that are Interested, which we find you have done us the Honor to put on a footing with that by which you yourselves are actuated in Public Affairs, and to assure you that the Welfare of those we Represent is and always will be the constant Object of our Care and Attention, and it is that alone which has Induced this House to differ from you, in respect to the Alterations you Proposed, which could we with your Honors Consider as Amendments, We should readily agree to.

JOHN ASHE Sp^r.

2^d March 1764

Sent by Mr. Wynns and Mr. Gibson.

Received from the Council,

The Bill for the Building a House for a school and the Residence of a school master in the Town of New Bern

The Bill for altering the dividing line between the Counties of Bladen and Cumberland—And also,

The Bill for appointing a Militia Endorsed 2^d March 1764 In the upper House of Assembly, Read the third time and passed Ordered to be Engrossed.

Received from the Council the following Message (to wit)

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill for regulating the Pilotage of Cape Fear River and for other Purposes; we observe you have appointed seven Commissioners, We are of opinion that six are sufficient, and therefore propose that the Honourable Lewis De Rossett Esquire, William Dry, Richard Quince, William Purviance, Alexander Duncan and John Paine Esquires be the Commissioners. It is also requisite to have a Clause inserted in the Bill, for the continuation of Commissioners, we would further propose to have the following Clause inserted Viz^t

“And be it further Enacted by the Authority aforesaid, that in case of Death, or removal of any Commissioner, the other Commissioners, or the Majority of them, shall chuse another Commissioner or Commissioners, in the room of such Commissioner or Commissioners, so dead or removed.”

And to remove an uncertainty as to the Rates to be taken by the several Pilots, it seems necessary to express the Upper Line in the said Rates in the following manner to wit—

“For Eleven feet and under, inward and outward bound, Five shillings and four pence per Foot.”

To which amendment, if you agree, we desire you will send two of your Members to see the same made.

Then the House adjourned till 9 o'clock to morrow morning.

Saturday 3^d March 1764 The House met according to Adjournment

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your Message of yesterday respecting the Bill for Regulating the Pilotage of Cape Fear River and other purposes. We cannot agree to the alterations you propose as to the Number and Commissioners of the Pilotage, as we apprehend that a diligent attendance of the Pilots to the duties of their calling almost entirely

depends on a Majority of the Commissioners residing at Brunswick where in case of the misbehaviour of Pilots a sufficient Number of Commissioners may be present on the spot to Reprimand or suspend them In relation to the Clause you think necessary for the continuation of Commissioners in case of Death or removal, We readily agree with you to Insert one if there is no provision made in the Bill for that purpose We also agree with you that the words Outward and Outward bound shall be Inserted

We would propose that the Rates allowed the Pilots in that Bill for Piloting from Brunswick to Wilmington, which is one half of the Rates allowed from the Barr to Brunswick should be Increased to two thirds If your Honors agree to Pass the Bill with the Alterations Agreed to, We will send two of our Members to see the same made

JOHN ASHE Sp.

3^d March 1764

Sent by Mr. Harnett and Mr. Maurice Moore

Resolved the following Message be sent to His Excellency the Governor Viz^t

NORTH CAROLINA

To His Excellency Arthur Dobbs Esquire, Governor, &c^a

SIR—As Fort Johnston is in Order to Receive the Kings Stores, Amunition, This House therefore desire your Excellency will be pleased to Order the said stores &c^a now in Wilmington to be removed to the said Fort, And also that the Stores at Fort Dobbs in Rowan County be removed from thence to Salisbury

JOHN ASHE Sp^r

3^d March 1764

Sent by Mr. Howe and Mr. Montfort

Resolved that this House will allow no Claim hereafter to any Person for taking Care of the Stores &c^a belonging to Fort Johnston or Fort Dobbs except a reasonable allowance for the Portage of them to the different places above mentioned

Received from the Council the Message sent to them the 24th February last relating to the allowance to William Dry, And also that relative to the allowance to Colonel Hugh Waddell

Endorsed 3^d March 1764 In the upper House of Assembly Concurred with

JAMES MURRAY President

Received from the Council

The Bill to continue an Act Intituled an Act to make Provision of Paying the Chief Justice and Attorney Generals Salary &c^a And the Bill to suppress Excessive and Deceitful Gaming

Endorsed 3^d March 1764 In the upper House of Assembly Read the third time and passed Ordered to be Engrossed

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On Reading your Message of Yesterday relative to the Bill for the appointment of a Public Treasurer, We would propose that instead of appointing a Treasurer for the Northern District the Bill should be amended by appointing Treasurers for both Districts, And that the Title and the Bill be altered accordingly We propose for that purpose you will appoint some of your Members a Committee to join the Hon^{ble} the President and the Hon^{ble} Lewis De Rossett and Henry Eustace M^cCulloh Esquires a Committee of this House to consider and Report upon the Amendments necessary for that purpose to their Respective Houses

Or if it will be more agreeable to you to have the Present Bill Rejected and to bring in a new Bill for the purpose above we will readily Concur in giving it all the dispatch in our Power

You will please to let us have your sentiments on those Alterations, and be assured that our only Intention is to conciliate matters and prevent confusion

3^d March 1764

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In answer to your Message relative to the alterations you mention to be in the Bill for appointing a Public Treasurer and the propositions you make therein of this House appointing some Members thereof a Committee to join those Gentlemen of his Majesty's Hon^{ble} Council you have appointed to consider and Report upon the Amendments necessary in that Bill to their Respective Houses This House have appointed Mr. Starkey, Mr. Harnett, Mr. Maurice Moore, Mr. Montfort and Mr. Leech five of the Members thereof, who will meet your Committee when and where you think proper

JOHN ASHE, Speaker.

3^d March 1764

Sent by Mr. Harnett &

Resolved that Ten men and one commissioned Officer be appointed to Garrison Fort Johnston, The Officer at 4^s p. day and 8^d for subsistence, The men at 1^s 4^d p. day and 8^d for subsistence; And that four men and a Commissioned Officer be appointed to Garrison Fort Granville, The Officer at 2^s p. Diem and 8^d for subsistence and the men at 1^s 4^d p. day and 8^d for subsistence

Mr. Ormond and Mr. Barrow moved for leave to absent themselves from the service of the House

Ordered they have leave accordingly

Then the House adjourned till 10 o'clock Monday morning.

Monday 5th March 1764 The House met according to adjournment

Received from His Excellency the following Message in Writing

MR. SPEAKER,

The Public Business being much Retarded for want of a Printer to attend the Governor and General Assembly, as I can never approve of the late Printer appointed by the Assembly upon Account of His negligence in not Printing the Laws Journals and other Public Orders nor dispersing them in proper numbers for the use of the Province and Consequently deserves no favour I must therefore recommend it to the Assembly to appoint a Sum to encourage a Printer to Reside where he can attend the Government and Assembly and do his duty to the Public and not barely Consider his own Profit and Conveniency

And as I hear the Small Pox now Rages at Boston in New England it may be of Great Prejudice if it should spread here which there is great reason to apprehend from the Constant Intercourse there is between that Province and this: I also recommend it to the Assembly that a Proper House be appointed to serve as a Pest House or Hospital and that Provision be made for the same by a Tax to be laid on the Inhabitants of New Hanover, Brunswick and Bladen Counties

ARTHUR DOBBS

5th March 1764.

Mr. Maurice Moore moved for leave to present a Bill for an Hospital of [on] Cape Fear River

Ordered he have leave accordingly.

Mr. Moore presented the abovementioned Bill which he read in his

Place and delivered in at the Table where the same was again read by the Clerk, Passed and Ordered to be sent to the Council.

Sent the same to the Council by Mr. M. Moore and Mr. Leech

Mr. Harnett from the Committee appointed to joyn the members of His Majestys Honourable Council by them appointed to Consider on the Amendments proposed to the Bill for appointing Public Treasurers, Reported the Committees had met and agreed on several Amendments to the said Bill which he Read, and were Agreed to by the House.

Received from the Council The Bill for an Hospital on Cape Fear River Endorsed 5th March 1764 In the upper House of Assembly Read the first time and passed.

Received from the Council the following message (to wit)

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

The Committee appointed by this House to Consider of Amendments necessary in the Treasurers Bill having Reported that they are of Opinion that the Bill when amended should stand in the manner Expressed in the draft herewith sent with which we having Concurred transmit it to you for your Perusal and Approbation and in Case you Agree thereto you will please to send such of your members as you think proper to see the Bill Amended

If you should have any Objection to the mode of Expression made use of in the Amendments proposed Provided the substance of them is not affected thereby We shall not be against them

5th March 1764.

Resolved the following message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

In answer to your message of this day relative to the Bill for appointing Treasurers and the Amendments to the said Bill proposed by the Committee for that purpose, Concurred with by you, this House herewith send Mr. Harnett, Mr. M. Moore and Mr. Leech three of the members of this House to see the same Inserted in that Bill-

JOHN ASHE Sp.

5th March 1764.

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Upon reading the third time the Bill for annexing part of Craven County to Dobbs County and for removing the Seat of the Inferior Court of the said County of Dobbs &c^a. We would propose that such part of the Bill as relates to the Removal of the Court House from the place where it now stands to Kingston, should be now *Deled*. To which amendment if you agree you will send some of your members to see the same made.

5th March 1764.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your Message wherein you propose to *dele* that part of the Bill for annexing part of Craven County to Dobbs County which relates to the removal of the Court House from the place where it now stands to Kingston, We agree thereto and herewith send Mr. Caswell and Mr. Mackelwean two of the members of this House to see the same done.

JOHN ASHE, Speaker.

5th March 1764.

On motion Ordered the Bill for an Hospital on Cape Fear River be read. Read the same.

On motion Resolved the House Resolve into a Committee of the whole House to consider and debate on the Subject Matter of the said Bill.

The House Resolved into a Committee of the whole House &c. After some time spent therein Mr. Speaker resumed the Chair.

Mr. Chairman Reported that the Committee are of Opinion the said Bill be rejected.

Then on motion Resolved the said Bill be rejected.

Received from the Council the Bill for appointing Public Treasurers. Endorsed 5th March 1764. In the upper House of Assembly read the third time amended and passed. Ordered to be Engrossed.

And the following Message Viz^t

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY,

On Reading a third time the Bill for defraying the Expence of the members of his Majestys Hon^{ble} Council and the members of the Assembly &c^a We perceive some Alterations made on the third

reading of that Bill in your House, whereby you have *dele'd* the word House, As applied to his Majestys Hon^{ble} Council and Inserted the word Board, which Title we by no means approve of, and therefore send this Preliminary message, to know whether you adhere, or recede from that alteration you have made.

5th March 1764.

Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

In answer to your Message of this day relative to the word House in the Bill for defraying the Expence of His Majestys Hon^{ble} Council and the Members of Assembly &c^a being *dele'd* and in place thereof the word Board Inserted. We find the word Board made use of as well as House of Assembly, in a former Act Yet to prevent any Misunderstanding between this House and your Honors. We are willing the word Board in the above mentioned Bill be *dele'd*, And instead thereof the word Council be Inserted, Which if your Honors Agree to, the two Members who bring this will see the same Inserted

JOHN ASHE Sp

5th March 1764 Sent

Then the House Adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment

Received from the Council the Bill for annexing part of Craven County to Dobbs County Endorsed 5th March 1764, In the upper House of Assembly read the Third time amended and Passed Ordered to be Engrossed

Then the House adjourned till 9 o'Clock tomorrow morning

Tuesday 6th March 1764 The House met according to Adjournment

On motion Ordered the Message from his Excellency the Governor of the 10th February last be read The same is Read

Then on motion Resolved the House Resolve into a Committee of the whole House to Consider the said Message

The House Resolved into a Committee of the whole House and chose Mr. Moore Chairman, who took the Chair. After some time spent therein Mr. Speaker resumed the Chair

Mr. Chairman Reported that the Committee have had under their Consideration His Excellency's Message of the 10th of February last,

and Resolved they cannot approve of His Excellency's two drafts therein mentioned

On motion Resolved *una Voce*, this House agree with the Resolution Reported by the Committee

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

To dispute about words would be frivolous were it not Introductive of a dispute about things and Persons, And as we are determined to maintain and support firmly those Powers and Authorities with which the Crown hath invested us; We will not permit you in any Bill, Resolve or Message to call us by any other name less respectable than that of House, And we have the greater Right to Insist on this as we never fail in any Mark of Respect to you which can be reasonably desired

We are therefore to Inform you that unless you amend the Bill in Question by reinstating the word House as it stood on the second reading here, We will not Pass that or any other Bill or Concurr with you in any Resolve or Estimate

6th March 1764

Then the House Adjourned till $\frac{1}{2}$ hour past 2 °Clock Afternoon

P. M. The House met according to Adjournment

Resolved the following Message be sent to the Council Viz^t

[Relating to the official name of the Upper House.—See page 1132 *ante*.—EDITOR.]

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

As we think it our duty to Address his Majesty Resolved this House join the Council in an address to His Majesty and that Mr. Harnett, Mr. Starkey and Mr. Montfort join the Gentlemen of his Majesty's Council to prepare an Address to his Majesty and Report thereon to this House.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your Message of this day relative to the appointment of a Committee of this House to join the Hon^{ble} Lewis Henry De Rossett and Henry Eustace M^cCulloh Esquires to prepare an address

to his Majesty on the late Hon^{ble} Peace We have appointed Mr. Harnett, Mr. Starkey and Mr. Montfort a Committee of this House for that purpose

JOHN ASHE Sp.

6th March 1764

Received from the Council The Bill to Continue Couchet Jouvenal Esquire Agent for this Province Endorsed 6th March 1764, In the upper House of Assembly read the second time amended and passed

Then the House adjourned till 9 °Clock tomorrow morning.

Wednesday 7th March 1764 The House met according to Adjournment

On motion Ordered the Bill to continue Couchet Jouvenal Esquire Agent for this Province, be read a third time Read the same a Third time amended passed and Ordered to be sent to the Council

Sent the same by Mr. Bond and Mr. Campbell

Mr. Harnett Chairman of the Committee of Accounts Reported that the Committee had settled and allowed sundry Accounts Exhibited by several accomptants with the Public and laid the same before the House for concurrence The same were Read and concurred with

Mr. Starkey Chairman of the Committee of Claims Reported the Committee had settled and allowed sundry Claims, which were Read, And there appearing a Blank in the said Report for the Allowance to the Clerk of the said Committee, Resolved the said Blank be filled up with the sum of Thirty five Pounds the same is accordingly done, and then the House Agreed to the said Report.

Mr. Harnett Chairman of the Committee of Public Accounts Reported that John Starkey Esquire Public Treasurer of the Southern District hath paid in to the said Committee the sum of £569 in Notes uttered a second time, £1104.12.6 in Treasurers Notes Interest Included And £1140.9.8 on the sinking Fund, which said several sums amounting in the whole to the sum of £2814.2.2 are by Law to be Burnt

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

The Chairman of the Committee of Public Accounts hath Reported thath John Starkey Esquire Public Treasurer of thè Southern District hath paid into the Hands of the said Committee the sum of £569 in Notes uttered a second time, £1104.12.6 in Treasurers Notes Interest Included, and £1140.9.8 on the sinking Fund, which said several sums amounting in the whole to £2814.2.2 are by Law to be burnt. This House have therefore appointed a Committee of the whole House to joyn yours at the House of John Campbell in Wilmington at 5 °Clock this Evening

7th March 1764.

JOHN ASHE Sp.

Sent by Mr. Kenan and Mr. Coale.

On motion Ordered the Bill for the more Effectual Detecting and Punishing the Makers and Utterers of Counterfeit Bill Money Robbers and other Felons, be read the third time Read the same a Third time Amended Passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Montfort & Mr. Harris

Received from the Council the Bill for the more Effectual detecting and Punishing the makers and Utterers of Counterfeit Bill Money, Robbers and other Felons. Endorsed 7th March 1764. In the upper House of Assembly Read the third time and Passed. Ordered to be Engrossed

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On Reading the third time the Bill to Continue Couchet Jouvencal Esquire Agent for this Province, We must insist upon the reinstating of that Proviso which you have *dele'd*, relative to a member of our House, being of the Quorum of the Persons Corresponding. The necessity and Propriety of this Proviso must occur to you if you are pleased to Consider that as we admit a double number of members of your House in the Committee unless a Negative is Vested in ours, we should in fact be but Cyphers, which we shall in no Case Willingly agree to, We hope the utility of the Bill in Question and the Reasonableness of this amendment which we adhere to will enduce you not to lay us under the necessity of rejecting it.

Received from the Council the following message Viz^t

[See page 1134 *ante*, relating to the Committee of Correspondence.—EDITOR.]

Resolved that the following message be sent to the Council—

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

We desire to observe to your Honours that it has always been a Practice to appoint a Majority of a Committee of Correspondence in this House and that we cannot see any reason to deviate from a Custom which no inconvenience has ever yet arose from, We therefore cannot concur with you in the reinstating the Clause you propose, We are sorry that a difference of Opinion should occasion the loss of a Bill which we agree with your Honors will be, if passed into a Law of great Utility to the Province.

JOHN ASHE Sp.

7th March 1764.

Received a Written Message from his Excellency the Governor
Viz^t

MR. SPEAKER

There being several Sums due upon the Powder Duty in the several Ports of Roanoke, Bath and Beaufort it will be proper to have the sums due and paid into the several Collectors Inquired into and ascertained and paid forthwith unto the several Treasurers to be applied Properly if appropriated or disposed of by the General Assembly where not appropriated And that you will make a proper Resolve for that purpose.

ARTHUR DOBBS.

On Motion Ordered the Bill to Impower the Public Treasurer to draw for the Proportion of Money Granted by Parliament to this Province now in the hands of James Abercrombie and Samuel Smith of London Esquires, be read the third time Read^d the same a Third time Amended Passed and ordered to be sent to the Council

Sent the above Bills to the Council by Mr. Kenan and Mr. Coale.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In Answer to your Message Relative to the several Alterations you Propose in the Bill for defraying the Expence of His Majestys Honourable Council and Members of the Assembly &c^a We Cannot concur in any of the Alterations proposed by the said Message.

JOHN ASHE Sp^r

7th March 1764.

Sent by Mr. Kenan and Mr. Coale
Then the House Adjourned till 3 °Clock Afternoon
P. M. The House met according to Adjournment

Resolved the following Message be sent to His Excellency the Governor

NORTH CAROLINA—SS.

TO HIS EXCELLENCY ARTHUR DOBBS ESQUIRE, GOVERNOR &C^a

SIR In answer to your Message of this day relative to this House entering into a Resolve that the several Collectors of the Powder duty be obliged to Pay all such sums of Money they may have Received for that duty to the several Treasurers. We must Inform your Excellency this House have already taken that affair under Consideration And Resolved that the said Receivers do account with and Pay to the Treasurers the several sums they are in arrear on Account of that duty otherwise the Attorney General will have Directions to Prosecute such Receivers

JOHN ASHE Sp

7th March 1764.

Sent by Mr. Kenan and Mr. Campbell
Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message of this day relative to Burning the several sums paid on the Sinking fund into the Committee of Accounts—The Chairman of our Committee having made a Report similar to that of your Committee—This House have appointed a Committee of the whole House to see the sum you mention Burnt at the House of Mr. John Campbell in Wilmington at the time you mention—7th March 1764

Then the House Adjourned till 9 °Clock tomorrow morning

Thursday 8th March 1764. The House met according to Adjournment

The Chairman of the Committee of Accounts Reported that the Committee of the whole House together with the members of His Majestys Hon^{ble} Council met at the House of John Campbell in Wilmington the 7th Instant, And that the several sums mentioned

in the Message of this House to His Majestys Hon^{ble} Council of yesterday were Burnt

It appearing to this House that Lazarus Creel and Joseph Ford have taken one William Willis one of the Confederated gang Infesting the Frontiers and other Countries, and Committing sundry outrages and Murders and Delivered him to the Keeper of His Majestys Goal in Wilmington

It is therefore Resolved that the said Lazarus Creel be allowed and paid by the Public Treasurers the sum of Twenty Pounds, and the said Joseph Ford Ten Pounds for apprehending the said William Willis, and that the said Treasurers be allowed the said several Sums on passing their Accounts.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have Resolved that the sum of Twenty Pounds be paid by the Public Treasurers to Lazarus Creel and Ten Pounds to Joseph Ford for their apprehending one William Willis a noted Rogue and bringing him to the Goal in Wilmington, and that the said Treasurers be allowed the same on passing their Accounts, And desire your Honors Concurrence thereto

JOHN ASHE Sp.

8th March 1764

Resolved that the Hon^{ble} James Murray Esquire, John Starkey, John Ashe, Cornelius Harnett and Thomas Clifford Howe or the Majority of them do agree with such Persons they or the Majority of them shall think Proper for a sum not exceeding Two Hundred Pounds to Print the Laws which shall pass this Session of assembly, The Journals of the House of Assembly and all other Acts of Government, Which said Laws and Journals shall be dispersed by the Person who shall Print the same to the several Counties of this Province in the manner and for the same use and Purposes as the late Printer James Davis was obliged to do by an Act of Assembly Passed in the Year of our Lord One thousand seven Hundred and sixty appointing the said James Davis Printer to this Province

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House taking into Consideration the necessity of Printing the Laws which may Pass this Session, the Journal of the Assembly &c^t

Have Resolved that the Hon^{ble} James Murray Esquire, John Ashe, John Starkey, Cornelius Harnett and Thomas Clifford Howe Esquires, or the Majority of them do agree with such Person they shall think proper for a sum not Exceeding Two Hundred Pounds to Print the Laws which shall pass this Session of Assembly, the Journals of the House of Assembly and all other Acts of Government for one Year, which said Laws and Journals shall be dispersed by the Person, who shall Print the same, to the several Counties of this Province in the Manner and for the same use and Purposes as the late Printer James Davis was obliged to do by an Act of Assembly Passed in the year of our Lord One thousand seven hundred and sixty, appointing the said James Davis Printer to this Province, to which desire your Honors Concurrence

JOHN ASHE Sp.

8th March 1764

Sent by Mr. Kenan and Mr. Sumner.

Received from the Council the Message sent them of the 28th February regarding the allowance of Fifty Pounds to Hannah Dunbibbin Endorsed 8th March 1764 In the upper House of Assembly Concurred with

JAS MURRAY President

Mr. Harnett presented the Petition of Charles Cogdell setting forth that the Public on settling his Accounts with them fell in arrear to him the sum of One Thousand One Hundred and ninety nine Pounds nine shillings which yet remains unpaid Praying the Public will allow and pay him Interest for that sum until he shall receive the same

Resolved the Public do allow the said Interest be paid according to the Prayer of the said Petition and that the Public Treasurers do pay the Legal Interest on that sum to the said Charles Cogdell from the 21st day of April 1762, until he shall have paid to the said Charles Cogdell the said £1199.9.0 And on the said Treasurers passing their Accounts they be allowed the same

Received from the Council the Address to His Excellency the Governor sent to them the 17th February last relative to the sale of the Estate of the late Jeremiah Vail Endorsed

JAS MURRAY President

Sent the said Address to his Excellency the Governor for his Concurrence, and returned Endorsed Concurred with

ARTHUR DOBBS

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House on Reading the Petition of Charles Cogdell, and on mature consideration had thereon Have Resolved that the Public Treasurers do pay the said Charles Cogdell the legal Interest on the sum of one Thousand one Hundred and ninety nine Pounds nine shillings being the sum due to him from the Public until that sum be paid him, And that the Treasurers be allowed the same on Passing their Accounts with the Public, and desire your Honors Concurrence

JOHN ASHE Sp.

8th March 1764

Sent by Mr. Wynns and Mr. Jones

Then the House Adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment.

Mr. James Moore presented the Petition of Walter Lindsay setting forth that the Public on settling his Accounts with them was found in arrear to him in the sum of £557.1.0 which yet remains unpaid. Praying the Public will allow and pay him Interest for that sum until he shall receive the same.

Resolved the said Walter Lindsay be allowed the Legal Interest on the said sum of Five Hundred and Fifty seven Pounds one shilling from the 25th day of March 1763, and paid him by the Treasurers until he shall receive the said sum of £557.1.0, the Public is in arrear to him.

Resolved the following message be sent to the Council Viz

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House on reading the Petition of Walter Lindsay which we herewith send you, having duly considered the same, have Resolved, that the said Walter Lindsay be allowed the legal Interest on the sum of £557.1.0 from the 25th day of March 1763, and paid him by the Treasurers until he shall receive the said sum of £557.1.0 which

the Public is in arrear to him and desire your Honors Concurrence thereto.

JOHN ASHE Speaker.

8th March 1764.

Sent by Mr. Moore and Mr. Bond.

Received from the Council

The Resolve of this House this day regarding the money to be paid to Lazarus Creel and Joseph Ford &c^a. Endorsed 8th March 1764, In the upper House of Assembly Concurred with.

That relative to Employing a proper person to print the Laws &c^a this Session of Assembly &c^a. Endorsed 8th March 1764 In the upper House of Assembly Concurred with.

And, also, that relative to the allowing Charles Cogdell Interest on the sum due to him from the Public. Endorsed 8th March 1764. In the upper House of Assembly Concurred with

JAS. MURRAY President.

Received from the Council the following message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

The message proposing to allow Interest to Charles Cogdell for the sum due to him from the Public, &c. [See page 1140 *ante*.—EDITOR.]

Then the House Adjourned till 9 o'clock tomorrow morning.

Fryday 9th March 1764 The House met according to Adjournment

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

The Treasurer of the Southern Distriet having paid James Davis Printer One Hundred and Twenty nine Pounds ten shillings as appears by Report of the Committee of Accounts, for Printing the Laws and Journals of the last Session of Assembly, and other Services in Consequence of a Resolve of the said Assembly which Payment, this House having allowed him, desire your Honors Concurrence

JOHN ASHE Sp.

9th March 1764

Sent by Mr. Moore and Mr. Bond

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

Mr. Starkey from the Committee appointed to prepare an Address to His Majesty, Reported that the Committee had prepared the same which is approved of by this House and herewith sent you, to which desire your Honors Concurrence

JOHN ASHE Sp.

9th March 1764

Received from the Council the following Messages, to wit

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading over the third time the Bill to Impower the Public Treasurers to draw for the Proportion of Money Granted by Parliament &c. [See p. 1141 *ante*.—EDITOR.]

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On Considering the Report of your Committee of Claims &c. [See p. 1142 *ante*.—EDITOR.]

Received from the Council the Message sent them the 8th Instant relative to the allowing Walter Lindsay Interest on the sum due to him from the Public, and also that sent to them of this day relative to the Treasurer having Paid James Davis Printer £129.10. Endorsed 9th March 1764—In the upper House of Assembly, Concurred with
JAMES MURRAY President

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

The Address to His Majesty On the Peace—&c. [See p. 1143 *ante*.—EDITOR.]

Then the House adjourned till 3 °Clock Afternoon.

