

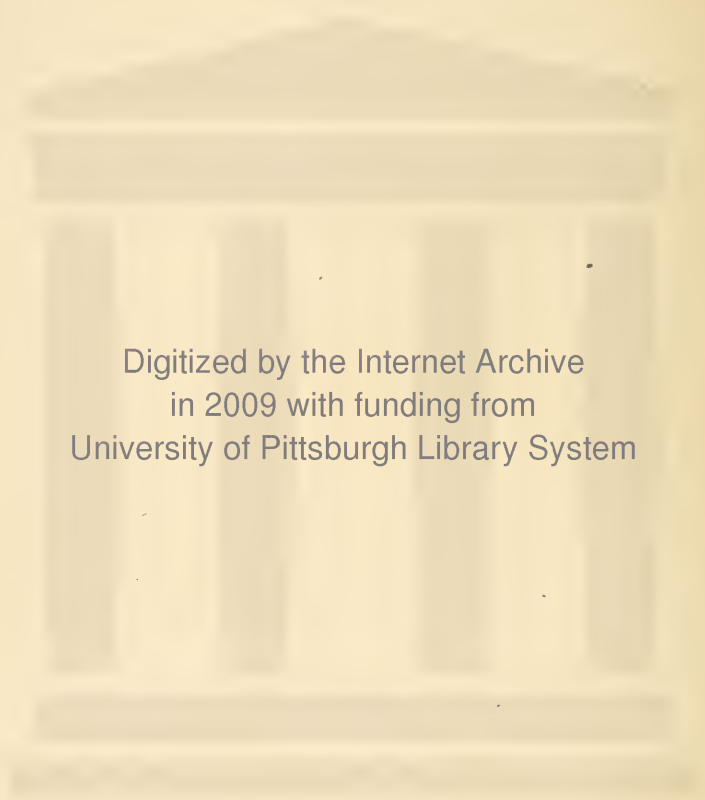
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COLLECTED AND EDITED

BY

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SECRETARY OF STATE.

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PRESSES OF EDWARDS & BROUGHTON,
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PREFATORY NOTES TO NINTH VOLUME.

Prior to the adoption of the State Constitution in 1776 there were three kinds of Government in North Carolina, first the Proprietary Government, second the Royal Government, and third a Government by the people.

The Proprietary Government ended practically in 1731, when Burrington was inaugurated. Royal rule then began. It ended in May, 1775. Under this rule there were five Governors; Burrington the first, who made himself so odious to the province that in three years he was removed by the Crown; Johnston the second, and Döbbs the third, who died natural deaths in the province; Tryon, the fourth Governor, who was transferred to the Province of New York, and Martin, the fifth and last, who fled before the people in May, 1775.

Having overthrown Kingly Government, the people instituted a temporary Government, being, for various reasons, not ready to establish a permanent one. This temporary Government was carried on by a system of Safety Committees, one for the State at large, one for each district and one for each county, and lasted until December, 1776, when the permanent State Constitution was adopted.

Josiah Martin, the fifth and last Royal Governor, son of Colonel Samuel Martin, was born on the 23rd of April, 1737. The most notable thing about him seems to be that he was a brother of Samuel Martin, the member of the British Parliament for Camelford, who wounded the celebrated John Wilkes in a duel. He entered the British army in the year 1756 as Ensign of the Fourth Regiment of foot, was appointed Major of the One Hundred and Third in 1761, and still later Lieutenant Colonel. In 1769 he sold his commission in the army.

Governor Martin reached NewBern on Sunday, 11th of August, 1771, from New York, after a passage of nineteen days, and took the oaths of office on the next day, in the presence of such members

of the Council as were in town. He seems to have been a man ill calculated generally to conduct an administration successfully, even in ordinary times, and the times were by no means ordinary; his soldier life had perhaps dwarfed his mind and unfitted him for civil service. He knew nothing of duplicity or of diplomacy, and was doubtless a sincere man and honestly devoted to the King, whom he thought it no degradation to regard literally as a master. Insufferably tedious and turgid, and almost disgustingly obsequious to those in authority over him, his dispatches make the tired reader long for the well-constructed, clear-cut sentences and polished imperinences of Tryon.