P. M. The House met according to Adjournment

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In Answer to your Message of yesterday (but received this day) regarding the Bill to Impower the Public Treasurers to draw for the proportion of Money Granted by Parliament &c^a We must acquaint you that that Bill was duly Considered by us on its third Reading

in this House and as no reasons appear to Induce us to alter that Bill, We therefore must inform your Honors we cannot concur that any alterations be made therein

JOHN ASHE Sp^r.

9th March 1764

Resolved the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In Answer to your Message of this day relative to the allowance of £266.13.4 made to the Governor by the Committee of Claims, we must Inform you this House do not admit it as a matter of Claim and Right, but allowed merely as a Compliment and therefore cannot Concurr with your Honors in the Alterations Proposed.

9th March 1764.

JOHN ASHE Sp.

His Excellency the Governor by Writing Concurred with the Resolves of this House regarding the allowance of £50 to Hannah Dunbibbin, that of £30 to Lazarus Creel and Joseph Ford, and also that of £50 to William Crane for himself and party &c^a

The Council having Rejected the Bill for Continuing Couchet Jouvencal Esquire Agent for this Province for and during the space of Eighteen months to commence from the first day of October last past &c^a Therefore this House Resolve that the said Couchet Jouvencal be continued Agent for this Province for Eighteen months to Commence from the first of October last, and for his services trouble and Expences therein shall be allowed at the Rate of Two hundred Pounds Sterling p. annum during the said Term.

Resolved that John Ashe, John Starkey, Cornelius Harnett, Francis Corbin and Maurice Moore Esquires or the majority of them be, and are hereby appointed a Committee of Correspondence in Behalf of the Assembly to correspond with the said Couchet Jouvencal and to Communicate such Documents Matters and things as may be necessary for his information and Instruction

Resolved that the Treasurer pay into the Hands of Cornelius Harnett Esquire, Eight Pounds to supply William Miller now delayed in Goal at Wilmington as an Evidence on behalf of our Sovereign Lord the King against James Farr and others, with such necessaries as the said Cornelius Harnett shall think fit

His Excellency the Governor sent a message to the House requir-

ing the Attendance thereof in the Council Chamber, with Engrossed Bills.

Mr. Speaker with the House waited on His Excellency the Governor in the Council Chamber, and Mr. Speaker presented the following Acts for his Assent Viz^t

The Act concerning Vestries

The Act

To which His Excellency was pleased to Assent, and then directed the House to return to the further Business of the Province.

The House Returned

Sent the Resolve regarding the Treasurer paying Cornelius Harnett Eight pounds for the use of William Miller, to the Council for Concurrence, by Mr. Harnett and Mr. Starkey

Then the House adjourned till 9 o'clock tomorrow morning

Saturday March. 10th 1764 The House met according to adjournment

Resolved that the Treasurers of this Province be Impowered to Draw by Bills at the highest Current Exchange on James Abercrombie and Samuel Smith Esquires for whatever sum or sums of money shall be in their Hands of the proportion of the Parliamentary Grant allowed this Province, And that the money arising therefrom be applied by the said Treasurers toward discharging the sum due to his Excellency the Governor for the Purchase Money of the Land called Tower Hill And the sum allowed him this session as ~~per~~ Report of the Committee of Claims and other Public Debts due from this Province, and in Aid of the Tax for defraying the Contingent Charges of Government, and that a Copy of this Resolve, and the following message, be sent to the Council for their Concurrence, Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House have Resolved as above and desire your Honors Concurrence thereto

JOHN ASHE, Sp.

10th March 1764

Received from the Council the Report of the Committee of Accounts, and also that of Claims Endorsed March 1764 Concurred with
JAMES MURRAY President

Received from the Council the following message Viz^t

[See page 1146 *ante*, relative to the Treasurers being empowered to draw on James Abercrombie, &c.—EDITOR.]

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

In answer to your Message wherein you propose to Concur with that of ours to you relative to the Treasurers being Impowered to draw on James Abercrombie and Samuel Smith Esquires, but under certain Regulations We must acquaint you that we find the time in the session will be too short (as we hope it will end this day) to form a schedule of the Public Debts, And as to that part of your Message wherein you propose that the Governor draw the Bills we would observe to you that we think the Public will be very safe in allowing the Treasurers only to draw, especially when we consider they give security for the faithful discharge of their office in the sum of £20,000 Sterling, for which reasons we cannot Concurr with you on those heads, As to your third Proposition of allowing the Treasurers a Commission of one per cent for the sums they shall receive for the said Bills we have no Objection

JOHN ASHE Speaker.

10th March 1764

Sent by Mr. Knox and Mr. Harris

Received from the Council the following Message Viz^t

[See page 1147 *ante*, relative to the Treasurers being empowered to draw on James Abercrombie, &c.—EDITOR.]

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In answer to your last Message of this day, relative to the drawing for the money at Home, To prevent any further disputes with your Hon^{rs}. We do agree it be added to the Resolve of this House this day sent you that the Treasurers should be directed to give his Excellency a Bill of £200 Sterling on account of the sum allowed him as per the Report of the Committee of Claims this Session, and desire your Honors Concurrence, And as nothing further is before this House, desire your Honors will be pleased to return a speedy answer

JOHN ASHE Speaker

10th March 1764

Received from the Council the Resolve sent them this day relative to allowing William Miller Eight pounds &c^a Endorsed 10th March 1764 In the upper House of Assembly Concurred with

JAMES MURRAY President

Received from the Council the Two Resolves sent them this day relative to the drawing for the money Granted by Parliament to this Province Endorsed in the upper House of Assembly Concurred with 10th March 1764

JAMES MURRAY President

Sent to the Council the Resolve of the Third Instant relative to the Garrisoning Fort Johnston and Fort Granville, And also the following Message

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

We herewith send you the Resolve of this House relative to the Garrisoning Fort Johnston and Fort Granville, and desire your Honors Concurrence thereto

JOHN ASHE Sp.

10th March 1764

Sent by Mr. Wynns and Mr. Hardison

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On Reading your Resolve relative to the Garrisoning of Forts Granville and Johnston, &c. [See page 1149 *ante*.—EDITOR.]

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your Message relative to the Proposition of putting the officers of Fort Granville on an Equal footing with the Officer of Fort Johnston, We cannot agree thereto therefore desire your Honors Concurrence to our former Resolve,

JOHN ASHE Sp^r

10th March 1764

Sent by Mr. Kenan and Mr. Taylor

Received from the Council the Resolve sent them this day relative to the Garrisons of Fort Johnston and Fort Granville &c^a And also

the Message sent them therewith Endorsed 10th March 1764 In
the upper House of Assembly Concurred with

JAS MURRAY President

Then the House Adjourned till Monday 5 o'clock Afternoon

[Then his Excellency was pleased to prorogue the General Assembly by Proclamation until —— the —— day of October next. See Journal of Upper House.—EDITOR.]

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 33.]

NORTH CAROLINA—SS.

At an Assembly begun and held at Wilmington the third day of February in the year of our Lord 1764 In the fourth year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain &c. & continued by Prorogation until the 25th day of October in the same year.

In the Upper House

Present

| | | | |
|------------------------|---|-------------------------|-------------|
| The Hon ^{ble} | { | James Murray | } Esquires. |
| | | James Hasell | |
| | | Lewis De Rossett | |
| | | Chas. Berry | |
| | | W ^m Dry | |
| | | Rob ^t Palmer | |
| | | Benj ⁿ Heron | |

The House adjourned till 10 o'clock tomorrow morning.

Fryday morning 26th October 1764 The House met according to adjournment.

Present as above

Then his Excellency the Governor was pleased to command the Attendance of the Assembly who accordingly attended and his Excellency delivered to both Houses the following Speech viz^t

HON^{ble} GENTLEMEN OF HIS MAJESTYS COUNCIL MR. SPEAKER AND
GENTLEMEN OF THE ASSEMBLY,

The War which had been so gloriously carried on by his Majesty in defence of the Liberties and Possessions of Britain under the conduct and by the Assistance of Divine Providence being happily

terminated by a glorious safe and Honourable Peace which has Secured the Civil and Religious Liberties of Europe and more immediately those of Great Britain and her Colonies by the Occasion of so extensive an Empire on this Continent and an unbounded Commerce over the Globe by which we are secured from the encroachments of our most dangerous and hereditary Enemies and a Peace with all our Indian Enemies on this Continent is concluded upon account of these happy events and having no Instructions from his Majesty to demand any Public aid I have nothing to recomend to you but the maintaining the Forts already Erected and the amending and continuing such Laws as were postponed being not thoroughly digested last Session viz^t. the Superior and Inferior Court Bills and the Inspection Bill and the framing others which may be beneficial to the Trade Commerce and Interior Improvement of the Province particularly Schools for the Education of youth which have been hitherto much neglected.

Mr. Speaker and Gentlemen of the Assembly as it will be for his Majestys Service and a Public advantage to this Province that you should raise a proper fund to pay the premiums upon Hemp & Flax already Enacted and also a small duty upon Tonage to procure safe Navigation into the several Ports and Rivers of this Province by Erecting Beacons when necessary and fixing Buoys upon the several Bars and Stakes to point out the Channels in the several Rivers of this Province and also a proper sum for contingencys to answer the necessitys of the Government.

I therefore recomend it to you to raise these supplies upon Luxuries by adding a duty upon Wine Spirits and other firmented Liquors Imported (except from Great Britain) and upon all brought in by Land from the adjoining Colonies, and to reenact a former Act upon all other Goods Imported or brought in from the neighbouring Colonies.

HONOURABLE GENTLEMEN OF HIS MAJESTY'S COUNCIL, MR. SPEAKER •
AND GENTLEMEN OF THE ASSEMBLY,

I leave it to your Consideration whether it would be of Public benefit when the Number of small Paper Bills are so much worn and diminished that you should concur in ordering a reasonable sum of the Money Granted by Parliament to this Province to be emitted over in the Copper coin of Britain or in such coin as his Majesty may be pleased to order to be coined in the Town of Lon-

don of equal Value for this Province which will be of great use to the poor in the Markets of this Province.

As I hope you will unite in forming Salutary Laws for the general benefit of this Province I shall sincerely and heartily concur with you in every measure consistant with his Majestys Instructions and the general benefit of Great Britain and its Colonies whose Interest is and always ought to be Inseperable.

Then the House proceeded to take under Consideration his Excellencys Speech and ordered it to be read which was accordingly done and the Hon^{ble} Lewis De Rossett Charles Berry and Robert Palmer Esq^{res} appointed a Committee of this House to draw up an address in Answer to his Excellency's Speech.

Then the House adjourned till 9 o'clock tomorrow morning.

Saturday morning 27th October 1764. The House met according to adjournment.

Present

| | | | | |
|------------------------|---|-------------------------|---|-------------------|
| The Hon ^{ble} | { | James Murray | } | Esq ^{rs} |
| | | Jas. Hasell | | |
| | | Lewis De Rossett | | |
| | | Cha ^s Berry | | |
| | | W ^m Dry | | |
| | | Robert Palmer | | |
| | | Benj ⁿ Heron | | |

Then the House adjourned till Monday morning 10 o'clock.

Monday morning 29th October, 1764. The House met according to adjournment.

Present

| | | | | | |
|------------------------|---|------------------------|---|---|-------------------|
| The Hon ^{ble} | { | Ja ^s Murray | Alex ^r M ^c Culloh | } | Esq ^{rs} |
| | | Ja ^s Hasell | Cha ^s Berry | | |
| | | Lewis De Rossett | W ^m Dry | | |
| | | John Sampson | Rob ^t Palmer | | |
| | | | Henry E. M ^c Culloh | | |
| | | | | | |

The Committee appointed by this House to draw up an Address in Answer to His Excellency the Governors Speech Reported that they had prepared the same which was Ordered to be read.

The same was read and approved and Resolved that the same stand the address of this House and be entered on the Journal as follows Viz^t

MAY IT PLEASE YOUR EXCELLENCY,

We his Majestys Most Dutifull and Loyal Subjects the Council of this Province desire to return your Excellency our most hearty thanks for your Speech at the opening of this Session.

With hearts full of gratitude to the best of Kings We see the War at an end which has been so wisely carried on by his Majesty, by whose unwearied diligence under the happy direction of the Divine Providence a safe and Honourable Peace is secured, with an unbounded addition of Territory to the British Empire on this Continent.

We beg leave to assure your Excellency that we will most readily join and contribute all in our Power to bring to effect such Salutary Laws as may be digested; having always in view what your Excellency has been pleased to recomend, wishing nothing more than that they may meet your Excellencys Approbation and tend to the real benefit & happiness of the Province.

Then the House Adjourned till 10 o'clock next morning.

Tuesday morning, October 30th 1764. The House met according to adjournment.

Present as before

This House waited on his Excellency and by the Hon^{ble} James Murray Esquire presented him with their Address to which he was pleased to make the following Answer

I am obliged to you for the warm address wherein you Express your Satisfaction in his Majestys having procured to us so safe and Honourable a Peace to Britain and these American Colonies and that you will concur in such Laws and measures as will be beneficial to this Province, which you have always endeavoured to promote.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday morning October 31st 1764. The House met according to adjournment

Present

| | | | | | |
|------------------------|---|------------------|----------------------------|---|-----------|
| The Hon ^{ble} | { | James Murray | Henry E. McCulloh | } | Esquires. |
| | | James Hasell | Alex ^r McCulloh | | |
| | | Lewis De Rossett | Cha ^s Berry | | |
| | | John Sampson | W ^m Dry | | |

Received from the Assembly by Mr. Howell & Mr. Parsons, the following Message

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House have appointed Mr. Harnett, Mr. Jas. Moore, Mr. John Harvey, Mr. Howe, Mr. Mau^r Moore, Mr. Campbell & Mr. Parsons a Committee of this House to state & settle the Public Accounts of the Province and Mr. Starkey, Mr. Caswell, Mr. Benton, Mr. Bartram, Mr. Kenan, Mr. Frohock and Mr. Baker to settle the Public Claims in conjunction with such of your Honours as you shall think fit to appoint.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE Clk.
29th Oct^r 1764

The foregoing Message was taken under Consideration and Ordered that the following Message be sent to the Assembly

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message relative to the Committees, We have appointed the Hon^{ble} Alex^r M^cCulloh, W^m Dry, Rob^t Palmer and Benjamin Heron Esquires a Committee of this House to Examine State & Settle the Public Acct^s and the Hon^{ble} Lewis De Rossett, John Sampson, Henry Eustace M^cCulloh and Charles Berry Esquires a committee of this House to settle and allow the Public Claims.

31st October 1764

Then the House Adjourned till 10 o'clock to morrow morning.

Thursday Morning 1st Nov^r 1764. The House met according to adjournment

Present

| | | | |
|--------------------------|------------------|---|---------------------|
| The Hon ^{ble} { | James Murray | John Sampson | } Esq ^{rs} |
| | James Hasell | Henry E. M ^c Culloh | |
| | Lewis De Rossett | Alex ^r M ^c Culloh | |

The House adjourned till 10 o'clock tomorrow morning.

Fryday Morning 2^d November. The House met according to adjournment and Adjourned till 10 o'clock tomorrow morning.

Saturday Morning 3^d November The House met & adjourned till Monday morning 10 o'clock.

Monday morning 5th November 1764 The House met according to adjournment.

Present.

| | | | | | |
|------------------------|---|------------------|---|---|----------|
| The Hon ^{ble} | { | James Murray | Alex ^r M ^c Culloh | } | Esquires |
| | | Jas. Hasell | & | | |
| | | Lewis De Rossett | W ^m Dry | | |
| | | John Sampson | | | |

Received from the Assembly by Mr. & Mr. Isaac Jones the following Bills to wit

A Bill for an additional Act to an Act Intituled an Act for restraining &c. excessive Usury.

On motion read the first time and passed.

A Bill to encourage Alexander Moore to Build a Bridge over Rock Fish Creek near the mouth of the same in Bladen County.

Received from the Assembly by Mr. Mau^s Moore and Mr. Johnston

A Bill to prevent the Exportation of unmerchantable commodities which

On motion was read the first time and passed.

Received from the Assembly by Mr. Thomas Howe and Mr. Taylor the following Bills to wit

A Bill for an Additional Act to an Act intituled an ~~Additional~~ Act to an Act Intituled an Act to prevent Killing Deer at unseasonable times and for putting a stop to many abuses Committed by white persons under pretence of hunting

On motion read the first time and passed

A Bill to repeal part of an Act intituled an additional Act to an Act Intituled an Act concerning Servants & Slaves.

On motion read the first time and passed.

A Bill to prevent the pernicious practice of taking Judgment Notes and Bonds.

On motion read the first time and passed.

Received from the Assembly by Mr. Harvey & Mr. M^cGuire the following Bills

A Bill to amend and Continue an Act Intituled an Act for dividing the Province into five several Districts and for Establishing a Superior Court of Justice &c.

On motion read the first time and passed.

A Bill to increase the Salary of the Rever^d Thomas Burgess Minister of Edgcombe Parish in the County of Halifax.

On motion Read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow Morning

Tuesday Morning 6th Nov^r 1764

Present

| | | | | |
|------------------------|---|--|---|---------------------|
| The Hon ^{ble} | { | James Murray | Alex ^r M ^c Culloh | } Esq ^{rs} |
| | | Jas Hasell | Cha ^s Berry | |
| | | John Rutherford | W ^m Dry | |
| | | Lewis De Rossett | Rob ^t Palmer | |
| | | John Sampson | and | |
| | | Henry Eus ^e M ^c Culloh | Benj ⁿ . Heron | |

Received from the Assembly by Mr. Johnston & Mr. M. Moore A Bill to amend & continue an Act Intituled an Act to Establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province

On motion Read the first time and passed.

Received from the Assembly by Mr. Johnston & Mr. Maur Moore the following Message to wit

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

For the preservation of Good Order & Harmony which ought to Subsist between you the Gentlemen of His Majestys Hon^{ble} Council and this House; We have appointed Mr. Harnett Mr. Starkey Mr. Mau^r Moore Mr. Elmsley, & Mr. Rob^t Jones a Committee to settle the Decorum to be Observed between your Hon^{rs} and this House on transacting the business of this Province in the several Assemblys hereafter to be held and also the sums that shall hereafter be allowed on the Estimate for the Extra Services of the Clerks and the Clerks of the several Committees and other Clerks to be Occasionally employed which after being concurred with by the Council and Assembly and entered on the Journals thereof shall be a general rule to be Observed between the two Houses for Establishing the Proceedings of the same and also for making out the Estimates for the future in conjunction with such of your Honours as you shall think proper to appoint.

JN^o ASHE Speaker.

In the Assembly Nov^r 2^d 1764.

The House adjourned till 10 o'Clock to morrow Morning.

Wednesday Morning 7th Nov^r 1764. The House met according to Adjournment.

Present as before

Received from the Assembly by Mr. Sikes and Mr. Ormond, A

Bill for rendering more effectual the Laws making Lands and other real Estates liable to the payment of Debts.

On motion Read the first time amended & passed.

Then on motion the Message relative to the settling of the Decorum &c. was Ordered to be read, read the same & which was Accordingly taken under consideration and Ordered that the following Message be sent to the Assembly viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Taking into consideration your Message of the 2^d November (received yesterday) for appointing a Committee to settle the Decorum to be observed between this House and the Assembly and also for regulating the Estimates for the Clerks &c. this House appoint the Hon^{ble} James Hasell John Rutherford Lewis De Rossett Henry E^s McCulloh and Charles Berry Esquires a Committee to confer with the Committee of your House on the principles and to Report accordingly.

7th Nov^r 1764 In the Upper House

By Order

J^{no} BURGWIN Clk.

On motion Resolved that this House Resolve into a Committee of the whole House tomorrow Morning in order to take under consideration the standing Rules and Orders of the House and for regulating the same for the future.

On motion Ordered that Mr. Rutherford be added to the Committee of Accounts.

Received from the Assembly by Mr. Rob^t Howe and Mr. Montfort the following Bills to wit.

A Bill for the Relief of Abram Jones Esquire late Sheriff of Edgcomb County.

A Bill to amend and Continue an Act for dividing this Province into five several Districts and for Establishing a Superior Court &c.

Received from the Assembly by Mr. Simpson & Mr. Blount the following Bills to wit.

A Bill to Ascertain the Method of paying all Taxes and Levies in Commodities.

On motion read the first time and passed.

A Bill to Repeal part of an Act Intituled an additional Act to an Act concerning servants and Slaves.

A Bill to continue an Act Intituled an Act to Establish a Ferry

from Solleys to Relfes point whereon the Court House now stands on Pasquotank River.

A Bill to allow a Drawback on the Exportation of Wines Rum and other distilled Liquors.

On motion Read the first time and passed

A Bill to Increase the Salary of the Rev^d Tho^s Burgess Minister of Edgcomb Parish in the County of Halifax.

On motion read the Second time amended and passed.

A Bill for an additional Act to an Act Intituled an Additional Act to an Act to prevent Killing Deer &c.

A Bill to amend and continue an Act Intituled an Act to Establish Inferior Courts of Pleas & Quarter Sessions &c.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 8th November 1764 The House met according to Adjournment

Present as before

Received from the Assembly by Mr. Macklewean & Mr. Giles—the following Bills to wit

A Bill for appointing a Printer to this Province.

On Motion read the first time & passed.

A Bill to continue an Act therein mentioned.

On motion read the first time and passed.

On motion Ordered that the Order of the House be read in consequence of the Resolve of yesterday relative to the standing Rules and Orders of the House for the future, which was Read and

Resolved that the House Resolve into a Committee of the whole House for the purposes aforesaid.

The House Resolved into a Committee of the whole House and made choice of the Hon^{ble} John Rutherford Esq^r Chairman who took the Chair accordingly,

Ordered that the Standing Rules and Orders of the House be read which were read accordingly and

After due consideration the Committee came to a Resolution thereon which the Chairman was directed to Report and then On motion The Hon^{ble} Jas. Murray Esq. resumed his seat as President.

Then the Chairman made his Report as follows viz^t That the Standing Rules and Orders of this House as far as the fifth Rule Inclusive be continued to be the Standing Rules and Orders of the House for the future.

Then on Motion the said Report was read and agreed to by the House.

And Ordered that the Sixth Seventh & Eighth Rules be also considered to continue and remain standing Rules of this House and further that the two following Rules be added to the same and be Observed for the future as Standing Rules of the House viz^t

That Mr. President when in the Chair, shall not argue or debate or in any manner intermeddle in the Arguments or Debates on any Bill or other matter whatsoever.

That if it be desired by any Member that the House shall Resolve into a Committee, it shall not be refused.

Ordered that the Clerk do insert the foregoing Rules on the Roll of Standing Orders of this House

On motion Ordered that the Bill for an Additional Act to an Act intituled an Additional Act to an Act to prevent killing Deer &c. be read, read the same the second time amended & passed.

Received from the Assembly by Mr. Wynns & Mr. Cray a Bill for Establishing a Town on the Lands of Benjamin Wynns on the West side of Chowan River in Hertford County.

On motion Ordered that the Bill to amend and continue an Act Intituled an Act for Dividing this Province into five several Districts and for Establishing a Superior Court of Justice in each of the said Districts &c. be read. Read the said Bill the second time, and then on motion Resolved that this House resolve into a Committee of the whole House to consider the subject matter of the said Bill.

The House resolved into a Committee of the whole House for the purpose aforesaid and made choice of the Hon^{ble} James Hasell Esquire for Chairman who took the Chair accordingly

After some consideration the Committee came to a Resolution and then on motion the Hon^{ble} the President resumed the Chair.

The Chairman reported that the Committee proposed an amendment to the said Bill which he laid before the House and

On motion ordered that the said amendment be made which was accordingly done and then the said Bill was put and passed the second time with amendments.

Then the House Adjourned till 10 o'clock tomorrow morning.

Fryday morning 9th November 1764. The House met according to Adjournment.

Present as before

On motion the Bill for the relief of Abram Jones Esquire late Sheriff of Edgcomb County was read the first time and passed.

On motion the Bill to allow a Drawback on the Exportation of

Wine, Rum and other Distilled Liquors was ordered to lie on the Table for further consideration.

Received from the Assembly by Mr. Simpson and Mr. Frohock a Bill to prevent the unreasonable destruction of fish in the Rivers of Chowan and Meherrin.

On motion read the first time and passed.

Received from the Assembly by Mr. Simpson and Mr. Campbell a Bill to prevent the Exportation of unmerchable Commodities.

Received from the Assembly by Mr. Frohock & Mr. Kenan a Bill for Establishing a Town on the land of Alexander Cotton on Chowan River.

On motion read the first time and passed.

Received from the Assembly by Mr. McKelwean & Mr. Thomas Jones the following Bills to wit

A Bill to appoint an Agent to Solicit the affairs of this Province at the several Boards in England.

On motion read the first time & passed.

A Bill removing the Seat of the Inferior Court of Dobbs County from Walnut Creek to the Town of Kingston for Establishing a Court House and Building a Clerks Office Prison and Stocks in the said Town.

A Bill to amend an Act therein mentioned concerning Servants and Slaves.

On motion read the third time & passed. Ordered to be Engrossed.

A Bill to prevent hunting for and killing Deer in the manner therein mentioned.

On motion read the third time & passed.

Ordered to be Engrossed.

A Bill to Increase the Salary of the Rev^d Thomas Burgess, Minister of Edgcomb Parish in the County of Halifax.

On motion read the third time & passed.

Ordered to be Engrossed.

On motion the Bill to amend and continue an Act intituled an Act to Establish Inferior Courts of Pleas & Quarter Sessions &c. was read the second time amended and passed.

Then the House adjourned till 9 o'clock tomorrow morning.

Saturday morning 10th Nov^r 1764. The House met according to Adjournment.

Present as before

Recd. from the Assembly by Mr. James Moore & Mr. Blount the following Bills,

A Bill to continue an Act therein mentioned.

A Bill to facilitate the mode of enlarging Insolvent Debtors as to Imprisonment of their persons.

On motion Ordered that the Bill to prevent the Exportation of unmerchantable Commodities be read, Read the said Bill the second time and

On motion Resolved that the House Resolve into a Committee of the whole House to consider the subject matter of the said Bill.

The House Resolved into a Committee of the whole House for the purpose aforesaid and made choice of the Hon^{ble} Jas. Hasell Esq^r for Chairman who took the Chair accordingly.

The Committee proceeded to take the said Bill under consideration and agreed to several Amendments and Resolved that the Chairman Report that they have not had time to finish the same and desire leave to adjourn the Committee till Monday morning. Then on motion Mr. President resumed the Chair and the Chairman Reported accordingly.

Resolved that the Committee sit again on Monday morning.

On motion the Bill to facilitate the mode of enlarging Insolvent Debtors as to the Imprisonment of their persons was read the first time amended and passed.

On motion the Bill to continue an Act therein mentioned was read the second time & passed.