Escaping from New Bern on the 24th May, 1775, he reached Fort Johnston on the 2d June, where he remained, not daring to go beyond reach of its guns, until the 18th of July following, when he was driven from the fort by an armed force and compelled to take refuge in the King's vessel, *The Cruizer*, then lying in the river, where he remained during the ensuing winter and spring, until General Clinton left that section, after the battle at Moore's Creek. In June, 1776, he was on board the British fleet with Sir Peter Parker, off Charleston; in 1780 he was with Cornwallis at Camden, and continued with him until after the battle at Guilford Court House in 1781. After this, his health already feeble, having utterly broken down, he left North Carolina and went to Long Island, and from there to England. He died in London in July, 1786.

Governor Martin, being a military man, naturally enough came here envying what he considered Tryon's good fortune, in having such an opportunity as the Alamance campaign afforded, to make a display of military abilities, and with altogether a bad opinion of the Regulators. It was not long, however, before his views began to change. In the summer after his arrival, being at Hillsboro on a tour through the disaffected regions, he reported to the English Secretary that his progress through the country had opened his eyes exceedingly with respect to the commotions and discontents that had lately prevailed in it; that he then saw most clearly that

they had been provoked by insolent and cruel advantages taken of the people's ignorance by mercenary tricking attorneys, clerks and other little officers, who had practised upon them every sort of racking and extortion, by which they had brought upon themselves just resentment, but that they had engaged Government in their defense by artful misrepresentations that the vengeance of the wretched people, in folly and madness aimed at their own heads, was directed against the Constitution; that the resentment of Government was craftily worked up against the oppressed, so that the oppressors treacherously secured protection where the injured and ignorant people had expected to find it, and that this drove them to acts of desperation and confederated them in violences.

And verily a whole volume would not give a better idea of the rise, development and end of the Regulation troubles than these few lines. Conscious, however, of the reflection therein made upon his predecessor, Governor Martin added that inquiries of this sort were "so invidious that nothing but a sense of duty could have drawn from him his opinion of the past troubles of the country."

So impressed, too, was the British Secretary, the Earl of Dartmouth, with this view of the case that he declared he "saw but too much reason to believe that those deluded people would not have been induced to involve themselves in the guilt of rebellion without provocation, but that it was not necessary for him to recur to transactions of so disagreeable a complexion."

In this connection, the opinion of Chief Justice Howard, and that of Mr. Justice Moore also, given in writing and now printed for the first time, are well worthy of consideration.

Chief Justice Howard says:

"I know of no Insurgents in a state of Outlawry in the law sense of the word; as far as I can recollect, indictments were found against several persons at NewBern 1771 for felonies and trespasses committed at Hillsboro, and proclamations were issued by the Court to compel their appearance upon pain of being adjudged guilty of the offenses charged in the indictments, and also being killed by any

person whatever with impunity: but whether the proclamations were ever published and set up according to the direction of the Riot Act, so as to affect the attainder intended by it, is a material point, and cannot be ascertained but by a trial in the courts of law."

Mr. Justice Moore says:

"These people are not regularly outlaws; such of them as were indicted for inferior offenses and did not surrender themselves within the time limited by the Riot Act are to be held guilty of the offenses with which they were respectively charged, but no judgment can pass against them without trial and conviction. That Act prescribes a certain mode of notification to accused offenders; if that has not been strictly pursued, the penalties of the Act cannot have been incurred. This is a fact which can only be inquired of and determined by a jury. The Outlawries (as they are called) taken at the Court of Oyer and Terminer at NewBern in the year 1771 can only have relation to inferior offences. All proceedings against those who were capitally charged are *ab initio* void."

The Attorney General, too, thought the proceedings in the New-Bern district against the Regulators charged with felonies were invalid, and what is of still greater importance, he says the proclamations of outlawry so called were never issued as required by the Johnston Act, so far as he "ever understood."

And yet, and yet, Few, poor half-witted creature that he was, a prisoner taken in open battle, without any pretence of trial, conviction or judgment in any court either civil or military, was hung the morning after the battle as an "outlaw," simply upon an order of Tryon, an order that, so far as appears, was not even reduced to writing; and all this, according to tradition, merely because Fanning pointed him out to Tryon as one of the parties concerned in pulling down his house. And this was the Government, and this was the regard for law, and this was the value put upon that sacred thing called human life in North Carolina under Tryon's administration! In Heaven's name, was it not time for somebody to revolt?

Nor, in connection with the matter of the Regulators, must the extraordinary letter of Mr. Alexander Elmsly, now for the first time printed, be passed by without comment. Mr. Elmsly was for years a resident in the province, a member of the Assembly, at one time the agent of the Assembly in England, and generally of the very highest authority in matters pertaining to the province. Mr. Elmsly, in a letter written in July, 1771, says that the want of money was a mere pretext on the part of the Albemarle people and not their true reason for refusing to go to Alamance; that the "Regulating spirit" had shown itself years before in Albemarle to such an extent that he would not have been surprised had the battle been fought on the banks of the Pasquotank River instead of on the Alamance.

Mr. Bancroft says that, in civil affairs as much as in husbandry, seed-time goes before harvest; that the present is always the lineal descendant of the past, and that a new form of political life never appears but as a growth out of its antecedents. Had North Carolina been in the eye of the great historian at the time he wrote, his words could not have been more appropriate to her at the close of her Colonial existence. Indeed they are so apt a description that it seems scarcely possible they were not used with special reference to her.

And now that we have come to the period in which she assumed a markedly new form of political life, it will not be out of place to recall the salient points in her antecedents. These antecedents show a continuous struggle on the part of the people of North Carolina, with the Indians in their front on the one hand and with Great Britain in the rear, so to speak, on the other. These struggles were the schools in which the people got their education, schools of adversity in some sense perhaps, but rare good ones for all that. In these schools two things were well taught: in the Indian school the capacity of man for self-government, and in the British the value of a written constitution as a safeguard against arbitrary government.

Frontier life, as we understand the term in America, indicates a phase of existence peculiar, perhaps, to the western world, and we may almost say, peculiar to it in its Anglo-Saxon development. Beginning on the shore of the Atlantic, the frontier moved westward until the red man was driven to the Pacific coast. A few words describe the fact, but it took near three centuries to accomplish it, for the Indian was no mean foe. Separated from the home country by an expanse of water of some three thousand miles, the colonists soon learned that upon themselves and not upon England must they depend. It was simply impossible for any Government, certainly for any European Government, to make the frontiers in America places of safe residence, and hence the necessity for self-reliance. In the nature of things, frontiersmen felt Government more in its burdens than its benefits, and only the simplest form of it, therefore, was long tolerable. Especially was this true in North Carolina, as will be seen when it is remembered that, after the terrible massacre by the Tuskeroras in 1711, it was from our brother colonists in South Carolina that the help came that saved us from utter destruction, and that from the Government in England, instead of help, came a requirement that rents for land should be paid in coin and not in commodities as hitherto. The result was that, taking lessons from the Indians, the frontiersmen soon came to be no respecters of mere persons, and learned that even the divinity that hedges in a King could not stop a well-directed bullet. In a word, frontier life in America was a school for republicanism.

And so was the continual struggle with the British. For nearly three-quarters of the first century of our settlement, our Government was in the hands of the Lords Proprietors. Under their rule the people, recognizing no authority not derived from their Charters, were confessedly "the freest of the free," and rebellions, so called, were the order of the day. To this state of things the indifference of the Proprietors to our portion of their great province contributed no little. It must not be supposed, however, that the freedom enjoyed in North Carolina was simple license arising from a weak

and careless Government, for the people here stoutly maintained that their liberties came to them by operation of the plainest of plain laws, from the Royal Charter under which the colony had its rise and got its growth; in a word, that here, at least, upon subject and sovereign alike, "THUS SAITH THE LAW" was a supreme limitation.

Another document revered next to the Charter of Charles, and of less importance only in that it was of narrower scope, was the one called the Great Deed of Grant. This noted paper-writing, which was brought forward in our laws as late as 1836, was a deed made by the Lords Proprietors in response to a petition from the General Assembly at the first session of such a body ever held in North Carolina, by which the lands in the colony were henceforth granted upon the same terms as those in Virginia, terms much more advantageous to settlers than those they had hitherto obtained. It was sought for many years to break its force in various ways. The people, however, would not listen, and stood up stoutly for the integrity of their Great Deed, and continued to set it up as a conclusive reply to the pretensions of arbitrary rulers. Its value in teaching how effective a safeguard a known written constitution could be made against their rulers was certainly very great.

According, therefore, in 1719, when South Carolina threw off the Government of the Proprietors for that of the Crown, North Carolina neither revolted nor desired to revolt. She was not in the strait her Southern sister was; and, too, she was wise enough to know a good thing in the way of Government when she had one, and was by no means anxious to part with it. All this was not because she loved the Proprietors, but because the Government was based upon written instruments, and she both knew and was unwilling to surrender the advantages they gave her.