On motion a Bill for Establishing a Town on the Lands of Benjamin Wynns on the West side of Chowan River in Hertford County was read

Then the House adjourned till Monday morning 10 o'clock.

Monday morning 12th November, 1764. The House met according to Adjournment.

Present

| | | | |
|------------------------|--------------------------------|---|-------------|
| The Hon ^{ble} | James Murray | Alex ^r M ^c Culloh | } Esquires. |
| | James Hasell | W ^m Dry | |
| | John Sampson | and | |
| | Henry E. M ^c Culloh | Robert Palmer | |

On motion the Bill to Encourage Alexander Moore to Build a Bridge over Rock fish Creek near the mouth of the same in Bladen County was read the first time and passed.

Recd. from the Assembly by Mr. Sykes & Mr. Campbell the following Bills

A Bill for appointing a Printer to this Province.

A Bill for continuing an Act therein mentioned.

On motion read the first time & passed.

A Bill to ascertain who shall pay Costs on Bills of Indictment preferred on presentment made against any person or persons within this Province.

On motion the last mentioned Bill was read the first time and Ordered to lie on the Table for consideration.

A Bill for making adequate Allowances to the members of His Majestys Council and members of the Assembly for their Services in attending the general Assemblies.

On motion read the first time and passed.

A Bill to Establish a toll for keeping the Public Road from Negrohead Point to Mount Misery in due Repair.

The Order of the day being Read on motion Resolved that the Committee sit further to consider the Bill to prevent the Exportation of unmerchable Commodities. The Committee accordingly sat and agreed to several amendments which the Chairman was directed to Report and then on motion Mr. President resumed the Chair.

The Chairman Reported that the Committee had considered the said Bill and proposed several Amendments which were laid before the House, and on motion Ordered that the said amendments be inserted in the said Bill which were accordingly done and then the said Bill was again Read, and Ordered that it be again taken under further consideration tomorrow morning.

Recd. from the Assembly by James Moore & Mr. Jn^o Blount the following Bills

A Bill for regulating the Pilotage of Cape Fear River & other purposes.

A Bill for dissolving the Vestry of St James's Parish & other purposes.

On motion read the first time & Rejected.

A Bill to ascertain the method of Paying all Taxes and Levies in Commodities.

On motion read the second time and Rejected.

A Bill for rendering more effectual the Laws making Lands and other real Estates lyable to the payment of Debts.

A Bill for the relief of Abram Jones Esq^{re} former Sheriff of Edgcomb County.

On motion read the second time amended & passed

A Bill for altering the Dividing Line between the Counties of Dobbs and Pitt and for Establishing a public Ferry at the Red Banks in Pitt County.

A Bill to amend & continue an Act Intituled an Act to Establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

Then the House adjourned till 10 o'Clock tomorrow morning.

Tuesday morning 13th November 1764

Present

| | | | | |
|------------------------|---|------------------|---|---------------------|
| The Hon ^{ble} | { | Jas. Murray | H. E. M ^c Culloh | } Esq ^{re} |
| | | Jas. Hasell | Alex ^r M ^c Culloh | |
| | | John Rutherford | W ^m Dry and | |
| | | Lewis De Rossett | Rob ^t Palmer | |
| | | John Sampson | | |

On motion the Consideration of the Bill to Prevent the Exportation of unmerchable Commodities was again Resumed and passed the second time with amendments.

Received from the Assembly by Mr. Harvey & Mr. Elmsley the following Bills to wit

A Bill to continue an Act therein mentioned.

A Bill for continuing an Act therein mentioned.

A Bill to appoint an Agent to Solicit the affairs of this Province at the several Boards in England.

A Bill to encourage Alexander Moore to Build a Bridge over Rock fish Creek near the Mouth of the same in Bladen County.

A Bill for making Adequate allowances to the Members of his Majestys Hon^{ble} Council and Members of Assembly for their Services in attending the General Assemblies.

Received from the Assembly by Mr. Harvey & Mr. Elmsley the following message viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

The Chairman of the Committee appointed to state and settle the Public Accounts of this Province having reported that Thomas Barker Esquire late Treasurer of the Northern District by Mr. Samuel Johnston hath paid into the said Committee £3726.11.9 on the sinking Fund and £699.10^s in Interest notes and the Interest thereon

£55.9.2 amounting to £4481.10.11 and from John Starkey Esquire Treasurer of the Southern District £359 in Uttered notes and £389 In Interest Notes and Interest thereon £34.2.1 and also Twenty Five hundred and Eighty seven pounds four shillings and Eight pence on the Sinking Fund amounting to £3369.6.9 and from Joseph Montfort Esquire Treasurer of the Northern District £857.4.3 on the Sinking Fund, In Interest Notes £388.10 Interest thereon £32.18.10 amounting in the whole to £1278.13.1 which said several sums paid in as above said by the said Thomas Barker, John Starkey & Joseph Montfort amount to £9129.10.9 and are by law to be Burnt. This House have therefore appointed a Committee of the whole House in conjunction with such of your Honours as you shall think fit to see the said sum burnt at the House of John Campbell in Wilmington at four o'clock to-morrow afternoon.

JN^o ASHE Speaker.

By Order W^m HERRITAGE C^{lk}.
13th Nov^r 1764.

On motion the foregoing message was taken under consideration and Ordered that the following message be sent to the Assembly,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your message of this day relative to Burning the several sums paid on the Sinking Fund into the Committee of Accounts the Chairman of our Committee having made Report similar to that of your Committee

This House have appointed a Committee of the whole House to see the sum you mention Burnt at the House of Mr. John Campbell in Wilmington at the time you mention

13th Nov^r 1764.

By Order J. B. C^{lk}

Received from the Assembly by Mr. Cumming & Mr. Taylor the following Bills to wit

A Bill for altering the Boundary Line between the Countys of Northampton & Hertford.

A Bill to confirm an Agreement made with the Chiefs of the Tuskarora Indians and Thomas Whitmill, Thomas Pugh, William Williams and John Watson.

A Bill to confirm the Vestry already chosen for the Parish of St Johns in the County of Bute and to enable the sheriff of the Countys

of Pasquotank & Currituck to Elect Vestries and for other purposes therein mentioned.

A Bill to prevent the pernicious practice of taking Judgment Notes & Bonds.

Then the House adjourned till 9 o'clock tomorrow morning.

Wednesday morning 14th Nov^r 1764. The House met according to adjournment.

Present as before

Received from the Assembly by Mr. Harnett and Mr. M. Moore the following Bills to wit

A Bill to enable W^m Dry Esquire to make a Road across Eagles Island from Wilmington to a Plantation of the said William Dry on the North West River.

On motion read the first time and passed.

A Bill for Regulating Proceedings in the Court held for the Borough of Wilmington.

On motion read the first time & passed.

A Bill to amend an Act therein mentioned.

On motion read the first time & passed.

A Bill for the relief of Insolvent Debtors.

On motion the Bill for removing the seat of the Inferior Court of Dobbs County from Walnut Creek to the Town of Kingston for Establishing a Court House and Building a Clerks Office Prison & Stocks in the said Town was read the first time and Rejected.

On motion Ordered that the following Bills be read

A Bill for rendering more effectual the Laws making Lands and other real Estates lyable to the Payment of Debts. Read the second time amended and passed.

A Bill for appointing an Agent to Solicit the affairs of this Province at the several Boards in England. Read the second time amended and passed.

Received from the Assembly by Mr. Montfort and Mr. Baker the following Bills to wit

A Bill to prevent the Exportation of unmerchantable commodities.

A Bill for the relief of Abram Jones Esq^r former Sheriff of Edgcomb County.

A Bill for enlarging the time of saving Lotts in the Town of Halifax and other purposes.

Then the House adjourned till 10 o'clock tomorrow.

Thursday Morning 15th Nov^r 1764. The House met according to adjournment.

Present as before

On motion the following Bills were Ordered to be read

A Bill to confirm an Agreement made with the Chiefs of the Tuskarora Indians & Thomas Whitmill & others. Read the first time & passed.

A Bill to confirm the Vestry already chosen for the Parish of S^t Johns in the County of Bute &c. Read the first time & passed.

A Bill for enlarging the Time of saving Lotts in the Town of Halifax & other purposes. Read the first time & passed.

A Bill for altering the Boundary Line between the Counties of Northampton & Hertford. Read the first time & passed.

A Bill for altering the Dividing Line between the Countys of Dobbs & Pitt &c. Read the first time & passed.

On motion Ordered that the Bill to amend and continue an Act Intituled an Act to Establish Inferior Courts of Pleas & Quarter Sessions in the several Counties in this Province, be read

The said Bill was read the third time and Ordered that the following Message be sent to the Assembly

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading for the third time the Bill to amend and continue an Act Intituled an Act to Establish Inferior Courts of Pleas & Quarter Sessions &c.

We would propose the following amendments thereto to *delete* that part of the amendments made by you on your third reading marked A which repeal the Eleventh & Twelfth Section of the Inferior Court Act passed at New Bern in 1762, and declare the proceedings to be had on the Clerks Bonds.

That in order to secure to his Excellency & His Successors the regular payment of their Fees from the County Clerks the following Clause be inserted in the Bill.

And whereas the method appointed by Act of Assembly for Obliging the Clerks of the Inferior Courts to account with the Governor or Commander in Chief for the time being hath proved ineffectual; Be it further Enacted by the Authority aforesaid that when a motion shall be hereafter made against any Clerk for Fees which such Clerk ought to be accountable for to the Governor or Commander in Chief, the sum supposed to be due shall be specified in the Notice served on such Clerk (at least ten days before such

motion) who on appearing thereto shall render an account upon Oath for all such Monies as he hath or ought to have received for such Governor or Commander in Chief and pay the same; and on failing so to do the Court shall give Judgment for the whole sum mentioned in such Notice and award Execution thereon.

To which amendments if you agree in substance, you will please to send some of your Members to see the same made.

By Order J BURGWIN Clk.

15th Nov^r 1764.

On motion the following Bills were Ordered to be read viz^t

A Bill for regulating Coffee Houses. Read the first time and passed.

A Bill to encourage the Building of Bridges over Rockfish Creek.. Read the second time amended & passed.

A Bill for appointing a Printer to this Province. Read the second time amended and passed.

A Bill to prevent the pernicious practice of taking Judgment Notes & Bonds. Read the third time & Rejected.

A Bill for the Relief of Abram Jones Esq^r former Sheriff of Edgcomb County. Read the third time & passed: Ordered to be Engrossed.

A Bill for Continuing an Act therein mentioned. Read the second time and passed.

A Bill for regulating the Pilotage of Cape Fear River and other purposes. Read the first time amended and passed.

Received from his Excellency the Governor the following Message viz^t

I recomend to your Consideration a provision for the Wages of the Members of both Houses, and that the same may be not only more adequate to their expence than the present allowances but also proportioned to the privileges of the several Counties. I therefore recomend that the several Counties after this Session pay their respective Members and that the sum be ascertained in Sterling Money, payable at the current rate of Exchange.

ARTHUR DOBBS.

15th Nov^r 1764.

Received from the Assembly by Mr. Thomas Jones and Mr. Montfort the following Message to wit,

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

On reading and considering your Message of this day relative to the amendment by you proposed to the Inferior Court Bill this House do agree to that amendment and have sent Mr. Thomas Jones and Mr. Montfort two of the Members of this House to see the same inserted.

JN^o ASHE Speaker.

By Order

W^m HERRITAGE Clk.

15th Nov^r 1764

Received from the Assembly by Mr. Jones & Mr. Montfort the following Bills to wit

A Bill to appoint an Agent to Solicit the affairs of this Province at the several Boards in England.

A Bill to prevent the unreasonable Destruction of Fish in Rivers of Meherrin Pedee & Catawba.

On motion read the second time & passed.

Then on motion the amendments proposed to the Bill to amend and continue an Act Intituled an Act to Establish Inferior Courts of Pleas &c. were inserted in presence of Mr. Thomas Jones and Mr. Montfort. And then on motion the said Bill was put and passed the third time with amendments. Ordered to be Engrossed

Then the House Adjourned till 10 o'clock tomorrow Morning.

Fryday Morning 16th November 1764. The House met According to Adjournment.

Present as before

On motion Ordered that the Bill to prevent the Exportation of unmerchantable Commodities, be read Read the third time and Ordered that the following Message be sent to the Assembly, to wit,

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill to prevent the Exportation of unmerchantable Commodities, we find our Selves under an Indispensable Necessity of proposing the following amendment, viz^t

Page 4 Line 17. That Blounts Creek Durham's Creek & South Dividing Creek be *dele'd*, as well as the following Section begining in the 22^d Line page 5 viz^t

"And at all such other places as the Justices of the several Counties shall from time to time Order and Direct Provided Nevertheless that if the Merchant willing to Purchase and the Planter willing to sell any of the Commodities aforesaid shall be desirous of

“having any of them inspected at any convenient Landing which is not by this Act appointed a place of Public Inspection, It shall and may be lawfull for any Inspector of the County wherein such Landing is to attend and Inspect the same according to the Rules and directions herein mentioned anything herein contained to the Contrary notwithstanding” And to insert the following Proviso in its stead viz^t

Provided nevertheless that any person or persons having at any Landing which is not by this Act appointed a place of Public Inspection a quantity of Merchandize for Exportation and being desirous to ship the same directly on Board a Vessell for Exportation from such Landing It shall and may be Lawfull for such person or persons Intending to ship and Export the said Merchandize as aforesaid to call any Inspector who is hereby required to inspect and Brand the same under the Rules and Directions herein mentioned anything in this Act contained to the contrary notwithstanding.”

That at Letter B page 10, be inserted these words—“Contain thirty One Gallons & a half and”

And in regard to the Public faith for the Prosperity of the back Country in particular and of the Province in general as well as to prevent disputes we propose to *set* that Clause which you *dele'd* in your last reading for “confirming the Bounty on Hemp & Flax.”

To these amendments if you agree please to send some of your Members to see them made in the said Bill.

Received from the Assembly by Mr. M^cGuire and Mr. Leech the following Message viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

On reading your Message of this day relative to the amendment you proposed to the Bill to prevent the Exportation of unmerchantable Commodities This House agree to such amendments and herewith send Mr. M^cGuire and Mr. Leech two of the Members of this House to see the same inserted in the said Bill.

JN^o ASHE Speaker.

By Order W^m HERRITAGE Clk.

15th November 1764

The amendments agreed to were inserted in the said Bill in presence of Mr. M^cGuire & Mr. Leech the Members sent by the Assem-

bly for that purpose. And on Motion the said Bill was put & passed the third time with amendments.

Ordered to be Engrossed.

Received from the Assembly by Mr. Leech & Mr. Cray—the following Bills to wit,

A Bill for continuing an Act therein mentioned.

A Bill to appoint a Printer to this Province.

A Bill to encourage Alexander Moore to Build a Bridge over Rockfish Creek near the mouth of the same in Bladen County.

A Bill to amend an Act therein mentioned.

A Bill for making Adequate allowances to the Members of His Majesty's Hon^{ble} Council and Members of the Assembly for their Services in attending the general Assemblies.

A Bill to amend and continue an Act Intituled an Act for Dividing this Province into five several Districts and for Establishing a Superior Court of Justice in each of the said Districts.

A Bill for rendering more effectual the Laws making Lands and other Real Estates liable to the Payment of Debts.

A Bill for enlarging the time of saving Lots in the Town of Halifax and other purposes.

On Motion read the second time and passed.

A Bill for altering the Dividing Line between the Counties of Northampton & Hertford.

On Motion read the second time and passed.

A Bill to Enable William Dry Esquire to make a Road across Eagles Island from Wilmington to a Plantation of the said William Dry on the North West River.

On Motion read the second time amended & passed.

A Bill to confirm the Vestry already chosen for the Parish of St Johns In the County of Bute and to Enable the Freeholders of Pasquotank Anson & Currituck to Elect Vestries.

On Motion read the second time and passed.

Then the House adjourned till 10 o'clock tomorrow Morning

Saturday Morning 17th November 1764

Present as before.

On Motion the Bill to amend and continue an Act intituled an Act for dividing the Province into five several Districts & for Establishing a Superior Court of Justice in each of said Districts &c. was

read the third time and Ordered that the following Message be sent to the Assembly,

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill to Amend and continue an Act intituled an Act for Dividing this Province into five several Districts &c. we would propose to amend the same by *steting* the two Clauses *dele'd* by you on your third reading relative to the allowances to the Associates of Halifax Edenton New Bern & Wilmington Districts for the Courts they Actually attend; and the repeal of the fourth Section of the Superior Court Act passed at New Bern in 1762.

If you think proper to agree to these Amendments you will please to send some of your members to see the same made.

17th Nov^r 1764

By Order J. B. C^{lk}.

On motion the following Bills were Ordered to be read viz^t.

A Bill to continue an Act intituled an Act to establish a Ferry from Solleys Point to Relfes Point whereon the Court House now stands on Pasquotank River.

Read the first time & passed.

Then the House adjourned till Monday morning 10 o'clock

Monday morning 19th Nov^r 1764.

Present as before

Received from the Assembly by Mr. Harnett & Mr. Leech a Bill for Regulating the Proceedings in the Court held for the Borough of Wilmington.

On motion read the second time amended & passed. Sent to the Assembly.

Received from the Assembly by Mr. Gray & Mr. Parsons the following Bills viz^t

A Bill for regulating the Pilotage of Cape Fear River and other purposes.

A Bill for enlarging the time of saving Lots in the Town of Halifax and other purposes.

A Bill for regulating proceedings in the Court held for the Borough of Wilmington

On motion read the third time & passed. Ordered to be Engrossed.

A Bill to enable William Dry Esquire to make a Road across

Eagles Island from Wilmington to a Plantation of the said William Dry on the North West River.

A Bill to confirm the Vestry already chosen for the Parish of S^t Johns in the County of Bute and to enable the Freeholders of Pasquotank Anson & Currituck to Elect Vestries.

On motion read the third time & passed. Ordered to be Engrossed.

A Bill to continue an Act Intituled an Act to Establish a Ferry from Solley's Point to Relfes Point whereon the Court House now stands on Pasquotank River.

A Bill to prevent the unreasonable Destruction of Fish in the Rivers of Meherrin Pedee & Catawba.

On motion read the third time & passed. Ordered to be Engrossed.

A Bill for altering the Boundary Line between the Countys of Northampton & Hertford.

On motion read the third time & passed ; Ordered to be Engrossed.

On motion the following Bills were Ordered to be read

A Bill for making Adequate allowances of the members of his Majestys Hon^{ble} Council and members of the Assembly for their Services in attending the General Assemblies. Read the third time & Rejected.

A Bill to appoint an Agent to Solicit the affairs of this Province &c. Read the third time & Rejected

A Bill for Rendering more effectual the Laws making Lands and other Real Estates liable to the Payment of Debts, Read the third time and Ordered that the following Message be sent to the Assembly viz^t.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading for the third time the Bill for rendering more effectual the Laws making Lands and other Real Estates liable to the Payment of Debts.

We would propose to amend the same by *steting* these words following *dele'd* by you on your third reading in the Proviso amended to first page of the said Bill, to wit, "before Action or Suit brought and *dele* these words *steted* by you as above before such Lands or other Real Estate were adjudged to be Assets for paying his or her Debts as aforesaid."

We think it necessary and therefore proper to *set* these words "By Virtue of a Writ of *Venditioni Exponas* which the Court is

hereby required to issue for that purpose and to proceed in the Sale of the said Lands" And to *dele* "to proceed in compleating the execution of such Writ according to the command thereof" beginning in the upper Line of the last page.

If you agree to these amendments please to send two of your members to see them made.

By order

BURGWIN Clk.

19th Nov^r 1764.

Then the House adjourned till 8 o'clock tomorrow morning

Tuesday morning 20th November 1764. The House met according to adjournment.

Present

| | | | | | |
|------------------------|---|------------------------------|----------------------------|---|--------------------|
| The Hon ^{ble} | { | Jas. Murray | Alex ^r McCulloh | } | Esq ^{res} |
| | | Jas. Hasell | W ^m Dry | | |
| | | J ^{no} . Rutherford | Robert Palmer | | |
| | | Lewis De Rossett | and | | |
| | | John Simpson | Benjamin Heron | | |

On motion the Bill for the Relief of Insolvent Debtors was read the second time amended and passed.

Recd. from the Assembly by Mr. Williams & Mr. Giles the following message, to wit,

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your message relative to the amendments you propose to the Bill to amend & continue an Act intituled an Act for Dividing this Province into five several Districts and for establishing a Superior Court of Justice &c, we must inform you that we cannot agree thereto and must adhere to the Bill as sent you from us on our third reading.

JOHN ASHE Speaker.

By order W^m HERRITAGE Clk

17th Nov^r 1764

On motion the said Bill was read the third time & passed. Ordered to be Engrossed.

Reed. from the Assembly by Mr. McGwire & Mr. M. Moore the following message, to wit,

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your message of yesterday wherein you proposed

several amendments to the Bill for rendering more effectual the Laws making the Lands and other Real Estate Liable to the payment of Debts we must Acquaint you we cannot agree to such amendments and particularly the last as it would entirely destroy the Chief Intent of the Bill which is to secure the title of Purchasers under a Sale of a removed or a deceased Sheriff, & hope you will pass the Bill as sent you from us.

JOHN ASHE Sp

By order W^m HERRITAGE Clk.
20th Nov^r 1764

Then on motion the said bill was read the third time & passed. Ordered to be Engrossed.

Recd. from the Assembly by Mr. Moore & Mr. McGwire the following message

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House have resolved that the sum of One hundred and thirty three pounds six shillings and Eight pence be paid to the Post Master General if he shall cause a proper person or persons to ride Post thro' this Province and carry the Public Dispatches and Letters to and from Suffolk in Virginia unto the Southern Boundary of this Province once every fortnight during the term of one year and that the said One hundred and thirty three pounds six shillings & eight pence shall be paid by the Treasurers of this Province out of the fund for contingencys by a warrant from the Governor or Commander in Chief of this Province and desire your Hon^{rs} Concurrence thereto.

JOHN ASHE Sp.

By Order W^m HERRITAGE Clk.
20th Nov^r 1764.

20th Nov^r. In the upper House Concurred with.

JAS. MURRAY P. C.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 21st Nov^r 1764.

Present as before

On motion the following Bills were Ordered to be read viz^t

A Bill for regulating the Pilotage of Cape Fear River and other purposes. Read the second time amended & passed.

A Bill to amend an Act therein mentioned concerning Roads. Read the second time amended & passed.

On motion the Bill to enable W^m Dry Esq^r to make a road across Eagles Island from Wilmington to a Plantation of the s^d W^m Dry on the North West River, read the third time and Ordered that the following Message be sent to the Assembly (to wit)

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading for the third time the Bill to enable W^m Dry Esq^r to make a Road across Eagles Island from Wilmington to a Plantation of the said W^m Dry on the North West River.

We would propose to *dele* the word *Driver* in that Clause relative to the rates of Ferriages and again to insert "Passengers" Obliterated by you on your third reading.

We would also propose to *dele* the subsequent Clause in the third and fourth pages and substitute in its stead the several Clauses herewith sent you.

If you agree to these amendments please to send two of your Members to see the same made.

21st Nov^r 1764. In the Upper House

By Order J BURGWIN Clk.

On motion the Bill for continuing an Act therein mentioned was read the third time and passed. Ordered to be Engrossed.

On motion the Bill for appointing a Printer to this Province was read the third time & Rejected.

Recd. from the Assembly by Mr. McWire & Mr. Starkey the following Message to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your Message of this day wherein you propose several amendments to the Bill to Enable William Dry Esq^r to make a Road across Eagles Island from Wilmington to a plantation of the said William Dry on the North West River this House concurr with you in such amendments and send herewith Mr. Starkey

& Mr. McGwire two of the Members thereof to see them inserted in the said Bill.

JOHN ASHE, Speaker.

By order W^m HERRITAGE Clk.

21st Nov^r 1764

Then the said amendments were made in presence of the members for that purpose sent and the Bill put and passed. Ordered to be Engrossed.

Received from the Assembly by Mr. McGwire & Mr. Starkey the following Message &c.

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In the Bill for regulating proceedings in the Court held for the Borough of Wilmington, we beg leave to inform your Hon^{rs} that the Clerk of our House has made a mistake in the inserting these words to wit "Between persons resident in the Borough & Transient persons not residing in the Province" only in the preamble, whereas it was the intention of this House that the same should have been also inserted in the enacting Clauses of the said Bill and as this is a matter very unusual in its nature we desire the concurrence of your Hon^{rs} that the words may be inserted according to the sense of this House or the same may be done in any other manner as your Hon^{rs} shall esteem more consistent with the rules of Parliament.

JOHN ASHE, Speaker.

By Order W^m HERRITAGE Clk.

21st Nov^r 1764

On motion the foregoing Message was Ordered to be read, the same was accordingly read and taken under Consideration and Resolved that the said Message contains matter entirely new inconsistent and unparliamentary

Resolved that the following Message be sent to the Assembly viz^t.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On considering your Message relative to a mistake said by you to be made by your Clerk in the Bill for regulating Proceedings in the Court held for the Borough of Wilmington, we cannot help observing with what impropriety it would appear after a Bill has been solemnly Debated read and passed three times in each House and an Order passed for Engrossing of it, That the Bill should be again

debated, and on finding that certain words are wanting to answer particular purposes altered, this would be a proceeding so entirely new and unparliamentary that we cannot concur with you in your Message to give the Bill a fourth reading, nor can we agree with you to have inserted Words that would so essentially destroy the good tendency of the Bill in question.

Then the House adjourned till 10 o'clock tomorrow Morning.

Thursday morning 22nd November 1764.

Present as before.

Received from the Assembly by Mr. Starkey & Mr. Montfort the following Bills and Message to wit.

A Bill for the relief of Insolvent Debtors.

A Bill for regulating the Pilotage of Cape Fear River & other purposes.

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House on consideration had of the Proposals laid before us by Benjamin Heron and Robert Palmer Esquires for the Purchase of the Money in England due to this Province Have Resolved that John Starkey & Joseph Montfort Esq^{rs} the public Treasurers be empowered and directed so soon as the said Benjamin Heron & Robert Palmer shall pay into the Treasury of this Province in Proclamation Money for the one half of the said Money in England at the Exchange of 100 p^r Cent on Sterling & shall give them sufficient security for paying the other half when they or their Agents or factor shall receive the said Money to make & execute such power in writing under their hands and seals as shall be thought proper for Impowering the said Benjamin Heron and Robert Palmer their Agent or Factors to receive the said Money belonging to this Province in England and give sufficient discharges for the same and desire your Honours Concurrence.

JOHN ASHE Speaker.

By Order W^m HERRITAGE C^{lk}
22^d Nov^r 1764

In the Upper House the foregoing Resolve was taken under consideration and concurred with

J^a. MURRAY President.

By Order BURGWIN C^{lk}.
22nd Nov^r 1764

Then the House adjourned till 10 o'clock tomorrow morning.

Fryday morning 23rd November 1764.

Present as before

On motion Ordered that the Bill for regulating the Pilotage of Cape Fear River and other purposes, be read, the said Bill was Accordingly read and Ordered that the following Message be sent to the Assembly.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading for the third time the Bill for regulating the Pilotage of Cape Fear River &c. We observe that you have *dele'd* the name of *William Dry* and inserted in his stead John Paine as one of the Commissioners of the Pilotage of Cape Fear River which we can by no means agree to, and therefore propose to *stet* W^m Dry in the Eighth line, and *dele* John Paine in the tenth Line in the first page of the said Bill—

We would further propose that the following Clause be inserted in the Bill, to wit

And be it further Enacted by the authority aforesaid—that the Master or Commander of any Vessell who shall send for or take on Board a Pilot to conduct such Vessell from one place to another in the said River and shall afterwards delay transporting the said Vessell Wind and weather permitting the Master or Commander thereof shall pay unto the Pilot attending eight shillings Proclamation Money p^r Diem for each and every day he shall be detained.

If you agree to these amendments please to send two of your Members to see the same done.

23rd Nov^r 1764

By Order

BURGWIN C^{lk}

Rec^d from the Assembly by Mr. Howe and Mr. Harnett a Bill to restrict the power of Overseers of Roads in the Counties therein mentioned and other purposes.

On motion read the third time and Rejected.

Received from the Assembly by Mr. Harvey & Mr. Starkey the Report of the Committee of Accounts and Claims approved of and allowed there and sent for the Concurrence of this House.

On motion the Bill for the Relief of Insolvent Debtors was read the third time and Rejected.

Received from the Assembly by Mr. Harnett & Mr. Gray the following Message viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

In answer to your Message of this day regarding the Amendment therein proposed to the Bill for Regulating the Pilotage of Cape Fear River &c. This House agree thereto and herewith send Mr. Harnett and Mr. Gray two of the Members of this House to see the said amendments Inserted in the said Bill.

JOHN ASHE Speaker.

By Order W^m HERRITAGE Clk.
23^d Nov^r

Then the alterations proposed and agreed to were inserted in the said Bill in presence of the Members sent for that purpose.

Then the Bill was again read the third time and passed with amendments. Ordered to be Engrossed.

Resolved that the Hon^{ble} Henry Eustace McCulloh and Robert Palmer Esquires be a Committee Jointly to examine the Bills yet remaining unexamined of those passed this Session and that each of them sign the initial letters of their name on each Engrossed copy.

Then the House adjourned till 10 o'clock tomorrow Morning.

Saturday Morning 24th November 1764.

Present as before

His Excellency having signified in Council his Intention to depart the Government In pursuance of leave of Absence which he hath obtained from his Majesty

Resolved that the Hon^{ble} Henry Eustace McCulloh Rob^t Palmer & Benjamin Heron Esq^{rs} be a Committee of this House to prepare an address to his Excellency on that Occasion.

Then the House adjourned till 10 o'clock on Monday Morning.

Monday Morning 26th Nov^r 1764.

Present

| | | | | | |
|------------------------|---|----------------------------|---|---|-------------------|
| The Hon ^{ble} | { | Ja ^s Murray | Henry E. McCulloh | } | Esq ^{rs} |
| | | Ja ^s Hasell | Alex ^r M ^c Culloh | | |
| | | Jn ^o Rutherford | W ^m Dry | | |
| | | Lewis De Rossett | Rob ^t Palmer | | |
| | | John Sampson | Benj ⁿ Heron | | |

On motion the House took under consideration the Report of the Committee of Claims and Ordered that the following Message be sent to the Assembly to wit,

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY,

On considering the Reports of the Committee of Public Claims we observe that you have not allowed Fred^k Gregg his claim of thirty pounds one shilling & five pence as Store &c. nor His Excellency the Governors Claim of £50 for House Rent &c. we are unanimously of opinion that those Claims sho^d be allowed and desire your Concurrence.

And on Considering the Report of the Committee of Accts approved of by you & sent for concurrence we find ourselves at a loss to Know your Opinion upon the Article relative to Sam^l Smith Esq^r and therefore have for Expedition appointed the Hon^{ble} Lewis De Rossett and Rob^t Palmer Esq^{rs} to confer with such of your Members as you think proper to appoint for that purpose to Meet & Report as soon as possible.

By Order J. B. Clk.

26th Nov^r

Received from the Assembly by Mr. Cray & Mr. Leech the follow^g Resolve viz^t

Resolved that Andrew Stewart, Printer, for His Voyage Trouble and expence in coming to this Province in consequence of the Committees Letters be paid One hundred Pounds Proclamation Money out of the Treasury from the Contingent fund.

to the above resolve desire your Hon^{rs} Concurrence.

JN^o ASHE, Speaker.

By Order W^m HERRITAGE Clk.
26th Nov^r 1764

26th Nov^r In the Upper House concurred with

JAS. MURRAY Presid^t

By Order J BURGWIN Clk.

Received from the Assembly by Mr. Cray & Mr. Leech the follow-
ing Message viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

This House have resolved that James Davis of the Town of New Bern be appointed to Print the Laws & Journals of this Session of Assembly and all Public Acts of Government and that he transmit two copys of the said Laws and Journal to His Excellency the Governor one Copy to each Member of His Majesty's Council One copy to each Member of Assembly Fifteen copys of the Laws to each

County within this Province for the use of the Justices thereof One Copy to each Clerk of the Superior Court and one copy to the Clerk of each Inferior Court which shall be transmitted and delivered to the persons who ought to receive the same within three Months after the said James Davis shall receive attested Copys of the said Laws and Journal of the last Session of Assembly he shall be paid the sum of Two hundred Pounds Inclusive of what Monies he may have received from John Starkey Esq^r since the last Session and if he shall be guilty of any neglect in Complying with this Resolve there shall be a Deduction out of such allowance made by the Assembly and desire your Hon^{rs} Concurrence thereto.

JN^o ASHE Speaker.

By Order W^m HERRITAGE Clk.
26th Nov^r 1764

Received the estimate of allowances of the lower House of Assembly.

The Committee appointed to draw up an address to His Excellency on his approaching Departure Reported that they had prepared the same which was Ordered to be read the same was accordingly read & Resolved that it stand the address of this House and be entered on the Journals thereof as follows (to wit)

The Humble address of the Upper House of Assembly

MAY IT PLEASE YOUR EXCELLENCY

We his Majesty's Dutifull & Loyal Subjects the Council of this Province on the approaching Departure of your Excellency Most sincerely desire to tender you our unfeigned & most Gratefull Acknowledgment for the many real and important services derived to this Province during the Course of your Excellencys Government.

Your Excellencys wise Steady and uniform Administration has always been best calculated (Judging from Consequences) for promoting His Majestys Service and at the same time productive of the best and most extensive advantages to his Majesty's Loyal Subjects.

We are happy in being able to distinguish that Administration not only unsullied but publickly tried and benevolent; as such yours demands our gratefull acknowledgments. We flatter ourselves from our future prospects, that your Successor whom His Majesty has been pleased to appoint Lieu^t Governor will from his universal good Char-

acter be equally successfull in your Absence in his Endeavours to promote the prosperity and welfare of this Province.

And we most ardently wish your Excellency all happiness and prosperity with an agreeable arrival in Britain and a speedy recovery of your health together with a most gracious and cordial reception from His Majesty & his Ministers for your unwearied endeavours to serve his Interest and the Province.

JA MURRAY Presid^t

By Order J. BURGWIN Clk
20th Nov^r 1764

This House waited on His Excellency & by the President presented him with their Address to which his Excellency was pleased to return the following Answer.

HON^{ble} GENTLEMEN OF HIS MAJESTYS COUNCIL,

I return you my sincere and hearty thanks for your Kind Address upon my approaching Departure from this Province.

Your Kind acknowledgment and approbation of my Endeavours to serve His Majesty and to promote the true Interest and Welfare of this Colony by my promoting a happy Union between his Majesty and the Inhabitants of this Province (as it has been my constant Intention) gives me the greatest pleasure; and upon my return to his Royal presence I shall truly inform his Majesty of your constant Endeavours to promote his service and the public advantage of the Colony.

ARTHUR DOBBS.

Then the House adjourned till 9 o'clock tomorrow Morning

Tuesday Morning 27th November 1764.

Present as before

Received from the Assembly by Mr. Harvey & Mr. Harnett the following Message viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your Message relative to the claim made by Mr. Gregg we must observe that as he must have known from a Resolve of last Session of Assembly that no further allowance would be made him as Store Keeper &c. It is our opinion he is by no means intitled to £30.1.5 disallowed by the Committee of Claims.

It is with concern we inform your Hon^{rs} we cannot concur with

you in admitting His Excellencys Claim of Fifty Pounds for House rent &c. but shall agree with you in allowing him that sum for the Extraordinary expense he hath been at in attending this Session.

We are sorry you sho^d be at a loss on the Report of the Committee of Accounts respecting Sam^l Smith Esq^r as we think the Committee have been very explicit on that Subject but for your further Satisfaction have appointed Mr. Harvey & Mr. Harnett to confer wth the members of His Majestys Hon^{ble} Council. Nominated by you for that purpose.

JN^o ASHE Speaker.

By Order W^m HERRITAGE. C^{lk}.

Recd. from the Assembly the following Resolve viz^t.

GENTⁿ OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House have Resolved to allow His Excellency the Governor Fifty Pounds for his Extraordinary Expense this Session and desire your Hon^{rs} Concurrence.

JN^o ASHE, Speaker.

By Order W^m HERRITAGE C^{lk}.

27th Nov^r 1764

27th Nov^r In the Upper House concurred with

JA MURRAY Presd^t

By Order BURGWIN C^{lk}.

On motion the Estimate of allowances of the Assembly amounting to £1117.19.6 was read taken under Consideration & Concurred with and sent to the Assembly.

Received from the Assembly by Mr. Parsons & Mr. Sykes the following Message to wit

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

The Committee of this House appointed to confer with Robert Palmer & Lewis De Rossett Esq^{rs} two of your members relative to the allowance of the £1000 to Samuel Smith of London Esq^r having Reported that your Hon^{rs} propose to *dele* the words (as) and the words (never was appointed Agent for this Province) in the Report of Accounts, we cannot agree thereto therefore desire your Hon^{rs} will Concurr with the said Report as made by the Committee of Accounts.

JN^o ASHE Speak^r

By Order W^m HERRITAGE C^{lk}.

27th Nov^r 1764.

On considering the Public Accounts Reported by the Committees we perceive that the Treasurers have Rendered them in a manner not easily to be understood for want of form.

Resolved that the Concurring with the Report on the Accounts this Session, shall not be construed an Approbation of the Treasurers in Order to comply with the Condition of their Bonds, shall render their Accounts from the Commencement of Mr. Montfort's Office in such a regular form as shall be prescribed.

Resolved that the Clause in the Reports relative to Sam^l Smith Esq^r shall not be construed to express the meaning of this House with regard to his appointment as Agent to this Province.

Sent to the Assembly the Report of the Committee of Accounts and claims concurred with as p^r Resolve.

Sent to the Assembly the Estimate of this House for their Concurrence and received it back concurred with except the Charge of Sixteen Pounds for Chairs, Tables &c.

Then the Consideration of the Resolve relative to James Davis was taken under consideration and Ordered to be read the same was read and Rejected.

His Excellency the Governor came to this House & commanded the immediate Attendance of the Speaker & Assembly who attended accordingly and presented His Excellency with the following Acts for his Assent, to wit,

1 An Act to amend & Continue an Act for Establishing Superior Courts &c.

2 An Act to amend & continue an Act for Establishing Inferior Courts &c.

3 An Act to amend an Act directing the method of appointing Jurymen &c.

4 An Act to render more effectual the Laws making Lands &c. liable to paym^{ts} of Debts.

5 An Act to prevent the Exportation of unmerchutable Commodities.

6 An Act for Regulating the Pilotage of Cape Fear River.

7 An Act to Regulate the proceedings of a Court held for the Borough of Wilmington.

8 An Act for Enlarging the time of saving Lotts in the Town of Halifax.

9 An Act concerning Servants & Slaves.

10 An Act to confirm the Vestry in Bute County &c.

11 An Act to increase the Salary of the Rev^d Mr. Thomas Burgess &c.

12 An Act to prevent the unreasonable Destruction of Fish &c.

13 An Act to Enable W^m Dry Esq^r to cut a Road across Eagles Island &c.

14 An Act for altering the Line between the Countys of Northampton & Hertford.

15 An Act for the Relief of Abram Jones late Sheriff &c.

16 An Act to continue an Act therein mentioned.

17 An Act to prevent Hunting & Killing Deer in the manner therein ment^d.

To which Acts His Excellency was pleased to give his Assent, and to make the following Speech to both Houses of Assembly to wit

HON^{ble} GENTLEMEN OF HIS MAJESTY'S COUNCIL, MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I return you thanks for the several good Bills you have continued and passed this Session and hope upon your return to your places of Residence you will endeavour to enforce the Laws already made for the peace Security and Improvement of the Province.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

As it is probable that I shan't meet you again before I depart for England unless I shall receive his Majesty's Commands I propose only to prorogue you for a short time that if there is any Orders from His Majesty I may again call you together before my Departure and it is with great pleasure I can Inform you that I leave the Government in the hands of a Lieut. Governor who will be as tender of your just rights and privileges as he will be of Strictly adhering to His Majestys Instructions and supporting his undoubted prerogative. However before my departure I think it my Duty to inform you as Governor that by some hasty and inconsiderate Resolutions you have come into, by being Overruled by some young Members who dont rightly understand the Constitution of Britain & its Colonies; you have taken upon you to interfere in the executive power over this Province, which is His Majestys Sole right which he has delegated to the Governor for the time being & his Council, which is in pretending to dispose of and distribute the Public Money already which is not appropriated arising from the surplus of the Funds above the services for which they are appointed or granted and such sums as are to be applied for the Contingencies & Emer-

gencys of Government which his Majesty has Impowered his Governor for the time being & Council only to dispose of in which you are not to interfere nor are the Treasurers to Obey or pay any Money upon your Resolution but by Warrant under the hand of the Governor in Council Pursuant to His Majestys Instructions; and in case they should wantonly misapply such unappropriated Redundant supplies or sums granted for contingencys, your Sole right is to animadvert upon it and apply to his Majesty in Council in Britain against their proceedings.

This as a Friend I mention to you to prevent your interfering with His Majestys undoubted Prerogative the executive power of the Government that you may not imbroil yourselves with the Crown which at the end you must submit to and must be highly prejudicial to the Welfare of this Province.

However in what manner so ever you take this Information and advice I shall think it my duty to lay the loyalty of the Inhabitants of this Province before his Majesty in the most favorable light; and promote the Peace and happiness which can only be procured by a perfect harmony between his Majesty and the General Assembly of this Province which will be a means of procuring favour which otherwise they cannot expect.

Then the House Adjourned till 10-o'clock tomorrow morn^g.

Wednesday morning 28th November 1764. The House met according to Adjournment.

Present

| | | | |
|------------------------|--------------------|----------------------------|---------------------|
| The Hon ^{ble} | { James Murray | Henry E. McCulloh | } Esq ^{rs} |
| | { Jas Hasell | Alex ^r McCulloh | |
| | { John Rutherford | Robert Palmer | |
| | { Lewis De Rossett | Benj ⁿ . Heron | |
| | { John Sampson | | |

Received from the Assembly by Mr. Nash & Mr. Taylor the following Resolve viz^t

Resolved that five Men and one Commissioned Officer be appointed to Garrison Fort Johnston the Officer at Four shillings p^r Diem & Eight Pence for Subsistence, for one year to commence this day And that the pay and subsistance Money for Officer and Men appointed last Session of Assembly to Garrison Fort Granville be Discontinued. and that the Com^{rs} or the Majority of them Rent the House belonging to the Fort and apply the Money arising therefrom

towards taking care of the Gunns &c. belonging to the said Fort, And we desire your Hon^{rs} Concurrence.

JN^o ASHE Speaker.

By Order W^m HERRITAGE C^{lk}

23rd Nov^r 1764

The foregoing Resolve was taken under Consideration and Concurred with as far as relates to the appointment for Fort Johnston.

In the Upper House 28th November 1764

JAS MURRAY President

By Order J BURGWIN C^{lk}

Then on motion Ordered that several of the Resolves entered into this Session by the lower House of Assembly be Read

The same were accordingly read and taken under Consideration as follows, to wit,

“In the Assembly November 10th 1764. Resolved that the execution of a Deed of Bargain & Sale in Fee for Lands with the usual Solemnities doth not give the Actual Possession of such Lands so “as to enable the Vendee to vote for a Vestryman.”

On considering the above Resolve this House are of Opinion and Do Resolve that such a procedure in any one branch of the Legislature is Subversive of the Freedom of legal determinations assuming a controlling power over the Laws, and in its consequences destructive of the Safety of His Majesty's Subjects in their persons Rights & properties and that no Judge ought to pay any regard thereto.

“In the Assembly Nov^r 14th 1764. Resolved that it is the necessary “indubitable and inherent Right of this House as the Representatives of the People to nominate the Agent for Representing Soliciting and Transacting the Public affairs and business of the Province “at the several Boards in England, and the exercise of a Negative “voice in the other branches of the legislature on the appointment “of such Agent can no ways contribute to the service of His Majesty “or the good of the Province, but on the contrary may be & for “some years past has been of considerable prejudice to the Interest “of both”

“Resolved that the Arbitrary & injudicious exercise of this Power “by the Members of his Majesty's Council as a branch of the legislature is of a tendency extreamly Injurious to the Well being of “the Province.”

“Resolved that the refusal of a Governor or the Council to con-

“curr with the Assemblys nomination and appointment of an Agent
 “is Expressly contrary to the purport of a Letter of the Right Hon^{ble}
 “the Lords Com^{rs} of Trade & Plantations directed to the Governor
 “and by him laid before the Assembly in October 1762 in which
 “among other things their Lordships were pleased to declare it to
 “be the indubitable right of the People to Nominate their own Agent.”

In the Assembly 24th November 1764 “Whereas His Excellency
 “hath by his Message of the 21st Instant informed this House in a
 “most extraordinary and unparliamentary manner that a Bill
 “appointing a Printer to this Province had *failed* in that body who
 “hath hitherto Denominated themselves an *Upper House* altho’ this
 “matter hath in no manner been signified to us by them, by which
 “Message that *Intermediate Body* of the Legislature seems to be
 “rendered useless or a *mere property* of his Excellency and that him-
 “self by and with the advice of His Majesty’s Council, *that very same*
 “*body* had proceeded to the appointment of a Printer under the
 “sounding Appellation of His Majesty’s Printer, and as the said
 “appointment is of an unusual nature truly unknown either to our
 “Laws or Constitution, and as it appears to us a most extensive
 “stretch of Power, and may in its tendency establish a New Office,
 “to exact new Fees contrary to the Statute of Tollage a most bene-
 “ficial Act of Parliament well known to every *honest Englishman*.
 “We the Assembly of this Province therefore to guard the Liberties
 “of the Subject and our indubitable Rights *Do Resolve* that we know
 “no such *Office as his Majesty’s Printer of this Province* and of no
 “*Duties Fees or Emoluments* annexed or incident to such *Office* and
 “that the said appointment is of a *new and unusual nature* unknown
 “to our Laws, and is a *violent stretch of Power*.”

“Resolved that Mr. Speaker do not present the Bill for regulating
 “Proceedings in the Court held for the Borough of Wilmington, to
 “His Excellency for Assent.”

On considering these Resolves of the lower House of Assembly
 This House unanimously think themselves obliged to animadvert
 upon that Spirit of indecency which prevails in them and Do Resolve
 that the charges therein contained are injurious to the Honour,
 Rights and Independency of this House, are unparliamentary inde-
 cent and without the least *foundation in Truth*, and are in their con-
 sequences destructive to all Public Harmony & Decorum.

Resolved that it is His Majesty’s undoubted Right by virtue of the
 prerogative to appoint a Printer to print the Laws and other Acts of
 Government consentaneous to the practice of the Mother Country.

Resolved that the Assembly assuming to themselves a Power to direct the Speaker not to present a Bill, which has regularly received the Assent of two branches of the Legislature, is destructive of all confidence between this House and them; unparliamentary and Injurious to the powers and rights of the other two branches.

Then the House adjourned till to-Morrow Morning 10 o'clock.

NORTH CAROLINA—SS.

I hereby certify that the preceeding pages do contain a true copy of the Journal of the Upper House of Assembly at October & November Session of Assembly 1764.

J. BURGWIN Clk.

[FROM MSS.' RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS.

At an Assembly begun and held at Wilmington the third day of February in the fourth year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain, France and Ireland King Defender of the Faith &c^a and in the year of our Lord One Thousand seven Hundred and sixty four, and from thence continued by Prorogations to the Twenty fifth day of October in the fifth year of the Reign of our said Sovereign Lord George the third &c^a and in the year of our Lord One Thousand seven Hundred and sixty four to be then held at Wilmington being the second Session of this Present Assembly.

Thursday the 25th October 1764. Mr. Speaker with sixteen Members appeared.

Mr. Maurice Moore and Mr. Cornelius Harnett waited on his Excellency the Governor and acquainted him the above Number of Members were met, and being returned Informed the House that his Excellency told him he would give the House notice when they should wait on him.

Mr. William Cray moved for leave to absent himself from the service of the House till Tuesday next. •

Ordered he have leave accordingly.

Then the House Adjourned till tomorrow morning 10 o'clock.

Fryday 26th October 1764. The House met according to Adjournment.

Then the House Adjourned till 4 °Clock Afternoon.

P. M. The House met according to Adjournment.

The Clerk of the Crown presented a Certificate of the return of Robert Howe and Thomas McGuire Esquires as members duly Elected for the County of Brunswick Pursuant to the above return, and former ones last Session of Assembly Mr. Samuel Johnston, Mr. Thomas McGuire, Mr. Robert Howe, Mr. John Frohock and Mr. William Giles appeared.

William Dry and Benjamin Heron Esquires two of the members of his Majesty's Council came to the House, and the aforementioned five members took the Oaths by Law appointed for their Qualification, subscribed the Test and took their seats in the House.

His Excellency the Governor sent a Message to the House requiring the immediate attendance thereof in the Council Chamber.

Mr. Speaker with the Members waited on his Excellency the Governor in the Council Chamber, when his Excellency was pleased to make a Speech to his Majesty's Hon^{ble} Council, and this House; a Copy of which, to prevent mistakes, Mr. Speaker obtained and laid the same before the House.

Then, on motion, ordered the same be read the same is read and ordered to be entered on the Journal of the House as follows, to wit,

[For the Governor's Speech see Journal of the upper House.—
EDITOR.]

Resolved that the said Speech lie till Monday for Consideration

Mr. Gibson moved for leave to absent himself from the Service of the House.

Ordered that he have leave accordingly

Then the House adjourned till 10 °Clock tomorrow morning.

Saturday October 27th 1764. The House met according to Adjournment

Mr. Maurice Moore moved that a Copy of the Journal be Transmitted by the Clerk day by day, and delivered by him to Andrew Stewart Printer in Wilmington, and that the said Andrew Stewart print the same and deliver a Copy thereof, daily, when printed, to each member of the House.

Mr. Starkey moved a Committee be appointed to prepare and bring in a Bill to prevent the Exportation of unmerchantable Commodities, and Mr. Starkey, Mr. Harnett and Mr. Caswell are accordingly appointed

Then the House Adjourned till Monday Morning 10 °Clock

The House met according to Adjournment

Two of the Members of his Majesty's Council came to the House and Mr. John Harvey, one of the Members for Perquimons County, Mr. Joseph Sykes one of the Members for Northampton County, Mr. William Cumming, one of the Members for Currituck County, Mr. Benjamin Person and Mr. Thomas Bell the two Members for Bute County, Mr. Blake Baker one of the Members for Halifax County, and Mr. Edward Smithwick one of the Members for Tyrril County appeared took the oaths by Law appointed for their qualification, subscribed the Test and took their seats in the House

The order of the day being read, the House took under Consideration his Excellencys Speech, and ordered that Mr. M^cGuire, Mr. Harnett, Mr. Baker, Mr. John Harvey, Mr. Cumming, Mr. Mau. Moore and Mr. Benton prepare an address in answer thereto, and report the same to the House for approbation

Mr. Joseph Bell and William Coale the two Members for Carteret County appeared, and took their seats in the House

Mr. James Moore presented the Petition of John Paine, which was read &c^a Complaining of the undue Election of Thomas M^cGuire for the County of Brunswick

On motion ordered that Mr. Harvey, Mr. Frohock, Mr. Baker and Mr. Cumming be added to the Committee of Priviledges and Elections

Mr. Harnett, Mr. James Moore, Mr. John Harvey, Mr. Howe, Mr. Maurice Moore, Mr. Campbell and Mr. Person are appointed a Committee to state and settle the Public Accounts of this Province, and Mr. Starkey, Mr. Caswell, Mr. Benton, Mr. Bartram, Mr. Kenan, Mr. Frohock and Mr. Baker to state, settle and allow the Claims on the Public

Resolved that the following Message be sent to his Majesty's Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S COUNCIL,

This House have appointed Mr. Harnett, Mr. James Moore, Mr. John Harvey, Mr. Howe, Mr. Maurice Moore, Mr. Campbell and Mr. Person a Committee of this House to state and settle the Public accounts of this Province; and Mr. Starkey, Mr. Caswell, Mr. Benton, Mr. Bartram, Mr. Kenan, Mr. Frohock and Mr. Baker to state

the Public Claims in Conjunction with such of your Honors as you shall think fit to appoint

JOHN ASHE, Sp.

Sent by Mr. Howe and Mr. Person

Then the House Adjourned till 10 o'clock Tomorrow morning.

Tuesday October 30th 1764. The House met according to Adjournment

Then the House Adjourned till 4 o'clock in the Afternoon

P. M. The House met according to Adjournment

Mr. McGuire from the Committee appointed to prepare an Address to his Excellency the Governor, presented the same.

Ordered that the said Address lie till Tomorrow for Consideration

Two of the members of his Majesty's Hon^{ble} Council came to the House and Mr. Robert Jones, one of the members for Northampton County, and Mr. Alexander Elmsley, the member for New Bern appeared, took the Oaths by Law appointed for their Qualification, repeated and subscribed the Test, and took their Seats in the House.

Then the House Adjourned till 10 o'clock Tomorrow

Wednesday October 31st 1764 The House met according to Adjournment

The order of the day being read the House took under Consideration the Address thereof which was read, and ordered that the same stand the Address of the House, and be entered on the Journal thereof as follows, to wit.

To his Excellency Arthur Dobbs Esquire Captain General, Governor and Commander in Chief in and over his Majestys Province of North Carolina.