It mattered little, however, in those days, what the people thought or wished, and so, in no great time, the Lords Proprietors, having agreed with the King, delivered the province to him for a price. On the other hand, it mattered quite as little to the people of North Carolina what princes thought or potentates preferred, and so, under

royal rule, two weeks had not elapsed after the meeting of the first Assembly before the issue was squarely made between constitutional government and prerogative rule, by a formal resolution of the Assembly, duly signed by the Speaker and delivered to the Governor. Under this Governor, the contention though sharp was short, for he was soon ousted. Under the next, whose administration lasted near twenty years, it was all the while the same old story, a contention between constitutional government and prerogative, or arbitrary rule, so that he wrote home that, without help, even the shadow of authority would soon be gone. The third Royal Governor also soon found that he, too, and the people were at variance, and it so continued until the close of his administration, when he wrote home to England that the people openly set him and the King's written instructions at defiance on the express grounds "that their charter still subsisted," and that when the King's instructions differed from their charter, the latter and not the former was their rule of action. When Tryon, the fourth Governor, perhaps the ablest of them all, assumed the reins of government, the country was already in a tumult over the passage of the Stamp Act, and he found himself at once in collision with the people, at one time, indeed, a prisoner in his own house, under a guard of armed men. Learning from his first experience the temper of the people, when aroused, and desiring heavy appropriations, he used every art of the courtier to ingratiate himself with the Assembly, and he succeeded. With the great body of the people, however, he was not so fortunate, the very last event of his administration being a pitched battle, in which thousands of the people were engaged.

It must by no means, however, be assumed, because of this one mention only of resort to violence, that North Carolinians were usually content with forensic arguments alone. Under the rule of the Proprietors, resort to force and violence was, it may be said, almost the habit of the country. Under Royal rule, scarce a decade passed that did not see the people up in arms to redress official grievances. Indeed, at a very early day they came to the opinion

that "the doctrine of non-resistance against arbitrary power and oppression was absurd, slavish and destructive to the good and happiness of mankind," and, what is more, they acted upon it whenever occasion required.

Our records show indisputably that resistance to oppression was at the bottom of all these troubles, and that in every case violence was resorted to; troubles that, covering so many years and such a wide extent of territory, and coming so close together, one following directly upon the heels of the other, are not to be viewed as separate, casual, sporadic, isolated outbreaks, but as a connected series, similar in their nature, akin both in origin and development. Their history, like that of events generally in the colony, shows indisputably that the people of North Carolina, when occasion required, were quite given to force and violence, though not mere lawless rioters who loved strife for strife's sake and preferred violence to peaceful measures. On the contrary, there was much method in their madness, and cool, deliberate system in their force. Each one of the troubles set forth in our records exemplifies this; the Rent trouble, the Legislative representation trouble, the Granville District troubles (or the Enfield riots as they were called), the Stamp Act troubles, and the War of the Regulation.

And thus North Carolinians became prepared for the discharge of their duties in the great crises in which, in after times, it was fated they should bear such honorable and important parts.

Indeed the salient points that will strike the student, in an examination of her antecedents, with more force than any others, perhaps, are:

1. That North Carolinians, from their earliest days, relied upon the known and unchanging texts of written laws, and not like their English ancestors, upon unwritten law, with its corollaries and incidents, always more or less uncertain and varying, and always more or less flexible. "Our charter still subsists" was their slogan from post to finish, from the first Royal Governor to the last. In the face of the first they flung their charter as the supreme law of the land,

to which all things else, animate and inanimate, must yield, and so it was with the others, one after another, until not even a shadow of Royal government was left in North Carolina.

2. That whenever, in their opinion, speech had been exhausted and action was necessary, they hesitated not to use violence to prevent infringements of their charters.

With a knowledge of these antecedents, the student is prepared to understand and appreciate the stirring events that took place in North Carolina in the next five years, and how it was that in less than four years the Governor was a fugitive from his capital, and in place of the Royal Government was a Government of the people for the people and set up by the people.

Governor Martin was unfortunate in the time at which he assumed office in North Carolina; indeed, it may be said, that his administration was a sort of general legatee of the ill consequences of all the bad blood and bad government of his predecessors' administrations. And then, too, the harvest of a century and more of seed-time was about ripe.