SIR—

We his Majesty's most dutiful subjects, the Members of the Assembly of North Carolina return your Excellency our thanks for your Speech at the opening of this Session, and beg leave to assure your Excellency, that we continue to retain the most grateful sense of the Goodness of divine Providence manifested to us during the Course of a long and Expensive War. now happily terminated by a Glorious safe and Honorable peace.

We shall not fail to take into Consideration what your Excellency has been pleased to recommend relative to the Forts; the continuing and amending the Acts for the Establishing Courts of Justice;

a Law for the Erecting Public Schools, and every other thing; in our power for Encouragement and securing the Commerce and Interior Improvement of this Province.

And as the Tax on Trade, lately imposed by Act of Parliament on the British Colonies in America must tend greatly to the Hindrance of Commerce and be severely felt by the Industrious Inhabitants of this Province, we should hope the Bounty granted by Act of Parliament on the Culture of Hemp and Flax, may be thought a sufficient Encouragement for those who shall export the same; and that it will be more for the Interest of this Province to apply the Premiums by us formerly intended on the Exportation of Hemp and Flax as an Encouragement for a Manufacture of those Commodities.

We thank your Excellency for the Notice you have taken of the Navigation of this Province, and are truly sensible of the Necessity and utility of Facilitating and rendering the same more safe, and less Expensive: And tho' it is with the utmost concern we observe our Commerce Circumscribed in its most beneficial Branches diverted from its natural Channel and Burthened with new Taxes and Impositions laid on us without our Privity and Consent, and against what we esteem our Inherent right, and Exclusive privilege of Imposing our own Taxes: yet, under these unhappy Circumstances, your Excellency may be assured that nothing shall be wanting on our parts, to ease the Trader, as far as in our Power of the Heavy Expense attending the Exportation of our Commodities, and to remove, as far as possible, every Incumbrance with which the Commercial Interest of this Province is Clogged.

JOHN ASHE Speaker.

Then the House adjourned till 3 o'Clock Afternoon

P. M. The House met according to Adjournment.

Received from the Council the following Message viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message relative to the Committees, We have appointed the Hon^{ble} Alex^r McCulloh, W^m Dry, Rob^t Palmer and Benjamin Heron Esquires a Committee of this House to Examine State & Settle the Public Acct^s and the Hon^{ble} Lewis De Rossett, John Sampson, Henry Eustace McCulloh and Charles Berry Esquires a committee of this House to settle and allow the Public Claims.

Then the House Adjourned till 10 °Clock to morrow morning.

Thursday November 1st 1764 The House met according to Adjournment.

Mr. James Moore and Mr. Frohock waited on his Excellency the Governor and acquainted him the House desired to know when they should wait on him with the Address thereof and being returned brought for answer that his Excellency said he would receive them in the Council Chamber about 12 °Clock

Mr. Speaker with the House waited on his Excellency the Governor in the Council Chamber and presented his Excellency with the Address of this House, to which his Excellency was pleased to answer, as follows.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I return you thanks for your grateful acknowledgements of the Goodness of divine Providence, in having concluded a Glorious and successful War, by a safe and Honorable peace; But, must think, you are greatly deficient, in not returning thanks to his Majesty, the best of Kings, the happy Instrument under the divine providence, in Accomplishing so happy an event.

I also return you thanks for your assurance of attending to the continuing and amending the several Bills recommended to you; and Particularly to the Encouragement of Commerce and the Interior Improvement of this Province

As to the other Paragraphs of your Address, as they have no reference to or are Consistent with, what I had recommended to you for your Consideration, I shall return you no Answer; but must only observe, that I know of no heavy Tax attending the Exports of this Province; and therefore your Complaint and Excuse for not securing your navigation is without foundation.

ARTHUR DOBBS.

Mr. Thomas Jones and Mr. James Blount two of the Members for Chowan County, and Mr. Francis Brown one of the Members for Currituck County appeared

Robert Palmer and Benjamin Heron Esquires two of the Members of His Majesty's Council came to the House and the above three Members took the Oaths appointed for their qualification, repeated and subscribed the Test, and took their seats in the House

Mr. Starkey from the Committee appointed to prepare and bring

in a Bill to prevent the Exportation of unmerchutable Commodities, reported that the Committee had prepared the same; which he presented to the House.

Ordered the same be read, read the same, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Mau Moore and Mr. Sam^l Johnston

Then the House adjourned till 4 °Clock in the Afternoon

P. M. The House met according to Adjournment

Mr. Montfort laid before the House an Account from James Abercrombie Esq^r of the Proportion of the Money due to this Province received by him of the Parliamentary Grant to Virginia and the two Carolina's; and also an Account from Samuel Smith Esq^r of London of the Proportion of the Money due to this Province, received by him of the Parliamentary Grant to Virginia and the two Carolina's

Ordered that the same lie for Consideration

Mr. Benton acquainted the House, that the last Election for Vestrymen for Saint John's Parish in Bute County was illegal, and produced two affidavits to that purpose, which were read

Mr. James Moore presented Petitions from Sundry Freeholders of St James Parish in New Hanover County Complaining of the illegal Election of Vestrymen for said Parish—Praying relief &c^a

Resolved that a Committee of Propositions and Grievances be appointed; and Mr. Montfort, Mr. Mau Moore, Mr. Cumming, Mr. James Moore, Mr. Starkey, Mr. Johnston, Mr. Fifer, Mr. Harvey, Mr. Taylor, Mr. Tho^s Jones, Mr. Robert Jones, Mr. Smithwick, Mr. Ormond, Mr. Person, Mr. Tho^s Clifford Howe, Mr. Benton, Mr. Mackilwean, Mr. Jo^s Bell, Mr. Williams, Mr. Hardy, Mr. Howell, Mr. Lloyd, Mr. Bartram, Mr. McGuire, Mr. Crawford and Mr. Campbell, are accordingly appointed, and Further,

Resolved, that the said Committee have power to send for such persons papers and records, as they shall think proper

Resolved that the aforementioned Petitions and affidavits be referred to the Committee of Propositions and Grievances.

Then the House adjourned till 9 °Clock tomorrow morning.

Friday November 2^d 1764. The House met according to Adjournment

Mr. Bartram presented the Petition of several of the Inhabitants

of Bladen and Cumberland Counties setting forth, that it would be of great Utility to the Public should a Bridge be built over Rockfish Creek; Praying Thomas Finney may have the priviledge of Building a Toll Bridge over the said Creek.

Mr. Bartram moved for leave to bring in a Bill pursuant to the prayer of the said Petition.

Ordered that he have leave accordingly.

Mr. Baker moved a Committee be appointed to prepare and bring in a Bill to amend and Continue an Act, Intitled an Act for Establishing Superior Courts of Justice within this Province; and Mr. Robert Jones, Mr. Elmsley, Mr. Starkey, and Mr. Mau. Moore and Mr. Baker, are accordingly appointed.

Mr. Isaac Jones presented a petition of Sundry Inhabitants of Bladen and Cumberland Counties setting forth the great Conveniences which would result to the Public if a bridge was Built over Rockfish Creek, near the House of Alexander Moore, praying the said Alexander Moore may have the priviledge to Build a Bridge over the said Creek, near the place aforesaid

Mr. Isaac Jones moved for leave to bring in a Bill pursuant to the prayer of the said Petition

Ordered that he have leave accordingly

Mr. Bartram pursuant to order brought in a Bill for Encouraging Thomas Finney to build a Bridge over Rockfish Creek &c^a which he read in his place and delivered in at the Table where the same was again read by the Clerk. Then a motion was made and the question put if the said Bill pass and was carried in the Negative.

Mr. Baker moved a Committee be appointed to prepare and bring in a Bill to amend and Continue an Act Intitled an Act for Establishing Inferior Courts of pleas and quarter Sessions within the several Counties of this Province; and Mr. Robert Jones, Mr. Elmsley, Mr. Starkey, Mr. Mau. Moore and Mr. Baker are accordingly appointed

Mr. Baker moved a Committee be appointed to prepare and bring in a Bill to Continue an Act, Intitled an Act, for appointing indifferent Jurymen in all Causes Civil and Criminal, and Mr. Robert Jones, Mr. Elmsley, Mr. Starkey, Mr. Maurice Moore, and Mr. Baker are accordingly appointed

Mr. Starkey moved a Committee be appointed to prepare and bring in a Bill to Encourage Public Schools, and Mr. Starkey, Mr. Elmsley, Mr. M^cGuire, Mr. Johnston and Mr. Harnett are accordingly appointed.

Mr. Starkey moved that a Committee be appointed to meet such of the members of his Majesty's Honorable Council as they shall think fit proper to settle the Decorum to be observed between the Council and Assembly; and also the sum that shall hereafter be allowed on the Estimates for the Extra Services of the Clerks, and the Clerks of the several Committees and other Clerks to be occasionally Employed which after being concurred with by the Council and Assembly, and entered on the Journals thereof, shall be a General Rule to be observed between the two Houses for Establishing the Proceedings of the same, and for making out the Estimates for the future: and Mr. Harnett, Mr. Starkey, Mr. Mau Moore, Mr. Elmsley and Mr. Robert Jones are accordingly appointed

Ordered that the following Message be sent to his Majestys Hon^{ble} Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

For the Preservation of the good order and Harmony which ought to subsist between you, the Gentlemen of his Majesty's Hon^{ble} Council, and this House; We have appointed Mr. Harnett, Mr. Starkey Mr. Mau. Moore, Mr. Elmsley and Mr. Robert Jones a Committee to settle the Decorum to be observed between your Honors and this House; on Transacting the Business of this Province in the several Assemblies hereafter to be held; and also the sum that shall hereafter be allowed on the Estimates for the Extra Services of the Clerks, and the Clerks of the several Committees and the other Clerks, to be occasionally employed, which after being concurred with by the Council and Assembly, and entered on the Journals thereof shall be a general rule to be observed between the two Houses for Establishing the Proceedings of the same; and also for making out the Estimates for the future in Conjunction with such of your Honours as you shall think fit to appoint.

JOHN ASHIE Sp.

Sent by Mr. Moore and Mr. Johnston

Mr. Robert Jones Presented a Certificate from the County Court of Northampton County, certifying that James Boyte of said County is very aged and poor; Praying to be exempted from paying Public Taxes &c^a

Ordered he be exempt accordingly

Mr. Jones Presented a Certificate from the Inferior Court of Edgcomb County certifying that William Donald is an aged and infirm

person, praying to be Exempt from paying Public Taxes and Duties. Granted.

Mr. Bryan presented the following Certificates from the Inferior Court of Johnston County thereby certifying that James Tate, Hermon Dees, Nathan Jones, and Henry M^cCeroy (son of W^m M^cCeroy) a very poor man and infirm, praying to be exempt from paying Public Taxes and doing Public Duties. Granted

Mr. Fifer presented a Certificate from the Inferior Court of Mecklenburg County, thereby certifying that Moses White is a proper object to be exempt from Paying Public Taxes. Granted.

Then the House adjourned till 9 o'clock tomorrow morning

Saturday November 3^d 1764. The House met according to Adjournment

Mr. Baker presented the petition of the Church Wardens and Vestry of Edgcombe Parish in Halifax County; Praying that the Salary of the Reverend Tho^s Burgess Minister of the said Parish, may be increased; which was read; and then on Motion, Ordered, that Mr. Baker prepare and Bring in a Bill pursuant to the prayer thereof.

Mr. Isaac Jones pursuant to order brought in a Bill, to Encourage Alexander Moore to build a Bridge over Rockfish Creek near the mouth of the same in Bladen County; which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed, and Ordered to be sent to the Council

Sent the same by Mr. Mackilwean and Mr. Isaac Jones

Mr. Cumming moved for leave to present a Bill, for an additional Act, to an Act, Intituled, an Act for restraining of Excessive Usury. Ordered that he have leave accordingly

Mr. Cumming presented the said Bill, which he read in his place, and delivered in at the Table; where the same was again read by the Clerk, passed and Ordered to be sent to the Council

Sent the same by Mr. Mackilwean and Mr. Isaac Jones.

Then the House adjourned till 11 o'clock Monday morning.

Monday November 5th 1764. The House met according to Adjournment.

Mr. Benjamin Wynns one of the members for Hertford County, Mr. John Simpson and Mr. George Moy, the two members for Pitt County appeared and took their Seats in the House

Mr. Brown moved for leave to present a Bill to prevent the Pernicious Practice of taking Judgment Notes and Bonds.

Ordered that he have leave accordingly

Mr. Brown presented the said Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, and Ordered to be sent to the Council

Sent the same by Mr. Howe and Mr. Taylor

Mr. Cray moved for leave to present a Bill, for an Additional Act to an Act Intituled an Act to prevent killing deer at unseasonable times, and for putting a stop to many abuses Committed by white persons under the pretence of hunting

Ordered that he have leave accordingly

Mr. Cray presented the said Bill, which he read in his place, and delivered in at the Table; where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same by Mr. Howe and Mr. Taylor

Mr. Taylor moved for leave to present a Bill, to repeal part of an Act Intituled an Additional Act to an Act Intituled an Act concerning Servants and Slaves

Ordered that he have leave accordingly.

Mr. Taylor presented the said Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same by Mr. Howe and Mr. Taylor

Mr. Montfort presented the following Certificates from the Inferior Court of Halifax County Viz^t Mr. William Turner, son of Edwin Turner, Certifying that the said William thro' much sickness, is rendered incapable of any kind of Service, and that by reason of the poverty as well as largeness of the Family of the said Edwin, he the said William is a proper person to be exempt from Payment of Taxes. Ordered the said William Turner be exempt during his Infirmary.

William Fletcher, son of Elizabeth Fletcher, setting forth that he is a very poor and Infirm person, and proper to be exempt from payment of Taxes, and doing Public duties.

Ordered that he be exempt accordingly

George Martin, certifying that he is very poor and infirm and proper to be Exempt from paying Public Taxes and doing Public Duties Granted

Mr. Montfort Presented the Petition of Abraham Jones setting forth, that in the year 1758 and for some time before he was Sheriff of Edgecombe County, and thereby Chargeable with Taxes for that

year which he was prevented Collecting. Praying relief which was read.

Mr. Montfort moved for leave to bring in a Bill pursuant to the prayer of the said Petition.

Ordered that he have leave accordingly.

Mr. William Gray one of the Members for Bertie County appeared Alexander McCulloh and William Dry Esquires two of the members of His Majesty's Honourable Council came to the House, and the afore named William Gray took the Oaths by Law appointed for his Qualification, repeated and subscribed the Test, and took his seat in the House.

Then the House adjourned till 4 o'clock in the Afternoon.

P. M. The House met according to Adjournment

Mr. Baker according to order, brought in a Bill to increase the Salary of the Reverend Thomas Burgess, Minister of Edgecombe Parish in the County of Halifax, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Sent the same by Mr. Harvey and Mr. McGuire

Mr. Baker, from the Committee appointed to prepare and bring in a Bill, to amend and Continue an Act, Intituled an Act, for dividing this Province into five several Districts, and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein, reported, that the Committee had prepared the same, which he presented to the House,

Ordered that the same be read, read the same, passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Harvey and Mr. McGuire

Received from the Council the following Bills Viz^t

The Bill to prevent the Exportation of unmerchutable Commodities

The Bill for an additional Act to an Act, Intituled an Act for restraining of Excessive Usury

The Bill to prevent the pernicious practice of taking Judgment Notes and Bonds and The Bill for an Additional Act to an Act, Intituled, an, Additional Act to an Act Intituled an Act to prevent killing Deer at unseasonable times &c^a Endorsed, November 5th 1764, In the upper House of Assembly read the first time and passed

Then the House Adjourned till 9 o'clock Tomorrow Morning.

Tuesday November 6th 1764. The House met according to Adjournment.

Received from the Council the following Bills Viz^t

The Bill to amend and Continue an Act Intituled an Act for dividing this Province into five several districts and for Establishing a Superior Court of Justice in each of the said districts &c^a

The Bill to Increase the Salary of the Reverend Thomas Burgess, minister of Edgecomb Parish in Halifax County, and,

The Bill to repeal part of an Act Intituled an Additional Act to an Act Intituled an Act concerning Servants and Slaves, Endorsed, November 5th 1764, In the upper House of Assembly read the first time and passed

Mr. Baker from the Committee appointed to prepare and bring in a Bill to amend and Continue an Act, Intituled an Act for establishing Inferior Courts of pleas and quarter Sessions within the several Counties of this Province reported that the said Committee had prepared the same; which he presented to the House,

Ordered that the same be read, read the same, passed, and Ordered to be sent to the Council Sent the same by Mr. Maurice Moore and Mr. Johnston

Mr. Starkey from the Committee of Propositions and Grievances reported that the Committee had taken under Consideration several matters to them referred by the House, and came to several Resolutions thereon; which he laid before the House

Ordered, that the same be received. The same were accordingly received, read and approved of by the House.

Mr. Starkey moved for leave to bring in a Bill, to Confirm the Vestry in the Parish of Saint John's in Bute County, and to Establish their proceedings

Ordered that he have leave accordingly

On motion ordered that the Bill to prevent the Exportation of unmerchantable Commodities, be Committed to Mr. Starkey, Mr. Harnett, Mr. Harvey, Mr. Gibson and Mr. Baker.

Mr. Baker presented the petition of Sundry Inhabitants of Hertford County praying that a Town may be Established on the South side of Chowan River at or near a place called Barfields Landing in the said County; which was read, and then on motion, Ordered that Mr. Baker prepare and bring in a Bill agreeable to the said Petition

Mr. Benton presented the petition of Sundry Persons, Inhabitants of Hertford, Northampton, Bertie and Halifax Counties, Praying

that a Town may be Established on the Land of Alexander Cotton in Hertford County.

Ordered that Mr. Robert Jones, Mr. Cumming and Mr. Frohock prepare and bring in a Bill, pursuant to the prayer of the said Petition

Mr. Benton moved for leave to absent himself from the Service of the House

Ordered that he have leave accordingly

Mr. Johnston presented the petition of James Davis printer, praying the usual allowance may be made him for printing and Transmitting the Laws and Journals of the last Session of Assembly, to the several Counties

On motion ordered that the said Petition be referred to the Committee of Claims

Mr. Starkey moved for leave to bring in a Bill for appointing a Printer to this Province

Ordered that he have leave accordingly

Mr. Sykes Presented the Petition of Sundry Inhabitants of Northampton County &c^a relating to Fishing in the Rivers Chowan and Meherrin, which was read.

Mr. Robert Jones moved for leave to prepare and bring in a Bill, pursuant to the said Petition

Ordered that he have leave accordingly

Mr. Sykes presented the Petition of Sundry Persons Inhabitants of this Province relating to the Paying of fees on Indictments, which was read

Mr. Sykes moved for leave to prepare and bring in a Bill pursuant thereto

Ordered that he have leave accordingly

Mr. Robert Jones moved for leave to present a Bill, for rendering more Effectual the Laws making Lands, and other real Estates, liable to the Payments of Debts,

Ordered that he have leave accordingly

Mr. Jones Presented the said Bill which he read in his place, and delivered in at the Table where the same was again read by the Clerk, passed and Ordered to be sent to the Council

Sent the same to the Council by Mr. Sykes and Mr. Ormond

Received from the Council the Bill to amend and Continue an Act Intituled an Act, to Establish Inferior Courts of pleas and quarter Sessions within the Several Counties of this Province, Endorsed

November 6th 1764, In the upper House of Assembly, read the first time and passed

On motion, Ordered, that the Bill to amend and Continue an Act for dividing this Province into five several Districts, and for Establishing a Superior Court of Justice in each of the said Districts, and regulating the proceedings, therein, be read, read the same a second time amended passed and ordered to be sent to the Council

Sent the same by Mr. Howe and Mr. Montfort

Then the House Adjourned till 4 o'clock in the Afternoon

P. M. The House met according to Adjournment

Mr. Montfort according to order, brought in a Bill for the relief of Abraham Jones Esq^r late Sheriff of Edgcombe County; which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Robert Howe and Mr. Montfort

Mr. Maurice Moore presented the Petition of Sundry Inhabitants of that part of New Hanover County called Long Creek, relating to the roads in that District, Praying an Act may Pass to Erect a Turnpike on the same &c^a which was read; and then on motion ordered that Mr. Starkey prepare and bring in a Bill agreeable to the Prayer of the said Petition

Then the House adjourned till 9 o'clock tomorrow morning.

Wednesday November 7th 1764. The House met according to Adjournment.

On motion ordered that the Bill to prevent the Pernicious Practice of taking Judgment Notes and Bonds, be Committed to Mr. Thomas Jones, Mr. Johnston and Mr. Brown

Mr. Johnston presented the Petition of sundry Merchants and Traders, resident in the Borough of Wilmington; Praying an allowance or drawback on Wines and Spirituous Liquors &c^a which said Petitions were read, and then

On motion Ordered that Mr. Johnston prepare and bring in a Bill pursuant to the prayer of the said Petition^{rs}

Mr. Johnston pursuant to order brought in a Bill, to allow a Draw Back on the Exportation of Wine Rum and other Distilled Liquors, which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Simpson and Mr. Blount.

On motion ordered that the Bill to repeal part of an Act, Intituled an Additional Act to an Act, Intituled an Act, Concerning Servants and Slaves be read the second time read the same a second time passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Simpson and Mr. Blount

On motion ordered that the Bill for an Additional Act to an Act Intituled an Act for restraining of excessive Usury be read the second time, read the same a second time and amended,

Then the motion was made and the question put whether the said Bill pass or not, and was carried in the negative.

Mr. Taylor moved for leave to present a Bill, to Continue an Act Intituled an Act to Establish a Ferry at Solley's Point to Relfes Point, whereon the Court House now stands, in Pasquotank County

Ordered that he have leave accordingly

Mr. Taylor presented the said Bill which he read in his place and Delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Simpson and Mr. Blount

Mr. Baker moved for leave to present a Bill, to ascertain the method of Paying all Taxes and Levies in Commodities

Ordered that he have leave accordingly.

Mr. Baker presented the said Bill which he read in his place, and Delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Simpson and Mr. Blount.

On motion ordered that the Bill for an Additional Act to an Act, Intituled an Act to an Act Intituled an Act to prevent killing Deer at unseasonable times, be read the second time, read the same a second time, amended, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Simpson and Mr. Blount.

On motion ordered that the Bill to increase the Salary of the Reverend Thomas Burgess Minister of Edgcombe Parish in the County of Halifax, be read the second time, read the same a second time, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Simpson and Mr. Blount

On motion ordered that the Bill to amend and Continue an Act, Intituled an Act to Establish Inferior Courts of Pleas and Quarter Sessions in the several Counties of this Province be read the second time, read the same a second time, amended, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Simpson and Mr. Blount.
Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Taking into consideration your Message of the 2^d November (received yesterday) for appointing a Committee to settle the Decorum to be observed between this House and the Assembly and also for regulating the Estimates for the Clerks &c. this House appoint the Hon^{ble} James Hasell John Rutherford Lewis De Rossett Henry E^s M^cCulloh and Charles Berry Esquires a Committee to confer with a Committee of your House on the premises and to Report accordingly.

Mr. Attorney General moved for leave to bring in a Bill, to amend an Act, Intituled an Act, for regulating the several officers fees within this Province and ascertaining the Method of Paying the same, which being opposed, the question was put, and passed in the Negative.

Received from the Council the Bill, for rendering more effectual the Laws making Lands and other real Estates, liable to the payment of Debts, Endorsed, November 7th 1764, In the upper House of Assembly read the first time amended and passed.

On motion ordered the Bill for rendering more effectual the Laws making Lands and other real Estates, liable to the Payment of Debts, be Committed to Mr. Baker, Mr. Elmsley, Mr. M^cGuire, Mr. Mau Moore and Mr. Johnston.

Mr. Person presented the Petition of Sundry Inhabitants of Bute County: Praying an Act may pass for removing the Seat of the Court in the said County into the Center thereof &c^a which was read

Mr. Person moved for leave to bring in a Bill, pursuant to the prayer of the said Petition, the same being opposed, the question was put, and passed in the Negative

Mr. Person Presented the Petition of Sundry Inhabitants of Bute County Concerning the Fishing in Tar River, which was read and rejected

Then the House Adjourned till 4 °Clock in the Afternoon

P. M. The House met according to Adjournment

Mr. Starkey according to order, brought in a Bill for appointing a Printer to this Province; which he read in his place, and delivered

in at the Table; where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Mackilwean and Mr. Giles

Mr. Frohock moved for leave to bring in a Bill to Continue an Act therein mentioned

Ordered that he have leave accordingly

Mr. Frohock brought in the said Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Mackilwean and Mr. Giles

Then the House Adjourned till 1 o'clock Tomorrow morning

Thursday November 8th 1764 The House met according to Adjournment

Mr. Baker according to order brought in a Bill for Establishing a Town on the Lands of Benjamin Wynns, on the West side of Chowan River, in Hertford County, which he read in his place and delivered in at the Table; where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Wynns and Mr. Cray.

Received from the Council the following Bills, Viz^t

The Bill to allow a Draw Back on the Exportation of Wine, Rum and other Distilled Liquors

The Bill to ascertain the method of paying all Taxes and Levies in Commodities Endorsed, November 7th 1764. In the upper House read the first time and passed

The Bill to increase the Salary of the Reverend Thomas Burgess, Minister of Edgecombe Parish in Halifax County

The Bill to repeal part of an Act, Intituled, an Additional Act to an Act Intituled an Act, Concerning Servants and Slaves, Endorsed, November 7th 1764. In the upper House read the second time amended and passed

The Bill to Continue an Act therein Mentioned, and

The Bill for appointing a Printer to this Province, Endorsed November 8th 1764 In the upper House read the first time and passed

Mr. Baker from the Committee to whom the Bill to prevent the Exportation of unmerchable Commodities was referred Reported that the said Committee had prepared several amendments thereto, which he read in his place and delivered in at the Table where the said Bill was again read by the Clerk, and ordered to be inserted in the Bill, Then on motion,

Ordered that the said Bill be read with the said Amendments, read the same.

Resolved that the House Resolve into a Committee of the whole House to Consider the subject matter of the said Bill

The House Resolved into a Committee of the whole House, and Chose Mr. Starkey Chairman who took the Chair accordingly. After some time spent therein, Mr. Speaker Resumed the Chair and Mr. Chairman reported that the Committee had taken the said Bill under Consideration and agreed on several Amendments thereto; which he reported to the House.

Resolved that the House agree to the said Amendments, and they are inserted in the said Bill accordingly

Ordered that the said Bill pass with the said amendments, and be sent to the Council

Sent the same to the Council by Mr. Simpson and Mr. Campbell

Mr. Hutchins, one of the Members for Anson County, appeared and took his seat in the House

Mr. Attorney General according to order, brought in a Bill, to prevent the unreasonable destruction of Fish in the Rivers Chowan and Meherrin, which he read in his place and delivered in at the Table; where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Simpson and Mr. Campbell.

On motion ordered the Bill to allow a draw back on the Exportation of Wine, Rum and other distilled Liquors; be read the second time, read the same a second time, passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Simpson and Mr. Campbell.

Then the House Adjourned till 10 o'clock tomorrow morning.

Friday November 9th 1764 The House met according to Adjournment.

Mr. Frohock from the Committee appointed to prepare and bring in a Bill for Establishing a Town on the land of Alexander Cotton in Hertford County Reported that the Committee had prepared the same; which he presented to the House. Ordered the said Bill be read, read the same, passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Frohock and Mr. Kenan

Received from the Council the Bill, for an Additional Act, to an Act, Intituled an additional Act, to an Act entituled an Act to prevent killing Deer at unseasonable times &c^a and

The Bill to amend and continue an Act, Intituled an Act, for di-

viding this Province into five several Districts, and for Establishing a Superior Court of Justice in each of the said districts, and regulating the proceedings therein. Endorsed, November 8th 1764. In the upper House read the second time amended and passed

On motion ordered that the Bill to increase the Salary of the Reverend Thomas Burgess Minister of Edgecomb Parish in the County of Halifax be read, read the same a third time amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Mackilwean and Mr. Jones.

On motion ordered that the Bill to repeal part of an Act, Intituled an Additional Act to an Act Intituled an Act, Concerning Servants and Slaves be read the third time, read the same a third time amended passed and ordered to be sent to the Council

Mr. Johnston moved for leave to present a Bill, to appoint an Agent to solicit the affairs of the province at the several Boards in England

Ordered that he have leave accordingly

Mr. Johnston presented the said Bill which he read in his place, and delivered in at the Table where the same was again read by the Clerk and ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Mackelwean and Mr. Jones

On motion ordered that the Bill for an Additional Act to an Act, Intituled an Additional Act to an Act, Intituled an Act to prevent killing Deer at unseasonable times &c^a be read. Read the same a third time, amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Mackelwean and Mr. Tho^s Jones

Mr. Caswell presented an Address from the Justices of the Inferior Court of Dobbs County; and also the Petition of the Freeholders and Inhabitants of the said County Praying the Seat of the Inferior Court of the said County may be removed from Walnut Creek, to Kingston &c^a was read; and then on motion, Ordered that Mr. Caswell prepare and bring in a Bill pursuant to the Address and Petition.

Mr. Caswell according to order brought in a Bill for Removing the seat of the Inferior Court of Dobbs County from Walnut Creek to the Town of Kingston for Establishing a Court House, and Building a Clerks office and stocks in the said Town which he read in his place, and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same by Mr. Mackelwean and Mr. Tho^s Jones.

On reading the Petition of sundry Inhabitants of the County of Edgcombe, and elsewhere,

Resolved, that the Justices of the said County have, by Law, a right to Erect a Public Bridge over Tar River at the Town of Tarborough, if they shall adjudge it for the ease and convenience of the said County

Then the House Adjourned till 4 o'clock Afternoon

P. M. The House met according to Adjournment.

Mr. Mau. Moore moved for leave to present a Bill to facilitate the mode of enlarging Insolvent Debtors, as to the Imprisonment of their Persons.

Ordered that he have leave accordingly.

Mr. Moore presented the same which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. James Moore and Mr. James Blount.

Mr. Johnston from the Committee appointed to prepare amendments to the Bill for rendering more effectual the Laws making Lands and other real Estates, liable to the payment of Debts, Reported that the Committee had prepared several amendments to the said Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, and ordered to be inserted in the said Bill.

On motion ordered the Bill to continue an Act therein mentioned be read the second time read the same a second time, passed and ordered to be sent to the Council.

Sent the same by Mr. Jas. Moore and Mr. Jas. Blount.

An Account of the Sales of Bills of Exchange to the amount of Five Thousand pounds Sterling, drawn by the Treasurers of this Province on James Abercrombie and Samuel Smith Esquires of London, in pursuance of a Resolve of the last Session, was laid before the House by the Treasurers for the Inspection of the Members; who approve thereof, and Resolved that the said Treasurers draw for the Balance of the money still remaining in the hands of the said James Abercrombie and Samuel Smith Esquires at the highest Current Exchange, to be applied for the payment of Public Debts and the Contingent Charges of Government.

Received from the Council the Bill to amend and continue an

Act Intitled an Act to Establish Inferior Courts of Pleas and Quarter Sessions within the several Counties in this Province, Endorsed November 9th 1764. In the upper House read the second time, amended and passed.

On motion ordered that the Bill to amend and continue an Act, Intitled an Act to Establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province, be read the third time, read the same a third time, amended, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Sykes and Mr. Campbell

Received from the Council the Bill to Increase the Salary of the Rev^d Thomas Burgess Minister of Edgecomb Parish, in Halifax County, Endorsed, November 9th 1764 In the upper House read the third time and passed.

Ordered the said Bill be Engrossed.

Received from the Council the following Bills Viz^t

The Bill to appoint an Agent to Solicit the affairs of this Province at the Several Boards in England.

The Bill for Establishing a Town on the Lands of Alexander Cotton on Chowan River.

The Bill for the relief of Abraham Jones Esq^r late Sheriff of Edgcomb County, and

The Bill to prevent the unreasonable destruction of Fish in the Rivers Chowan and Meherrin. Endorsed, November 9th 1764. In the upper House read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday, November 10th 1764 The House met according to Adjournment.

Mr. Williams moved for leave to absent himself from the service of the House for eight Days.

Ordered that he have leave accordingly

Mr. Harnett from the Committee of Privileges and Elections, Reported that the said Committee had Considered the Petition of Captain John Paine Complaining of an undue Election of Thomas McGuire Esquire a Representative for the County of Brunswick, whereby the said John Paine was prevented being Elected a member for the said County and came to several Resolutions thereon; which he presented to the House, the same were read and approved of by the House;

Whereupon the said John Paine appeared, and moved for leave to withdraw his Petition, which is Granted him.

Resolved that the said Thomas McGuire is duly Elected a member of Assembly for the County of Brunswick

Mr. Starkey from the Committee of Propositions and Grievances Reported that the said Committée had taken under Consideration the Petitions of many of the Freeholders in the parish of St James, in New Hanover County against an undue Election of Vestrymen for the said Parish, the Beginning of August last, by the House referred to them, and had come to several Resolutions, which he read in his place.

Then on motion Resolved that the Execution of a Deed of Bargain and Sale, in fee of Lands, with the usual Solemnities, doth not give the Actual Possession of such Lands, so as to enable the Vendee to Vote for a Vestryman

On motion Resolved, the House Concur with the report of the Committee of Propositions and Grievances

Mr. Attorney General, from the Committee appointed to prepare a Bill for Continuing an Act therein mentioned presented the same Then on motion Ordered, That the said Bill be read, read the same, passed and ordered to be sent to the Council

Sent the same to the Council by Mr. Sykes and Mr. Campbell

On motion ordered, that the Bill, for appointing a printer to this Province be read the second time, read the same, amended passed and ordered to be sent to the Council

Sent the same by Mr. Sykes and Mr. Campbell

Mr. Starkey moved for leave to prepare and bring in a Bill, for dissolving the present Vestry for the Parish of St James in the County of New Hanover, and other purposes

Ordered that he have leave accordingly

Received from the Council the following Bills, Viz^t

The Bill for the relief of Insolvent Debtors.

The Bill for Establishing a Town on the Lands of Benjamin Wynns on the West side of Chowan River in Hertford County, Endorsed November 10th 1764, In the upper House of Assembly read the first time and passed

The Bill to amend an Act therein mentioned concerning servants and slaves &

The Bill to prevent hunting for, and killing Deer in the manner

therein mentioned Endorsed, November 10th 1764. In the upper House read the third time and Passed.

Ordered to be Engrossed.

And also the Bill, to Continue an Act therein mentioned, Endorsed, November 9th 1764 In the upper House read the second time and passed

Mr. Attorney moved for leave to present a Bill for making a more Adequate allowance to the Members of his Majestys Hon^{ble} Council, and members of the Assembly, for their Service in attending the General Assembly.

Ordered that he have leave accordingly

Mr. Attorney Presented the said Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Sent the same to the Council by Mr. Sykes and Mr. Campbell

Mr. Starkey according to order brought in a Bill, to Establish a Toll for keeping a Public Road from Negrohead Point, to Mount Misery, in due repair, which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Mr. Sykes according to order brought in a Bill, to ascertain who shall pay costs on Bills of Indictment preferred or presentments made, against any person or persons within this Province, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the above two Bills by Mr. Sykes and Mr. Campbell

Then the House Adjourned till 10 o'Clock Monday morning

Monday November 12th 1764. The House met according to Adjournment.

Mr. Starkey according to order, brought in a Bill, for Dissolving the Vestry of Saint James's Parish, and other purposes, which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Mr. Mau Moore moved for leave to present a Bill for regulating the Pilotage of Cape Fear River, and other purposes

Ordered that he have leave accordingly

Mr. Maurice Moore presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was

again read by the Clerk passed and Ordered to be sent to the Council

Sent the above two Bills to the Council by Mr. Jas Moore and Mr. Jas Blount.

Received from the Council the Bill to Encourage Alexander Moore to build a bridge over Rockfish Creek near the mouth of the same &c^a Endorsed November 12th 1764 In the upper House read the first time and passed

On motion ordered, that the Bill for the Relief of Abraham Jones Esquire former Sheriff of Edgecomb County be read the second time, read the same amended passed and ordered to be sent to the Council

The Committee to whom the Bill for rendering more effectual the Laws making Lands and other real Estates liable to the Payment of Debts, was Committed,

Reported that they had taken under Consideration the Subject matter thereof and proposed several amendments thereto; which on motion, were read approved of by the House, and ordered to be inserted in the said Bill which were accordingly done Then on motion

Ordered that the said Bill, with the said Amendments, be read the second time, read the same accordingly, passed and ordered to be sent to the Council

Sent the above two Bills by Mr. Jas. Moore and Mr. Jas. Blount.

Received from the Council the Bill for continuing an Act therein mentioned, and the Bill for making Adequate allowances to his Majesty's Honorable Council, and the members of the Assembly, for their Services in attending the General Assembly Endorsed, November 12th 1764, In the upper House read the first time and passed.

Mr. Simpson moved for leave to present a Bill for altering the dividing line between Dobbs County and Pitt County

Ordered that he have leave accordingly

Mr. Simpson presented the above mentioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same by Mr. Jas Moore and Mr. Jas Blount

On motion ordered that the Bill for Establishing a Town on the Land of Alexander Cotton, on Chowan River, and

The Bill for Establishing a Town on the Land of Benjamin Wynns on the West side of Chowan River, in Hertford County, be

read the second time, read the said two Bills a second time, Then on motion, Resolved, that the said two Bills be rejected

On motion Resolved that Mr. William Gray, Mr. Joseph Sykes, Mr. Thomas Jones, Mr. Robert Jones and Mr. James Blount, view the Land of Alexander Cotton, on Chowan River; and the Land of Benjamin Wynns, on the West side of Chowan River in Hertford County, and report to the next Session of Assembly, which of the two places in their opinion are most proper to Erect a Town on.

On motion, ordered, the Bill to Ascertain the Method of Paying all Taxes and Levies in Commodities, be read the second time, read the same and amended, Then the question was put, if the said Bill pass, and Carried in the affirmative, and ordered to be sent to the Council

Sent the same by Mr. James Moore and Mr. James Blount

Then the House Adjourned till 4 o'Clock in the Afternoon

P. M. The House met according to Adjournment

On motion ordered the Bill to encourage Alexander Moore to build a bridge over Rockfish Creek, in Bladen County be read the second time, read the same, amended, passed, and ordered to be sent to the Council.

Sent the same by Mr. Harvey and Mr. Elmsley.

On motion ordered that Mr. Walter Gibson be added to the Committee of Accounts.

Then the House Adjourned till 10 o'Clock Tomorrow Morning.

Tuesday, November 13th 1764. The House met according to Adjournment

Mr. Harvey from the Committee of Accounts, Reported that Thomas Barker Esq^r late Treasurer of the Northern District, hath paid into the Committee £3,726.11.9. on the Sinking fund: and £699.10.0. in Interest Notes and the Interest thereon £55.9 2. Amounting in the whole to £4,481.10.11. And from John Starkey Esq^r Treasurer of the Southern district £359 In uttered Notes: and £389 In Interest Notes, and Interest thereon £34.2 1. And also £2,587.4.8. on the sinking fund, amounting to £3,369.6.9. And from Joseph Montfort Esq^r Treasurer of the Northern district £857.4.3. on the sinking fund, and in Interest Notes £388.10, Interest thereon £32.18.10. Amounting in the whole to £1,278.13.1. Which said several sums paid as above said by the said Thomas Barker, John Starkey and

Joseph Montfort amounts to, nine Thousand One Hundred and Twenty nine pounds ten shillings and nine pence

Resolved that the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

The Chairman of the Committee appointed to state and settle the Public Accounts of this Province having reported that Thomas Barker late Treasurer of the Northern District by the hands of Samuel Johnston hath paid into the said Committee £3,726.11.9 on the sinking Fund, and £699.10 in Interest notes, and the Interest thereon £55.9.2 amounting to £4,481.10.11, and from John Starkey Esq^r Treasurer of the Southern District £359 in Uttered notes and £389 In Interest Notes and Interest thereon £342.1 and also £2,587.4.8 on the Sinking Fund amounting to £3,369.6.9 and from Joseph Montfort Esquire Treasurer of the Northern District £857.4.3 on the Sinking Fund, In Interest Notes £388.10, Interest thereon £32.18.10 amounting to £1,278.13.1 which said several sums paid in as above said by the said Thomas Barker, John Starkey and Joseph Montfort amount to Nine Thousand one Hundred and twenty nine pounds ten shillings and nine pence, and are by law to be burnt; This House have therefore appointed a Committee of the whole House in conjunction with such of your Honours as you may think fit to see the said sum burnt at the House of John Campbell in Wilmington at 4 °Clock to-morrow afternoon.

JOHN ASHE Sp.

Sent by Col^o Harvey and Mr Elmsley.

On motion ordered that the Bill to Continue an Act therein mentioned be read the third time, read the same a third time, amended passed and ordered to be sent to the Council.

On motion ordered that the Bill for making Adequate allowances to the members of his Majesty's Honorable Council, and members of the Assembly, for their Services in attending the General Assemblies, be read the second time, read the same a second time, amended passed and ordered to be sent to the Council

On motion ordered that the Bill to appoint an agent to solicit the affairs of this Province at the Several Boards in England, be read the second time, read the same a second time amended passed and ordered to be sent to the Council

On motion ordered that the Bill to Continue an Act, therein men-

tioned, be read the second time, read the same a second time, amended passed and ordered to be sent to the Council

Sent the above four Bills to the Council by Mr. Harvey and Mr. Elmsley

Mr. Wynns moved for leave to prepare and bring in a Bill for altering the Boundary Line between the Counties of Northampton and Hertford

Ordered that he have leave accordingly.

Mr. Wynns brought in the above mentioned Bill, which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council

Mr. Person moved for leave to bring in a Bill, to Confirm the Vestry already chosen for the Parish of St. John's, in the County of Bute, and to Enable the Freeholders of the Parishes within the Counties of Pasquotank and Currituck to Elect Vestries, and for other purposes therein mentioned.

Ordered that he have leave accordingly

Mr. Person brought in the above mentioned Bill, which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent by Mr. Cumming and Mr. Taylor.

Received from the Council the Bill to prevent the Exportation of unmerchable Commodities Endorsed, November 13th 1764 In the upper House read the second time amended and passed

Mr. Baker Presented the Petition of Several of the Tuscarora Indians Praying a Law may Pass to confirm an agreement made with their Chiefs and Thomas Whitmell, Thomas Pugh, William Williams and John Watson.

Ordered that Mr. Baker prepare and bring in a Bill pursuant to the prayer of the said Petition

Then the House Adjourned till 4 o'clock in the Afternoon

P. M. The House met According to Adjournment

Mr. Baker according to order, brought in a Bill to Confirm an Agreement made with the Chiefs of the Tuscarora Indians and Thomas Whitmell, Thomas Pugh, W^m Williams and John Watson; which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

On motion ordered that the Bill to prevent the Pernicious Practice of taking Judgment Notes and Bonds be read the second time,

read the same a second time passed and ordered to be sent to the Council

Sent the above two Bills to the Council

Mr. Harnett moved for leave to present a Bill for regulating the Proceedings in the Court held for the Borough of Wilmington,

Ordered that he have leave accordingly

Mr. Mau Moore moved for leave to bring in a Bill to Enable William Dry Esq^r to make a Road across Eagles Island from Wilmington to the Plantation of the said William Dry on the North West River

Ordered that he have leave accordingly

Mr. Robert Howe moved for leave to bring in a Bill to amend and Continue an Act, therein mentioned

Ordered he have leave accordingly

Mr. Montfort moved for leave to bring in a Bill, for enlarging the time of saving Lots in the Town of Halifax and other Purposes

Ordered he have leave accordingly

Mr. Harnett, Mr. Mau. Moore, Mr. Robert Howe, and Mr. Montfort brought in the above mentioned four Bills, and on motion,

Ordered that the said Bills be read Tomorrow

Then the House Adjourned till 9 o'clock Tomorrow morning

Wednesday November 14th 1764 The House met according to Adjournment

Received from the Council the following message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your message of this day relative to Burning the several sums paid on the Sinking Fund into the Committee of Accounts the Chairman of our Committee having made a Report similar to that of your Committee

This House have appointed a Committee of the whole House to see the sum you mention Burnt at the House of Mr. John Campbell in Wilmington at the time you mention

The order of the day being read, read the Bill to enable William Dry Esq^r to make a Road across Eagles Island from Wilmington to a plantation of the said William Dry, on the North West River, and the Bill to regulate the Proceedings in the Court held for the Borough of Wilmington, and the Bill to amend an Act, therein mentioned, the first time passed and ordered to be sent to the Council.

On motion ordered, the Bill for the relief of Insolvent Debtors, be read the second time, read the same a second time, passed and ordered to be sent to the Council

Sent the above four bills to the Council by Mr. Harnett and Mr. Maurice Moore

Received from the Council the Bill, for the relief of Abraham Jones Esq^r late Sheriff of Edgcomb County, Endorsed, November 13th 1764, In the upper House read the second time amended and passed

Mr. Harvey Reported, that the Committee of the whole house with the Committee of his Majesty's Hon^{ble} Council, had met at the House of John Campbell in Wilmington, and had burnt the several sums signified in the Message of this House to the Council yesterday

On motion ordered the Bill to prevent the Exportation of un-merchantable Commodities be read the third time, read the same, amended, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr. Montfort and Mr. Baker.

Received from the Council the Bill for rendering more effectual the Laws making Lands and other real Estates, liable to the payments of Debts. Endorsed, November 14th 1764, In the upper House read the second time, amended and passed.

The order of the day being read, the Bill for enlarging the time of saving Lots in the Town of Halifax, and other purposes the first time, passed and ordered to be sent to the Council.

On motion, ordered the Bill for the relief of Abraham Jones Esq^r former Sheriff of Edgcombe County, be read the third time, read the same, passed and ordered to be sent to the Council.

Sent the above two Bills by Mr. Montfort and Mr. Baker.

Then the House Adjourned till 9 °Clock tomorrow morning.

Thursday November 15th 1764. The House met according to Adjournment.

The Committee of Correspondence laid before the House the several Letters and Instruction sent by them to Couchet Jouvenal Esq^r agent for this Province, and the answers thereto from the said Agent, which were read, and ordered to lie for Consideration.

Received from the Council the following Bills Viz^t

The Bill for regulating the Proceedings in the Court held for the Borough of Wilmington;

The Bill to amend an Act therein mentioned;

The Bill to enable William Dry Esquire to make a Road across

Eagles Island from Wilmington to a Plantation of the said William Dry, on the North West River, Endorsed, November 14th 1764, In the upper House read the first time and passed.

The Bill for altering the dividing line between the Counties of Dobbs and Pitt;

The Bill for enlarging the time of saving Lots in the Town of Halifax &c^a

The Bill for altering the Boundary line between the Counties of Dobbs and Pitt

The Bill for enlarging the time of saving Lots in the Town of Halifax &c^a

The Bill for altering the Boundary line between the Counties of Northampton and Hertford.

The Bill to Confirm the Vestry already chosen for the Parish of Saint Johns in the County of Bute &c^a

The Bill to confirm an agreement with the Chiefs of the Tuscarora Indians, and Thomas Whitmell and others &c^a Endorsed, November 15th 1764 In the upper House read the first time and Passed

The Bill for making adequate allowances to the members of his Majesty's Hon^{ble} Council, and the members of the Assembly, for their Services in attending the General Assemblies, and

The Bill to appoint an agent to solicit the affairs of this Province at the Several Boards in England &c^a Endorsed, November 14th 1764. In the upper House, read the second time, amended, and passed.

Upon which this House observe that the Council had inserted in the said Bill the Name of another Person in the room of that of Thomas Barker Esq^r the Person proposed and voted agent in this House by a great Majority thereof, Thereupon the House Resolved, That it is the necessary, indubitable, and inherent right of this House, as the Representatives of the people, to nominate the agent for representing, soliciting and Transacting the Public Affairs and Business of this Province at the Several Boards in England, and the Exercise of a Negative Voice, in the other Branches of the Legislature, on the appointment of such agent, can no way contribute to the service of his Majesty, or the Good of the Province, but on the Contrary, may be, and for some years past, has been, of considerable Prejudice to the Interest of both

Resolved that the arbitrary and injudicious Exercise of this Power by the Members of his Majesty's Council as a Branch of the Legis-

lature, is of a Tendency extremely injurious to the well-being of the Province,

Resolved, that it is the opinion of this House, that the said Thomas Barker Esq^r during his long Residence in this Province, approved himself a dutiful and Loyal subject of his Majesty, a valuable and useful Member of society, and acquitted himself with Honorable Reputation of several weighty and Important Public Trusts for many years, under his management and direction; and that the said Thomas Barker Esq^r from his known Probity and Ability, his Interest in, and Perfect Knowledge of, the Commerce and Constitution of the Province is well enabled to render it the most lasting and substantial Services as agent thereof

Resolved, that the Refusal of a Governor or the Council, to concur with the Assembly's Nomination and appointment of an Agent is expressly contrary to the Purport of a Letter of the Right Honorable the Lords Commissioners of Trade and Plantations, directed to the Governor, and by him laid before the Assembly in October 1762, in which among other things their Lordships were pleased to declare it to be the indubitable right of the people to nominate their own agent

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading for the third time, the Bill to amend an Act Intituled an Act, to Establish Inferior Courts of Pleas & Quarter Sessions in the Several Counties in this Province:

We would propose the following amendments thereto To *dele* that part of the amendments made by you on your third reading marked (4) which repeal the Eleventh & Twelfth Sections of the Inferior Court Act passed at New Bern in 1762 and declare the proceedings to be had on the Clerks Bonds.

That in order to secure to his Excellency & His Successors the regular payment of their Fees from the County Clerks the following Clause be inserted in the Bill.

And whereas the method appointed by Act of Assembly for Obliging the Clerks of the Inferior Courts to account with the Governor or Commander in Chief for the time being hath proved ineffectual; Be it further Enacted by the Authority aforesaid that when a motion shall hereafter be made against any Clerk for Fees which such Clerk ought to be accountable for to the Governor or Commander in Chief, the sum supposed to be due shall be specified

in the Notice served on such Clerk at least ten days before such motion who on appearing thereto shall render an account upon Oath for all such Monies as he hath or ought to have received for such Governor or Commander in Chief and pay the same; and on failure so to do the Court shall give Judgment for the whole sum mentioned in such Notice and award Execution thereto.

To which amendments if you agree in substance, you will please to send some of your Members to see the same made.

Received from the Council the Bill for appointing a Printer to this Province, and The Bill to Encourage the Building a bridge over Rockfish Creek

Endorsed, November 15th 1764, In the upper House, read the second time amended and Passed.

The Bill for the relief of Abraham Jones Esquire former Sheriff of Edgcomb County, Endorsed November 15th 1764, In the upper House read the third time and Passed

Ordered to be Engrossed, and

A Bill for Regulating 'offee Houses, Endorsed, November 15th 1764, In the upper House read the first time and passed.

Received from his Excellency the Governor the following Written Message Viz^t

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY,

I recommend to your Consideration a provision for the Wages of the Members of both Houses, and that the same may be not only more adequate to their expence than the present allowance but also proportioned to the privileges of the several Counties. I therefore Earnestly recommend, that the several Counties after this Session may pay their respective Members; and that the same be ascertained in sterling Money, payable at the current rate of Exchange.

ARTHUR DOBBS.

On motion ordered that the Bill to prevent the unreasonable destruction of Fish in the Rivers Meherrin, Peedee and Catawba, be read the second time, read the same amended, passed and ordered to be sent to the Council.

Sent by Mr. Thomas Jones and Mr. Montfort

Ordered that the following Message be sent to the Council,

On reading and considering your Message of this day relative to the amendment by you proposed to the Inferior Court Bill the House

do agree to that amendment and have sent Mr. Thomas Jones and Mr. Montfort two of the Members of this House to see the same inserted.

JOHN ASHE Sp.

On motion ordered the Bill to appoint an agent to solicit the affairs of this Province at the several Boards in England be read a third time, read the same, amended passed and ordered to be sent to the Council

Sent by Mr. Jones and Mr. Montfort

Received from the Council the Bill for regulating the Pilotage of Cape Fear River, Endorsed, November 13th 1764. In the upper House, read the first time and Passed, and,

The Bill to continue an Act therein mentioned, Endorsed, November 16th 1764, In the upper House read the second time and passed.

Mr. Johnston and Mr. Elmsley moved for leave to absent themselves from the service of the House.

Ordered that they have leave accordingly

Then the House Adjourned till 4 o'clock in the Afternoon

P. M. The House met according to Adjournment.

Resolved, that Mr. Needham Bryan enquire into the cause of the Tuscarora Indians attending this Assembly, and provide necessaries for their subsistence, and report thereon

Mr. Montfort acquainted the House that he together with Mr. Jones had waited on the Council and seen the amendments proposed by them to the Inferior Court Bill inserted therein.

Resolved that the following Message be sent to his Excellency Viz^t

SIR In answer to your Excellency's Message of this day, recommending to the Consideration of this House, a more Adequate Provision for defraying the Expence of the Members of both Houses for their attendance at the Assemblies; We beg leave to inform your Excellency, we have under Consideration a Bill for that Purpose.

JOHN ASHE Sp.

On motion ordered, that the Bill to amend an Act, therein mentioned, be read read the same a second time, amended passed, and ordered to be sent to the Council

On Motion ordered that the Bill for rendering more effectual the Laws making Lands and other real Estates, liable to the Payment of

Debts, be read, read the same a third time passed and ordered to be sent to the Council.

Sent the above two Bills by Mr. Leech and Mr. Cray

Then the House Adjourned till 10 °Clock Tomorrow Morning

Friday November 16th 1764. The House met according to Adjournment

Mr. Joseph Leech one of the members for Craven County appeared and took his seat in the House.

On motion ordered the Bill for regulating Coffee Houses be read the first time read the same, passed and ordered to be sent to the Council

On motion ordered that the Bill to amend and continue an Act Intituled an Act for dividing this Province into five several districts &c^a. be read the third time, read the same, amended passed and ordered to be sent to the Council

On motion ordered the Bill for making adequate allowances for the members of his Majesty's Honorable Council, and members of the Assembly for their services be read, read the same a third time amended passed, and ordered to be sent to the Council

Sent the above two Bills by Mr. Leech and Mr. Cray

Received from his Excellency the Governor the following Written Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

It being very much for the Benefit of the Trade and Commerce of this Province that a Regular and speedy Correspondance should be carried on with the Northern and Southern Colonies of this Continent, and with Great Britain; his Majesty having Graciously pleased to facilitate so necessary a Correspondance, by appointing a Packet Boat to call at the Islands and Southern Provinces of this Continent, and to return with Letters and Dispatches from Charles Town to England; having before appointed Packet Boats from England to New York

I think it for his Majesty's Service and for the Public Benefit of this Province as also my duty, to recommend to you, the proper encouragement to Establish a post, once a Fortnight, to carry Letters from Suffolk in Virginia thro' this Province at least to our Southern Boundary; the General Assembly of South Carolina Concurring in carrying it on from thence to Charles Town; which I hope will, having wrote to the Lieutenant Governor to recommend it to the

Assembly, to Concur with this Province in obtaining so speedy and Necessary a Correspondance thro' all the American Provinces

ARTHUR DOBBS

On motion ordered that the Bill, for appointing a Printer to this Province be read, read the same a third time, amended passed and ordered to be sent to the Council

On motion ordered that the Bill to continue an Act, therein mentioned be read, read the same a third time amended, passed and ordered to be sent to the Council

Sent the above two Bills by Mr. Leech and Mr. Cray

Received from the Council the Bill, to prevent the unreasonable Destruction of Fish in the Rivers Meherrin, Pee Dee and Catawba, Endorsed, November 15th 1764, In the Upper House read the second time and passed And also the following Message Viz^t

MR. SPEAKER & GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill to prevent the Exportation of unmerchutable Commodities, we find our Selves under an Indispensable Necessity of proposing the following amendments,

Page 4 Line 17. That Blounts Creek Durham's Creek & South Dividing Creek be *dele'd*, as well as the following Section beginning at the 22^d Line page 5 viz^t

"And at all such other places as the Justices of the several Counties shall from time to time Order or Direct, Provided Nevertheless that if the Merchant willing to Purchase and the Planter willing to sell any of the Commodities aforesaid shall be desirous of having any of them inspected at any convenient Landing which is not by this Act appointed a place of Public Inspection, it shall and may be lawfull for any Inspector of the County where such Landing is to attend and Inspect the same according to the Rules and directions herein mentioned anything herein contained to the Contrary notwithstanding" And to insert the following Proviso in its stead viz^t

Provided nevertheless that if any person or persons having at any Landing which is not by this Act appointed a place for Public Inspection a quantity of Merchandize for Exportation and being desirous to ship the same directly on Board a Vessell for Exportation from such person or persons intending to ship and export the said Merchandize as aforesaid, to call any Inspector; who is hereby required to inspect and brand the same under the rules and directions herein

mentioned anything in this Act, contained to the Contrary notwithstanding.

That at Letter B page 10, be inserted these words—(Contain thirty One Gallons & a half)

And in regard to Public faith for the Prosperity of the back Country in particular and to the Province in general as well as to prevent disputes we propose to *stet* that Clause which you *dele'd* in your last reading for confirming the Bounty on Hemp & Flax.

To these amendments if you agree please to send some of your Members to see them made in the said Bill.

Resolved that the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

On reading your Message of this day relative to the amendments by you proposed to the Bill to prevent the Exportation of unmerchantable Commodities, We herewith send Mr. M^cGuire and Mr. Leech two of the Members of this House to see the same inserted in the said Bill.

JOHN ASHE Sp.

On motion ordered that the Bill for Building a Bridge over Rockfish Creek be read the third time, read the same, amended passed, and ordered to be sent to the Council

Sent by Mr. Leech and Mr. Cray.

Received from the Council the Bill to amend and Continue an Act, to Establish Inferior Courts of pleas and quarter Sessions, and

The Bill to prevent the Exportation of unmerchantable commodities, Endorsed, November 16th 1764, In the Upper House read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to Confirm the Vestry already chosen for the Parish of Saint John's in the County of Bute &c^a be read the second time, read the same, amended, passed and ordered to be sent to the Council.

Sent by Mr. Leech and Mr. Cray.

Then the House adjourned till 4 °Clock in the afternoon.

P. M. The House met according to Adjournment.

Mr. George Barrow one of the members for Hyde County appeared, and took his seat in the House.

On motion ordered that the Bill to enable William Dry, Esquire,

to make a Road across Eagles Island from Wilmington be read, read the same a second time, amended, passed and ordered to be sent to the Council.

On motion ordered the Bill for Altering the dividing Line between the Counties of Northampton and Hertford be read, read the same a second time, amended, passed and ordered to be sent to the Council.

On motion ordered that the Bill for altering the dividing line between Dobbs and Pitt; and for Establishing a Public Ferry at the red Banks, be read, read the same a second time and amended.

Then the motion was made, and the question put, if the said Bill pass, and was carried in the Negative.

On motion, ordered the Bill for enlarging the time of saving Lots in the Town of Halifax be read, read the same a second time, passed and ordered to be sent to the Council.

Sent the above three Bills to the Council by Mr. Lecch and Mr. Cray.

Then the House Adjourned till 10 o'clock tomorrow morning.

Saturday November 17th 1764. The House met according to Adjournment.

Mr. Kenan and Mr. Mackelwean moved for leave to absent themselves from the service of the House.

Ordered that they have leave accordingly.

On motion ordered the Bill to confirm an agreement with the Chief of the Tuscarora Indians, and Thomas Whitnell and others be read the second time, read the same a second time.

Resolved, the House Resolve into a Committee of the whole House to consider the subject matter of the said Bill. The House Resolved into a Committee of the whole House accordingly, and chose Mr. Starkey Chairman; who took the Chair accordingly. After some time spent therein Mr. Speaker resumed the Chair, Mr. Chairman reported that the Committee had considered the subject matter contained in the said Bill and are of opinion that the said Bill be rejected by the House, on which the question was put and carried in the Affirmative.

On motion ordered the Bill for regulating Proceedings in the Court held for the Borough of Wilmington be read, read the same a second time.

Resolved the House Resolve into a Committee of the whole House to consider the subject matter of the said Bill. The House Resolved

into a Committee of the whole House accordingly and chose Mr. Starkey Chairman, who took the Chair, after some time spent therein Mr. Speaker resumed the Chair, Mr. Chairman Reported that the Committee had Considered the subject matter contained in the said Bill, and proposed several amendments thereto, which he read and was approved of by the whole House and ordered to be inserted in the said Bill

The same are inserted Accordingly. Then on motion the said Bill passed with the said amendments and ordered sent to the Council Sent the same by Mr. Harnett and Mr. Leech

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill to amend and Continue an Act Intitl'd an Act for dividing this Province into five several districts, and for establishing a Superior Court of Justice in each of the said Districts &c^a. We propose to amend the same, by *steting* the two Clauses *dele'd* by you on your third reading, relative to the allowance to the Associates of Halifax, Edenton, New Bern and Wilmington Districts for the Courts they actually attend, and the repeal of the fourth section of the Superior Court Act, passed at New Bern in 1762 If you think proper to agree to these amendments you will please to send some of your members to see the same made

And also the Bill for enlarging the time of Saving Lots in the Town of Halifax &c^a, and

The Bill to Confirm the vestry already chosen for the Parish of St John's in the County of Bute &c^a Endorsed, November 17th 1764, In the upper House read the second time and Passed

Likewise the Bill to Continue an Act therein mentioned, Endorsed, November 17th 1764, In the upper House read the third time and Passed Ordered to be Engrossed.

Mr. Campbell, Mr. Thomas Jones and Mr. Cumming, moved for leave to absent themselves from the service of the House

Ordered that they have leave accordingly

Received from the Council the Bill to Enable William Dry Esquire to make a Road across Eagles Island from Wilmington &c^a Endorsed, November 17th 1764, In the upper House read the second time amended and Passed

Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your message, relative to the amendments you propose to the Bill to amend and continue an Act Intituled an Act for dividing this Province into five several districts, and for Establishing a Superior Court of Justice in each of the said Districts we must inform you, that we cannot agree thereto, and must adhere to the Bill as sent you from us on our third reading

JOHN ASHE Sp.

Sent by Mr. Williams and Mr. Giles.

The House taking into Consideration the Letter laid before them by Mr. Speaker which he received from a Committee of the House of Representatives of the Province of Massechusets relating to a Representation by that Province regarding the Sugar Trade, Stamp duties &c^a Resolved that Mr. Speaker, Mr. Starkey, Mr. M^cGuire and Mr. Harnett and Mr. Maurice Moore be a Committee to answer the above Letter

Then the House adjourned till 4 °Clock in the Afternoon

P. M. The House met according to Adjournment

Received from the Council the Bill for Regulating Proceedings in the Court held for the Borough of Wilmington, Endorsed, November 17th 1764, In the upper House read the second time amended and Passed

The Bill for altering the Boundary Line between the Counties of Northampton and Hertford, Endorsed, November 17th 1764. In the upper House read the second time and Passed.

The Bill to Continue an Act, Intituled an Act, to Establish a Ferry from Solley's Point to Relfe's Point &c^a Endorsed, November 17th 1764, In the upper House read the first time and Passed.

Then the House adjourned till 10 °Clock Monday Morning.

Monday November 19th 1764. The House met according to Adjournment

On motion ordered that the Bill to amend and Continue an Act Intituled an Act to Establish a Ferry from Solleys Point to Relfes Point, be read, Read the same a second time amended, passed and ordered to be sent to the Council

On motion ordered that the Bill for altering the Boundary line between the Counties of Northampton and Hertford be read the third time, read the same, passed and ordered to be sent to the Council.

On motion ordered that the Bill to confirm the Vestry of the Parish of Saint John's in the County of Bute &c^t be read. Read the same a third time passed and ordered to be sent to the Council.

On motion ordered that the Bill to enable William Dry Esquire to make a Road across Eagles Island from Wilmington to a Plantation of the said William Dry, on the North West River, be read, read the same a third time, amended, passed and ordered to be sent to the Council

On motion ordered that the Bill for enlarging the time of saving Lots in the Town of Halifax, and other purposes, be read, Read the same a third time passed and ordered to be sent to the Council.

On motion ordered that the Bill to prevent the unreasonable destruction of Fish in the Rivers Meherrin, Pee Dee, and Catawba, be read the third time, read the same amended, passed and ordered to be sent to the Council

On motion ordered that the Bill to regulate the Proceedings in the Courts held for the Borough of Wilmington, be read the third time, read the same, amended passed and ordered to be sent to the Council

On motion ordered that the Bill for Regulating the Pilotage of Cape Fear River be read the second time, read the same a second time passed and ordered to be sent to the Council

Sent the above eight Bills by Mr. Gray and Mr. Person

Then the House adjourned till 3 o'clock in the Afternoon

P. M. The House met according to Adjournment

Mr. Needham Bryan laid before the House an Account of the amount of nineteen shillings and Eight pence paid by Mr. Thomas Whitmell for necessary Provisions and Liquors for the Tuscarora Indians now in Town: and also an account from Francis Liner, amounting to one pound Two Shillings for the like Necessaries for the said Indians, which were approved of by the House, and ordered that the Treasurers, or either of them pay the said Sums to the said Whitmell and Liner, and that they be allowed the same on Passing their Respective Accounts with the Public

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday November 20th 1764 The House met according to Adjournment

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill for rendering more effectual the Laws making Lands and other Real Estates liable to the Payment of Debts.

We would propose to amend the same by *steting* the words following *dele'd* by you on your third reading in the Proviso annexed to the first page of the said Bill, to wit, (before Action or Suit brought) and *dele* these words *stetel* by you as above (before such Lands or other Real Estate where adjudged to be Assets for paying his or her Debts as aforesaid)

We think it necessary and therefore propose to *stet* these words (by Virtue of a Writ of *Venditioni Exponas* which the Court is thereby requested to issue for that purpose and to proceed in the Sale of the said Lands) And to *dele* (to proceed in compleating the execution of such Writ according to the command thereof beginning in the upper Line of the last page.)

If you agree to these amendments please to send two of your members to see them made.

Resolved that the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your Message of yesterday, wherein you propose several amendments to the Bill for rendering more effectually the Laws making the Lands and other Real Estates, liable to the payment of Debts: We must acquaint you we cannot agree to such amendments, and Particularly the last, as it would entirely destroy the Chief intent of this Bill, which is to secure the title of Purchasers under a Sale of a Removal or deceased Sheriff, & hope you will pass the Bill as sent you from us.

JOHN ASHE Sp

Sent by Mr. McGuire and Mr. Mau. Moore.

Received from the Council the following Bills Viz^t

The Bill for Enlarging the time of saving Lots in the Town of Halifax &c^a

The Bill to confirm the vestry already chosen for the Parish of, St John's in the County of Bute; and to enable the Freeholders of Pasquotank, Anson and Currituck, to elect Vestries

The Bill to prevent the unreasonable Destruction of Fish in the Rivers Meherrin, Pee Dee, and Catawba

The Bill for altering the Boundary Line between the Counties of Northampton and Hertford, Endorsed, November 10th 1764, In the upper House read the third time and passed

Ordered to be engrossed

Mr. Nash presented a Certificate from the County Court of Orange, thereby recommending that John Baily, John Talbert Thomas Barnes, Benj^a Davis, John Whaler, Jacob Whitehead, Annanias Allen, William Brooks, John Crow, Miles Goeforth, Joseph Suttin, William Saterfield Sen^r, Thomas Wilson Sen^r, Patrick Mullen, Thomas Hart, Frederick Natt, David Castleberry, John May, William Kennedy, John Harrington, James Jones and Allridge Reward to be exempt from paying of Taxes.

Mr. Crawford presented a Certificate from the County Court of Anson, therein recommending Lewis Williams to be Exempt from Paying Taxes and doing Public duties.

Mr. Caswell presented a Certificate from the County Court of Dobbs, therein recommending Lewis Williams to be exempt from Paying Taxes and doing Public duties

Mr. Howe presented a Certificate from the County Court of Craven therein recommending John Ferguson to be exempt from Paying Public Taxes and doing Public duties

Ordered that the above mentioned Persons be exempt accordingly

Received from the Council the Bill to amend and Continue an Act, Intitled an Act, for dividing this Province into five several Districts, and for Establishing a Superior Court of Justice in each of the said districts, and regulating the Proceedings therein, and

The Bill for rendering more effectual the Laws making Lands and other real Estates liable to the Payment of Debts, Endorsed, November 20th 1764. In the upper House read the third time and Passed.

Ordered to be Engrossed

Then the House adjourned till 3 o'clock in the Afternoon

P. M. The House met according to Adjournment.

The House taking into Consideration the Message from His Excellency the Governor of the 16th Instant, regarding a proper Encouragement for Establishing a Post to carry Letters from Suffolk in Virginia through this Province &c.

Resolved that the sum of One Hundred and thirty three Pounds six shillings and eight pence Proc. Money, be paid to the Post Master General, if the said Post Master General shall cause a proper

person or persons to ride post through this Province, and carry the Public Dispatches and Letters to and from Suffolk in Virginia unto the Southern Boundary of this Province, once every Fortnight during the term of one year; and that the said One Hundred and thirty three Pounds six shillings and eight pence shall be paid by the Treasurers of this Province, out of the fund for Contingencies, by a Warrant from the Governor or Commander in Chief of this Province.

Resolved that the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House have resolved that the sum of One hundred and thirty three pounds six shillings and Eight pence Proclamation Money, be paid to the Post Master General if he shall cause a proper person or persons to ride Post thro' this Province and carry the Public Dispatches and Letters to and from Suffolk in Virginia unto the Southern Boundary of this Province once every fortnight during the term of one year; and that the said One hundred and thirty three pounds six shillings & eight pence shall be paid by the Treasurers of this Province out of the fund for contingencies by a warrant from the Governor or Commander in Chief of this Province and desire your Hon^{rs} Concurrence thereto.

JOHN ASHE Sp.

Then the House adjourned till 9 o'clock tomorrow morning.

Wednesday November 21st 1764. The House met according to Adjournment.

Received from the Council the Bill for the relief of Insolvent Debtors, Endorsed, November 20th 1764. In the upper House read the second time, amended and passed, and

The Bill to regulate the Proceedings in the Court held for the Borough of Wilmington. Endorsed, November 19th 1764. In the upper House read the third time and passed.

Ordered to be Engrossed

Resolved that the following Message, be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

In the Bill for regulating the proceedings in the Court held for the Borough of Wilmington, we beg leave to inform your Honours that the Clerk of our House has made a Mistake in the inserting these

words to wit, (between Persons resident and Transient persons not residing in the Province) only in the Preamble, Whereas it was the intention of this House, that the same should also have been here inserted in the Enacting Clauses of the said Bill; and as this is a matter very unusual in its nature, we desire the concurrence of your Honors, that the words may be inserted according to the sense of this House or the same may be done in any other manner as your Honors shall esteem most consistent with the rules of Parliament.

JOHN ASHE, Speaker.

On motion ordered the Bill for the relief of Insolvent Debtors be read. read the same a third time amended passed and ordered to be sent to the Council

Sent by Mr. Starkey and Mr. Montfort

Received from his Excellency the Governor the following Written Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

The Bill for appointing a printer having failed, I have by and with the advice and consent of his Majesty's Council, thought fit to appoint Andrew Stewart printer to his Majesty in this Province for the Term of Eighteen Months, from the 24th Day of June last, the time of his arrival here with orders to print and disperse the Acts to be passed, and such other Acts of Government as the printer hath been accustomed to do; and also the Votes of the Assembly, if you Choose to have them Printed by him; and that there may be no Occasion on this Account to call the Assembly soon, I recommended it to you to enable me to allow him an Adequate Salary; This you are in Honor bound to, by a Resolve of the Assembly made last Session, upon the faith of which, he hath been Engaged to come hither as Printer, and hath entered upon the Office

ARTHUR DOBBS

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading a third time the Bill to Enable William Dry Esquire to make a Road across Eagles Island from Wilmington to a Plantation of the said William Dry on the North West River.

We would propose to *dele* the word Driver in that Clause relative

to the rates of Ferriages and again to insert Passengers, Obliterated by you on your third reading.

We would also propose to *dele* the subsequent Clause in the third and fourth Pages, and substitute in its stead the several Clauses herewith sent you,

If you agree to these amendments please to send two of your Members to see them made.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your Message of this day, wherein you propose several amendments to the Bill to Enable William Dry Esquire to make a Road across Eagles Island from Wilmington to a plantation of the said William Dry on the North West River; this House concurr with you on such amendments and send herewith Mr. Starkey & Mr. McGuire two of the Members thereof, to see the same inserted in the Bill.

JOHN ASHE, Sp.

Received from the Council the following Bills Viz^t

The Bill for Regulating the Pilotage of Cape Fear River, and other Purposes; and

The Bill to amend an Act therein mentioned, concerning Roads, Endorsed, November 21st 1764, In the upper House read the second time amended and passed, and also

The Bill, to continue an Act therein mentioned, Endorsed, November 21st 1764, In the upper House read the third time and passed Ordered to be Engrossed

Then the House Adjourned till 3 o'clock in the Afternoon

P. M. The House met according to Adjournment.

On motion ordered the Bill to amend an Act, therein mentioned, concerning Roads, be read, read the same a third time. passed, and ordered to be sent to the Council.

Sent the same by Mr. Harnett and Mr. Howe

Received from the Council the Message sent to them from this House of Yesterday regarding the sum to be paid the post Master General, to enable him to cause a proper person or persons to ride from Suffolk in Virginia, thro' this Province, and carry Public Letters and Dispatches from Suffolk in Virginia unto the Southern

Boundary of this Province &c^a Endorsed, November 20th 1764, In the upper House Concurred with.

JAMES MURRAY P.

Received from the Council the Bill to Enable William Dry Esquire to make a road across Eagles Islands, from Wilmington to a Plantation of the said William Dry Esquire, on the North West River, Endorsed, November 20th 1764, In the upper House read the third time amended and Passed

Ordered to be Engrossed.

Mr. Frohock moved for leave to absent himself from the service of the House.

Ordered that he have leave accordingly,

Then the House Adjourned till 9 o'Clock Tomorrow morning

Thursday November 22^d 1764 The House met according to Adjournment.

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On considering your Message relative to a mistake said by you to be made by your Clerk in the Bill for regulating Proceedings in the Court held for the Borough of Wilmington, we cannot help observing with what impropriety it would appear after a Bill has been Solemnly debated, read and Passed for Engrossing it, that the Bill should be again debated, and (on finding that certain words are wanting, to answer particular purposes, altered;) this would be proceeding so entirely new, and unparliamentary, that we cannot concur with you in your Message to give the Bill a further reading, nor can we agree with you to have inserted Words, that would so essentially destroy the Good Tendency of the Bill in question.

Whereas it is necessary that the Laws to be passed this Session of Assembly be printed, and Transmitted to the several Counties within this Province; It is therefore Resolved, That James Davis of the Town of New Bern, be appointed to print the Laws and Journals of this Session of Assembly, and all Public Acts of Government; and that he Transmit two Copies of the said Laws and Journals to his Excellency the Governor; one to each member of his Majesty's Council; one to each member of Assembly; Fifteen Copies of the Laws to each County within this Province, for the use of the

Justices thereof, one Copy to the Clerk of each Superior Court; and one Copy to the Clerk of every Inferior Court, what shall be delivered to the persons who ought to receive the same, within three months after the said James Davis shall receive attested Copies of the said Laws and Journals, and for his Service of this, and the Printing the Laws and Journals of the last Session of Assembly, he shall be paid the sum of Two Hundred pounds, inclusive what monies he may have received of John Starkey Esquire, since the last Session; and if he shall be Guilty of any Neglect in Complying with this Resolve, there shall be a Deduction out of such allowance, made by the Assembly.

On motion ordered the Bill for regulating the Pilotage of Cape Fear River and other purposes, be read, read the same a third time, amended passed, and ordered to be sent to the Council

Sent the same by Mr. Starkey and Mr. Montfort

A proposal from Benjamin Heron and Robert Palmer Esquires for Paying in Proclamation Money into the Treasury a sum at 100 p Cent Exchange on Sterling equal to the Money now in England arising to this Province from the last Parliamentary Grant being Considered and approved; it was thereupon

Resolved That John Starkey and Joseph Montfort Esquires Public Treasurers be and are hereby impowered and directed so soon as the said Benjamin Heron and Robert Palmer shall Pay into the Treasury of this Province in Proclamation Money, for the one half of the said Money in England at the Exchange of 100 p Cent in Sterling, and shall give them sufficient Bond and security for Paying the other half when they and their Agent or Factor, shall receive the said Money in England, and make and Execute such power in Writing, under their hands and Seals as shall be thought proper, for Impowering the said Benjamin Heron and Robert Palmer their Agents or Factors, to receive the said Money belonging to this Province in England, and give sufficient Discharges for the same

Resolved, that the following Message be sent to His Excellency the Governor Viz^t

To His Excellency Arthur Dobbs Esquire, Captain General, Governor &c^a

SIR—

This House herewith send their Resolve of the 20th Instant, to allow and Pay the Post Master General the sum of one Hundred and Thirty three Pounds, six shillings and eight pence for services

by him to be done therein mentioned, which Resolve has had the Concurrence of his Majestys Council and desire your Excellency will please to signify yours in the same manner.

JOHN ASHE Sp.

Sent by Mr. McGuire and Mr. Moore.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House on consideration had of the Proposals laid before us by Benjamin Heron and Robert Palmer Esquires for the Purchase of the Money in England due to this Province Have Resolved that John Starkey & Joseph Montfort Esq^{rs} the public Treasurers be impowered so soon as the said Benjamin Heron & Robert Palmer shall pay into the Treasury of this Province in Proclamation Money for the one half of the said Money in England at the Exchange of 100 p^r Cent on Sterling & shall give them sufficient security for paying the other half when they or their Agents or factor shall receive the said Money to make & execute such power in writing under their hands and seals as shall be thought proper for Impowering the said Benjamin Heron and Robert Palmer their Agents or Factors to receive the said Money belonging to this Province in England and give sufficient discharges for the same and desire your Honours Concurrence.

JOHN ASHE Sp.

Sent by Mr. Starkey and Mr. Montfort

Resolved, that the following Message be sent to his Excellency the Governor Viz^t

SIR

On reading the third time, the Bill for regulating the Proceedings in the Court held for the Borough of Wilmington, it was the sense of this House, that the Jurisdiction of the Mayors Court shall be Restriected to those Debts only that should arise in the Borough amongst the Inhabitants thereof, and Transient Persons not residing in the Province, and not to such Debts as shall become due from any Person residing without the Borough: and to this Intent a Clause was directed by the House to be inserted in the Bill. which the Clerk by Mistake, neglected to do, in any other part of the Bill than the Preamble only; by which means the said Bill Passed the

third Reading of this House in that Particular, directly contrary to the sense and design of the House; We therefore well knowing the Pernicious Consequences that will, in all Probability, derive to those we represent, from Passing that Bill into a Law, earnestly request that your Excellency will not give your Assent to the said Bill, and that you will be pleased to signify your pleasure therein

JOHN ASHE Sp

Sent by Mr. M^cGuire and Mr. Moore

Then the House adjourned till 9 o'clock tomorrow morning.

Friday November 23^d 1764. The House met according to Adjournment

Mr. Harvey Chairman of the Committee of Accounts reported that the said Committee had settled sundry accounts as by report. which he laid before the House

Ordered the same be read, read the same, which was approved of by the House and sent by Mr. Starkey and Mr. Harvey to the Council for Concurrence.

Mr. Starkey Chairman of the Committee of Claims reported the Committee had settled and allowed several Claims which he laid before the House

Ordered the same be read, The same were read, and after allowance of several and disallowance of some others, which were referred to the House by the said Committee, the said Report was agreed to and sent by Mr. Starkey and Mr. Harvey to the Council for Concurrence.

Received from the Council the Message sent them from this House of Yesterday Regarding the proposals of Benjamin Heron and Robert Palmer Esq^{rs} Purchasing the Money in England due to this Province, Endorsed, November 23^d 1764 Concurred with

JAMES MURRAY P. C.

Sent the same by Mr. Starkey and Col Harvey to His Excellency for Concurrence his Excellency returned the said Message Endorsed. Assented to

ARTHUR DOBBS

Resolved, that five Men and one Commissioned Officer be appointed to Garrison Fort Johnston, the officer at four shillings per Diem, and eight pence for subsistence; Ten men at one shilling and four pence per Diem, and eight pence for subsistence, for one year.

to Commence this Day ; and that the Pay and subsistance Money for the officer and men appointed last Session of Assembly to Garrison Fort Johnston be discontinued, and that the Commissioners or the Majority of them, rent the House belonging to the said Fort, and apply the money arising therefrom towards taking care of the Guns &c^a belonging to the said Fort, to which desire your Honors Concurrence

JOHN ASHE Sp.

Sent by Mr. Nash and Mr. Taylor.

Received the said Message from the Council, Endorsed, November 23^d 1764, In the upper House Concurred with as far as relates to the appointment of Fort Johnston.

JAMES MURRAY P.

Then the House Adjourned till 3 °Clock in the Afternoon

P. M. The House met according to Adjournment

Received from the Council the following Message, Viz^t

On reading a third time the Bill for regulating the Pilotage of Cape Fear River, and other Purposes, We observe that you have *dele'd* the name of W^m Dry and inserted in his stead John Paine as one of the Commissioners of the Pilotage of Cape Fear River which we can by no means agree to, and therefore propose to *set* William Dry in the Eighth line, and *dele* John Paine in the Tenth Line in the first page of the said Bill.

We would further propose that the following Clause be inserted in the Bill, Viz^t

And be it further Enacted by the authority aforesaid that the Master or Commander of any Vessell who shall send for or take on Board a Pilot to conduct such Vessell from one place to another in the said River, and shall afterwards delay Transporting the said Vessell (Wind and weather Permitting) the Master or Commander thereof, shall pay unto the Pilot attending, Eight shillings Proclamation Money p^r Diem for each and every day he shall be so detained.

If you agree to these amendments, please to send two of your Members to see the same done.

Resolved that the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

In answer to your Message of this day regarding the Amendments therein Proposed to the Bill for Regulating the Pilotage of Cape Fear River &c. This House agree thereto and herewith send Mr. Harnett and Mr. Gray two of the Members of this House to see the said Amendments Inserted in the said Bill.

JOHN ASHE Sp.

It appears to this House that the Bill for Dissolving the Vestry Chosen the first of August last passed for the Parish of St James in New Hanover County, as being unduly and illegally Elected; and to Impower the Freeholders of the said Parish to Elect and choose a Legal Vestry, hath been rejected in the Council.

Resolved, that there is no Legal Vestry now Existing for the said Parish; and that the Persons Chosen as a Vestry for the same on the third day of August last, have no legal Authority to Act as a Vestry, or impose or lay any Tax or levy on the Inhabitants of the said Parish, and that all Acts done and ordered, made by them as a Vestry for the said Parish, are null and void.

Then the House Adjourned till 9 o'Clock Tomorrow morning.

Saturday November 24th 1764. The House met according to Adjournment

The state of the Paper Bills now Current was laid before the House by Mr. Starkey and Addressed to his Excellency Arthur Dobbs Esq^r Governor of North Carolina, as follows, Viz^t

SIR—In obedience to your Excellency's order relative to the Tender and amount of the Bills of Credit which have been Created, and now subsisting in this Province, we beg leave to report as follows.

That in April 1748 the sum of Twenty one Thousand three Hundred and Fifty pounds, and in March 1754, the sum of Forty Thousand pounds, which sum of sixty one Thousand three Hundred and Fifty Pounds was to be Current and a Lawful Tender in all Payments at the rate of Proclamation standard; that is every four shillings proc. Bills, to be of the Value of three shillings sterling, and for Redeeming and sinking the said Bills, an Annual Poll Tax of one Shilling per poll, was laid on each Taxable person; as also a duty of four pence per Gallon on all Spirituous Liquors Im-

ported, to Continue until the whole of those Emission should be paid in and burnt.

That in the year 1760, there was Emitted in Bills the sum of Twelve Thousand pounds which Bills were a tender at the same Rate as the foregoing, and to be Redeemed by an Additional poll Tax of one Shilling per poll to Commence for the year 1763, and Continue till the whole of this Emission should be paid in and Burnt

That in the year 1761, there was Emitted in Bills, Twenty Thousand Pounds, which Bills were likewise a tender at the same rate as the above mentioned and to be redeemed by an additional poll Tax of two shillings p poll to Commence for the year 1764, and to Continue till the whole of this Emission be paid in and burnt.

That it appears to us from the Treasurers Accounts as passed in the Committee of Public Accounts, that there has been paid in and burnt, on the said several sinking Taxes and duties the sums of Twenty five Thousand Two Hundred and Eighty six pounds Twelve shillings; which leaves a Balance now in circulation of those several Emissions of Sixty eight Thousand and sixty three pounds Eight shillings.

We further beg leave to report to your Excellency. that for the Encouragement of the late War there was issued in the year 1756. Treasury Notes bearing Interest at 6 p Cent for their respective dates 'till the 10th of November 1757, which were also at the rate of Proclamation Money Standard, the Principal sum whereof amounted to three Thousand six Hundred Pounds; and for redeeming them with the Interest arising thereon, a poll tax of two Shillings was laid to be Collected for the year 1756, and an additional duty of two pence p Gallon on all Spirits imported for one year.

That in the year 1757 a further sum in Notes, on Interest on the same terms, was issued to bear Interest till the 29th of September 1758, amounting to Five Thousand three Hundred and six pounds; and for the Redeeming the same a poll Tax of four shillings and six pence was laid for the year 1757, and a Tax on Law Suits for two years.

That in the same year, a further sum in Notes on Interest, redeemable to the 10th day of December 1758, was issued, amounting to the sum of nine Thousand five hundred pounds and to redeem the same with the Interest, a poll Tax was laid. to be collected for the year 1758, of six shillings and six pence p poll.

That in the year 1758, there was issued, Notes bearing Interest

till the 12th Day of December 1759 at the rate above, the sum of seven Thousand pounds; and for redeeming the same a poll Tax of four shillings and six pence was laid, to be paid for the year 1759, and two pence per Gallon on all Spirits to be imported, for the term of four years. That a further sum in notes was issued in the same year, to bear interest till the 10th of June 1761, amounting to the sum of Four Thousand pounds; and for redeeming the same, a poll Tax was laid for the year 1760 of three shillings and one penny per poll. That in the year 1759, there was the sum of five Thousand five hundred pounds of the above notes, which had been borrowed from their respective funds, and reuttered but to carry no further Interest, which sum was replaced by a tax of one shilling and eight pence per poll, for three years, and therefore neither adds or diminishes the Country Bills.

The amount of the Principal sums of the several Emissions of notes, is Twenty nine Thousand four Hundred and six pounds; which with the Interest thereon, as well as those already redeemed and burnt, as on those still in circulation amounting by the Exactest Computation that can be made, to one Thousand three Hundred and seventy pounds makes a Total amount of Principal and Interest to be Thirty Thousand seven hundred and seventy six pounds.

We further observe, that from the several Taxes and duties laid to redeem the said Notes and Interest thereon, there has been collected, paid in and burnt of the said Notes, Including the Interest thereon, the sum of Twenty three Thousand Eight Hundred and seven pounds three Shillings and ten pence, which leave a Ballance of those Notes, including the Interest due thereon of six Thousand nine Hundred and sixty eight pounds sixteen Shillings and two pence, still in circulation.

From the foregoing it will appear to your Excellency that there has been Emittted from April 1748 to the present time in Bills of Credit at Proclamation standard the sum of Ninety three Thousand three hundred and Fifty Pounds; and of Notes on Interest (at same standard) Thirty Thousand seven hundred and seventy six pounds; making in the whole, One Hundred and Twenty four Thousand, one hundred and Twenty six pounds; and that there has been burnt of the said Bills and Notes, including Interest Conformable to the several Acts of Assembly for Creating them, in the whole, the sum of Forty nine Thousand and ninety three pounds fifteen shillings and ten pence, leaving now in Circulation of the several Emissions of Paper Currency for this Province, the sum of seventy five Thou-

sand and Thirty two pounds four shillings and two pence, for sinking whereof, there is, for the future a poll Tax of four Shillings per poll. to be paid annually throughout the province; and a duty of four pence per Gallon on all Spirits imported; both to Continue until the whole paper Currency be burnt thereon. All which is humbly submitted &c

Whereas his Excellency hath, by his Message of the 21st Instant, informed this House in a most Extraordinary and unparliamentary manner, that a Bill appointing a printer to this Province had failed in that body, who have hitherto Denominated themselves an upper House, altho' this matter hath in no manner been signified to us by them; by which Message, that Intermediate body of the Legislature seem to be rendered useless, or a mere property of his Excellency; and that himself by and with the advice and consent of his Majesty's Council, that very same body, had proceeded to the appointment of a printer, under the sounding appellation of his Majesty's Printer: And as the said appointment is of an unusual nature, truly unknown either to our Laws or Constitution; and as it appears to us a most Extensive stretch of power, and may, in its Tendency, Establish a new office to Exact new fees, Contrary to the Statute of Tallage, a most Beneficial Act of Parliament, well known to every honest Englishman.

We the Assembly of this Province therefore, to guard the Liberties of the Subjects and our indubitable rights do Resolve, That we know of no such office as his Majesty's Printer of this Province; and of no duties, fees, or emoluments annexed or incident to such office; and that the said appointment is of a new and unusual Nature, unknown to our Laws, and is a violent stretch of Power

Resolved that Mr. Speaker do not present the Bill for regulating the proceedings in the Court held for the Borough of Wilmington. to his Excellency for Assent.

Received from his Excellency the Governor a Written Message
Viz^t

MR. SPEAKER—

The Votes and Resolutions of the Assembly have never been Produced or shewn to me, as they ought to have been; I can neither pass the Bills nor Prorogue the Assembly until I have perused them. I therefore Expect that you will send the original Votes and Reso-

lutions in Manuscript for my Perusal, in order to my Passing the Bills and giving a Recess to the General Assembly.

ARTHUR DOBBS.

Resolved, that no Bills shall be received in the House after this Day.

Then the House adjourned till 9 o'clock Monday morning

Monday, November 26th 1764 The House met according to Adjournment.

Received from his Excellency the Governor the following Written Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Having received no Answer to my Message about the Printer, and finding now by your Resolution, that you insist upon a right of appointing a Printer for the affairs of Government, I must acquaint you, that it is his Majesty's undoubted prerogative to nominate and appoint a printer to Publish his Proclamations and orders of Government, and to Publish his Laws; and that the right of the Commons or lower House of Assembly, is only to appoint a Printer to publish their Votes and Resolutions during their Sessions, which in Britain, they have always given a power to their Speaker to appoint: and when the printing and Publishing is attended with Expence, it is the duty and privilege of the Lower House to raise and provide an Adequate sum for the same

I do therefore once again inform you, that in support of his Majesty's Just Prerogative, I have appointed Andrew Stewart to be his Majesty's Printer; and do recommend it to you to raise and allow him an Adequate sum for the same, pursuant to your Resolution of last Session; for as his Majesty hath been greatly pleased to give me leave of absence, to go to Britain, for one Year for the Recovery of my Health, it will give me great Pleasure to have the Power of Representing the proceedings of the Lower House of Assembly, in a favourable light to his Majesty, and not to be obliged to represent them as encroaching upon his Majesty's Just prerogative: When you have fully considered this Message, I am Persuaded, from your former Zeal for his Majesty's Service, that you will Comply with it, and enable me with Justice to represent your Loyal Behaviour.

ARTHUR DOBBS.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

This House have resolved that James Davis of the Town of New Bern be appointed to Print the Laws & Journals of this Session of Assembly and all Public Acts of Government and that he transmit two copys of the said Laws and Journals to His Excellency the Governor one Copy to each Member of His Majesty's Council One copy to each Member of Assembly Fifteen copys of the Laws to each County within this Province for the use of the Justices thereof One Copy to the Clerk of each Superior Court and one copy to the Clerk of each Inferior Court which shall be transmitted and delivered to the persons who ought to receive the same within three Months after the said James Davis shall receive attested Copys of the said Laws and Journals and for his service of this, and the printing the Laws and Journal of the last Session of Assembly he shall be paid the sum of Two hundred Pounds Inclusive of what Monies he may have received from John Starkey Esq^r since the last Session and if he shall be guilty of any neglect in Complying with this Resolve there shall be a Deduction out of such allowance made by the Assembly and desire your Hon^{rs} Concurrence.

JOHN ASHE Sp.

Sent by Mr. Leech and Mr. Cray.

Received from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On considering the Report of the Public Claims, we observe that you have not allowed Frederick Gregg his Claim of £30.15^s as store keeper &c^a nor His Excellency the Governors Claim of £50 for House Rent &c^a we are unanimously of Opinion, that those Claims should be allowed, and desire your Concurrence. And on Considering the Report of the Committee of Accounts approved of by you and sent for concurrence; We find ourselves at a loss to know your Opinion upon the Article relative to Samuel Smith Esquire, We therefore have, for Expedition appointed Lewis De Rossett and Robert Palmer Esquires to confer with such of your Members as you may think proper, as soon as possible.

Whereas Andrew Stewart Printer, having removed himself from Philadelphia, to this Province, at an Instance of a Committee ap-

pointed to agree with a printer to print the Laws and Journals of the last year; and as he came too late to do the Service, and has not received any advantage by his Voyage, and has been at some expence; it is, on motion therefore,

Resolved, that the said Andrew Stewart for his Voyage and Trouble in Coming to this Province, in Consequence of the said Committees Letters be paid one Hundred pounds Proclamation Money, out of the Treasury, from the Contingent fund

Resolved that the following Message be sent to his Excellency the Governor &c^a

To His Excellency Arthur Dobbs Esquire, Captain General, Governor &c^a

SIR

In answer to your Message of this day, we beg leave to Acquaint you that tho' we do not deny the right you are pleased to mention of appointing a Printer to the Crown: yet it is the sense of this House, that the appointing a Printer for the Province, is the inherent right of the People we represent, and tho' we think it inconsistent with the duty we owe our Constituents, to Burthen them with the Payment of the Salary of any officer, in the appointment of whom our Concurrence is unnecessary; yet in Consideration of Mr. Andrew Stewarts having come into this Province to Perform a Service, which was however effected previous to his Expence and Trouble in coming here, allowed him the sum of one Hundred Pounds Proclamation Money, to be paid out of the Contingent fund

JOHN ASHE Sp

Resolved the following Resolve be sent to the Council Viz^t

In the Assembly

Resolved, that Andrew Stewart, Printer, for his Voyage, Trouble and Expence in Coming to this Province, in Consequence of the Committees Letters be paid One Hundred Pounds Proclamation Money, out of the Treasury, from the Contingent Fund, to the above Resolve, desire your Honors Concurrence

JOHN ASHE Sp

Sent by Mr. Leech and Mr. Cray

Then the House Adjourned till 4 °Clock in the Afternoon

P. M. The House met According to Adjournment

Resolved that the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

In answer to your Message relative to the claim made by Mr. Gregg, we must observe, that as he must have known from a Resolve of the last Session of Assembly that no further allowance would be made him as store keeper &c. It is our opinion he is by no means intitled to the £30.15 disallowed by the Committee of Claims.

It is with concern we inform your Honors we cannot concur with you in admitting His Excellencys Claim of Fifty Pounds for House rent &c. but shall agree with you in allowing him that sum for the extraordinary Expense he hath been at in attending this Session.

We are sorry you should be at a loss on the Report of the Committee of Accounts respecting Samuel Smith Esquire, as we think the Committee had been very explicit on that Subject; but for your further satisfaction have appointed Mr. Harvey & Mr. Harnett to confer with the members of his Majesty's Hon^{ble} Council nominated by you for that purpose.

JOHN ASHE Sp.

Sent by Mr. Harvey and Mr. Harnett

Whereas it was Resolved by this House on the 24th Instant in these words following

That Mr. Speaker do not present the Bill for Regulating the Proceedings in the Court held at Wilmington to his Excellency for Assent The same Bill having by manifest mistake passed this House, since which time it has been intimated to us that his Excellency will not pass our many Salutary and Beneficial Bills that are now Engrossed, and are ready to be presented for his Ratification unless that Bill is presented to him. And as we Humbly conceive this Intimation to be an Ill Imputation to the Injury of his Excellency's Character

But as our duty compells us rather to serve our Constituents than rigidly to adhere to that Resolve, do admit our Speaker (If his Excellency shall demand that Bill) to present the same to him after the Public Bills are Passed, That to the utmost of our abilities we may do our Constituents Justice.

Resolved that the following Address be presented to his Excellency the Governor, to wit,

To His Excellency Arthur Dobbs Esq^r Governor &c^a

The Address of the Commons House of Assembly of the Province of North Carolina

SIR,

Your Excellency having been pleased to notify to us, his Majestys leave given you to return to England for the Recovery of your Health, we the members of the Commons House of Assembly of the Province of North Carolina, beg leave to assure your Excellency, that we are truly sensible of your steady zeal in promoting the rights of the Crown, and flatter ourselves that our Conduct has been conformable to the frequent assurance given of our unalterable attachment to his Majesty and our steady zeal for the support of his Government, and as such hope your Excellency on your return to the Royal presence will faithfully represent our Loyalty and known attachment to his Majesty's Person, Family, and Government. This office of favour we hope we are Intitled to, and from thence doubt not but it will be faithfully performed by your Excellency.

We wish your Excellency a pleasant voyage and a safe arrival in Britain and that your Native Air may have all those Salutary effects for the ReEstablishment of your Health that you can wish

Then the House Adjourned till Tomorrow morning 9 o'clock.

Tuesday November 27th 1764. The House met according to Adjournment

Resolved the following Message be sent to his Majesty's Council Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

This House have Resolved to allow his Excellency the Governor Fifty Pounds for his Extraordinary Expense this Session and desire your Honors Concurrence.

JOHN ASHE Sp.

27th November 1764.

Mr. Harvey from the Committee appointed to Confer with a Committee of his Majesty's Hon^{ble} Council regarding an allowance of one Thousand pounds to Samuel Smith of London Esquire, Reported, It is their Opinion that the Charge of One Thousand Pounds Sterling for five years Agency ought not to be allowed the said Samuel Smith, as he never was appointed agent to this Province,

and that the Committee of his Majesty's Council proposed to *dele* the word (as) and (never was appointed agent for this Province) On which the question was put, and Resolved this House do not agree to *dele* these words.

Resolved the following Message be sent to his Majesty's Hon^{ble} Council.

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

The Committee of this House appointed to confer with Robert Palmer & Lewis De Rossett Esq^{rs} two of your members relative to the allowance of £1000 to Samuel Smith of London Esq^r having Reported that your Hon^{rs} propose to *dele* the words (as) and the words (never was appointed Agent for this Province) in the Report from the Conference, cannot agree thereto, therefore desire your Hon^{rs} will Concur to let those words stand as first reported by the Committee of Accounts.

JOHN ASHE Speak^r

Sent by Mr. Person and Mr. Sykes.

Mr. McGuire and Mr. Nash waited on his Excellency the Governor. and desired his Excellency will be pleased to let them know when they shall wait on him with the Engrossed Bills for his Assent, and also with the Address of this House, and being returned Acquainted the House that his Excellency returned for answer he would receive the House at 4 o'clock this Afternoon.

Mr. Speaker with the House waited on his Excellency the Governor with the Address thereof, to which his Excellency was pleased to answer as follows, to wit,

GENTLEMEN—

I return you my hearty thanks for your approbation of my best Endeavours to promote his Majesty's Interest in this Province, and your wishes for my safe arrival in Britain and recovery of my Health, and shall faithfully represent the duty and Loyalty of the Assembly of this Province to his Majesty.

Received from the Council the Estimate thereof which was concurred with by this House Except £16 for Chairs and Tables.

Received from the Council the Estimate of this House, Endorsed, Concurred with.

Received from the Council the Resolve of this day of this House

relative to allowing His Excellency the Governor Fifty Pounds for his Extraordinary Expence this Session, Endorsed, 27th November 1764, In the upper House Concurred with.

JAMES MURRAY P. C.

Assented to ARTHUR DOBBS.

Received from the Council the Resolve of this House of the 26th Instant allowing Andrew Stewart Printer one Hundred pounds for his Voyage Trouble and Expence in coming to this Province in Consequence of the Committees Letters, Endorsed, 26th November, 1764, In the upper House Concurred with.

JAMES MURRAY P.

Assented to ARTHUR DOBBS.

Then the House Adjourned till 3 o'Clock this Afternoon

P. M. The House met according to Adjournment

Received from the Council the Message sent from this House to them regarding the appointing James Davis Printer to Print the Laws and Journals of this House, Endorsed 27th November 1764, In the upper House the above Resolve was taken under Consideration and Rejected.

His Excellency the Governor sent a Message requiring the Immediate attendance of the House with the Engrossed Bills,

Mr. Speaker with the House waited on his Excellency the Governor, and Mr. Speaker presented the following Engrossed Bills to his Excellency—

To all which his Excellency was pleased to Assent, and then made a Speech to his Majesty's Council and this House a Copy of which to prevent Mistakes Mr. Speaker obtained and then Mr. Speaker with the House returned, Mr. Speaker laid the same before the House which was read, and ordered to be entered on the Journal of this House, and is as follows—

The House taking into Consideration his Excellency's Speech—

Resolved that the Treasurers do not pay any Money out of any Fund by order of the Governor and Council without the Concurrence or direction of this House.

Resolved, that Mr. Speaker procure Copies of all the Laws Passed this Session and Transmit them to James Davis Printer in New Bern to Print and Disperse agreeable to a Resolve of the 26th Instant.

1765.

[B. P. R. O. AM. & W. IND. VOL. 214.]

Governor Dobbs to Secretary Lord Halifax

BRUNSWICK 26th February 1765

MY LORD

I have not the Honor of Your Lordship's commands by the duplicates of three letters of the 7th Aug. last until the 18th inst. the originals of which never came to my hands and those were sent to me by Lt. Gov. Bull from Charles Town being inclosed to him How the originals have miscarried and the duplicates have been delayed I cant find out so that any Answer I can transmit must come to your Hands too late for this Session of Parliament

However as to the stamp duties I immediately sent copies of that letter to the Chief Justice and Attorney General and hope I shall have their answer prepared to carry with me.

As to the want of an establishment of a Post through all the Provinces on this Continent the miscarriage & delay of receiving these dispatches is a sufficient testimony.

I informed Your Lordship and the Board of Trade in my last that I had procured from the Assembly £133.6.8 to be allowed to the Post Masters General to continue the post once a fortnight and to carry on the Post through this Province for one year which will be paid to their Order when the Post is established. As to Ferries & Ferry Houses they are already fixed by law we are now preparing Charts of the whole Province from actual surveys but it will take up some time before they can be finished but shall send over as soon as possible so much as may answer to the roads proper for the direct post through the Province which I shall endeavour to carry with me next April when I propose going for England and shall then lay what rout and regulations I can think of before the Post Master General

As to your Lordship's third letter about the preventing an illicit Trade I mentioned formerly what occurred to me on that head in relation to the entrance at Ocacoe and wrote fully since upon it and our Colony Commerce to the B^d of Trade.

As to the several Heads your Lordship mentions I shall endeavour to answer them when I arrive in England when I shall have the

honor of kissing Your Lordship's hands which I hope to do in a month after you receive this letter.

I have nothing to mention to your Lordship of a public nature but as we have made peace with all our Indian enemies and the French have ceded New Orleans & their right in Louisiana to the King of Spain we shall now extend our trade through this Northern Continent & not only gain all the Indian Trade beyond the Mississippi but soon obtain a beneficial trade with the Spaniards at New Orleans & also with Old & New Mexico by pushing on our discoveries & trade by the Missoures & Rivers westward of Mississippi & hope soon now to discover & have an open trade to the Western American Ocean.

I am with the utmost gratitude &c

ARTHUR DOBBS

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 86.]

Letter from Governor Tryon to the Board of Trade.

NORTH CAROLINA, WILMINGTON 1st April 1765.

MY LORDS,

I seize this opportunity, by a ship which is to sail tomorrow from Fort Johnston to acquaint your Lordships, Governor Dobbs died at Brunswick the 28th of last month.

I was escorting Lord Adam Gordon thro' part of this Province, when the news of this Event reached me. I returned immediately, & last night took into my Possession the Great Seal of the Province, and the Governor's Commissⁿ. He delivered to me the 21st last month, (a few hours before he was taken ill) His Majesty's Instructions, and many Public Letters, from your Lordships Board, but as they were in a confused State, I have not yet made a complete arrangement of them, or considered their Contents.

I spent two months in a Tour through this Province, and am determined in my opinion, that the Public Business of it can be carried on nowhere with so much conveniency and advantage to far the greatest part of the Inhabitants, as at New Bern, a Town situated on a neck of Land, at the confluence of the rivers Neuse and Trent.

I expect a sufficient number of members to hold a Council in a day or two, when agreeable to His Majesty's Instructions, I shall take the advice of the Council, relative to the time and place of

holding the Assembly, as soon as the usual Proclamations on these Occasions are issued, I shall trouble your Lordships with such Observations as occur to me, on the present state of this Province, the Public Offices and Records, shall be the object of my particular Attention.

As I shall use my utmost Diligence to send every intelligence I think will give either Information or Satisfaction to your Lordships, so on the other hand I flatter myself my Representations in behalf of the Province will meet with a proper Consideration and support from your Lordships, as such a countenance will give fresh life, and strength to my Inclinations & Endeavours, & cannot fail of producing the best Effects between His Majesty's Governor & the People. I am with perfect respect & esteem, my Lords. &c,

W^m TRYON.

[B. P. R. O. AM. & W. IND. VOL. 214.]

Letter from Governor Tryon to Secretary Lord Halifax.

NORTH CAROLINA (Tuesday) 2 April 1765.

MY LORD,

Last Thursday Gov. Dobbs retired from the strife and cares of this World. Two days before his death he was busily employed in packing up his books for his passage to England, his physician had no other means to prevent his fatiguing himself than by telling him he had better prepare himself for a much longer voyage. I have got into my possession the seal of the Province and many public papers. The Orders and Instructions from your Lordship shall be obeyed with all possible dispatch. As my patron my Lord I hope you will allow me to call on Your Lordship's goodness to forward His Majesty's most gracious promise to appoint me Governor to this Province.

I am My Lord &c

W TRYON

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Brunswick the 25th January 1765.

Present

His Excellency the Governor

The Hon^{ble} { James Murray
William Dry and } Esquires.
Benjamin Heron }

Read the Sundry Warrants for Land from N^o 1 to N^o 68 inclusive which were Granted.

Ordered that Thomas Lloyd Esq^r be a Justice of the Peace for New Hanover County and that his name be added to and inserted in the last Commission and *Dedimus* for the said County







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