The most pressing legacy that confronted him was the necessity for providing for the payment of Tryon's troops during their service in the war against the Regulators. This, of itself, was no easy task; not only because the amount required, some £60,000 as it turned out, was beyond the power of the province, already burdened with a large debt, to raise, without a great strain, but because the people were indisposed to contribute anything to the payment of these troops. Governor Martin came here with instructions to call a new Legislature at once, but he was advised both by Governor Tryon and President Hasell that no new Assembly would consent to any provision for such payment, and therefore it would be necessary to rely upon the old one, the one that authorized the levying of the troops and of whose members so many had taken part in the war. Acting upon their advice, he called the old Legislature together, instead of issuing writs for a new one in pursuance of his instructions. It will be remembered that in those days Legislatures

lived or died solely at the will of the Governor. All difficulties, however, in the way of paying the troops were overcome, as was expected, by the Assembly that authorized them to be raised. How just were the apprehensions of Tryon and Hasell in the premises will be seen by the action of the new Assembly when applied to by Governor Martin to reimburse Colonel Fanning for the damage done him by the Regulators, Fanning having at his request, and upon his assurance of compensation by the Assembly, withdrawn suits at law against the parties therefor. The Assembly said it could not be done in justice to their constituents, certainly at least not without their knowledge and consent. Doubtless Governor Martin thought it was a hard fate that compelled him to find money to pay the bills of another soldier's campaign, a campaign of which that other soldier had already gotten all the glory and left to him all the odium. It seems a sad fate, we say, for Governor Martin, himself a soldier, eager for an opportunity for military display and military distinction, but in reality it was not so hard as it seemed. The matter was of easier solution than appeared at first, and, strange to say, perhaps, because of another trouble inherited along with it. Either trouble alone would have been sufficient to wreck an administration, but coming together, each fairly neutralized the other. This happy difficulty, inherited by the Martin administration, was about currency. Of gold and silver, the province had none, and naturally enough, for she then had neither mines nor mints, and the balance of foreign trade was not in her favor to such an extent as to bring much coin here from other countries, and what coin by chance did come did not go into circulation, but was hoarded either to pay import duties or to buy negroes with. Of paper money, there was only a very limited amount, consisting of provincial notes of various kinds, that from time to time had been issued to meet appropriations. To meet the currency difficulty, before the days of appropriations, certain commodities had been made a legal tender, at certain rates specified by law, but this, with the increase of population and trade, was found both cum-

bersome and inadequate. The natural remedy for this state of things, it would seem, was the issue of a currency, under proper limitations by the Government, and this would have been done but for an act of the British Parliament, passed in the interest of the British merchants, forbidding the province to issue a legal tender paper currency. To this lack of sufficient currency very many troubles were in great part directly traceable. Time and time again application was made to England for some relief in the premises, but in vain, although Tryon, as we have seen, constantly deluded the Assembly with the hope that through his influence at home, something would be done, and was always ready to approve an act or forward a memorial for that purpose, with profuse promises of aid. Not one of the currency bills became a law, however, and that trouble, like others, was left apparently to plague Martin, who was without the diplomatic tact of his predecessor, and who did not have, and happily was not supposed to have, any great influence at home. But it is an ill wind that blows no one any good. The province was suffering for currency. Parliament prohibited the issue of legal tender provincial paper, and the use of commodities as a currency had been pushed to its greatest possible limit. The only recourse, then, was to create a new debt, issue "promises to pay," called debenture notes, receivable for everything save debts due to British merchants. This was done, and Martin paid the expenses of Tryon's war and settled the currency difficulty at one swoop by the issue of £60,000 of debenture notes that had no difficulty in getting into circulation in a province where even counterfeit notes, it may almost be said, were taken and passed without much question. It is an ill wind that blows nobody any good.

It sounds like anything save the truth, but it is the truth, for all that, to say that from the day she took upon herself that enormous debt of £60,000, North Carolina was delivered of her currency troubles, so that only once more during Martin's administration was any serious reference made to it, so far as the records show, and that was done more to perpetuate what was known as the valuation law,

a law that the British merchants considered detrimental to their interest, and therefore ordered to be repealed, in their usual way, that it is to say, by means of a royal instruction. This act, because of the scarcity of legal tender currency, provided that no sheriff's sale should be final unless the property brought as much as three-fourths of its "valuation." Without this law, debtors were, in times like those, at the mercy of creditors. The debenture notes suited everybody at home, and did not greatly offend even the British merchants, it would seem, for Lord Hillsborough wrote to Governor Martin that "a paper currency, based upon a just foundation of credit, without making it a legal tender" was well enough, meaning to say thereby that the province might do as it pleased with the currency, provided the British and other outside traders were not required to take it.

To meet these new debenture notes, a special tax of two shillings upon each taxable in the province was ordered to be collected for ten years, and no longer. In case, however, the tax should yield £60,000 in less than ten years, its collection was at once to cease. How long the province could have staggered under this load of debt and consequent taxes is a matter of speculation more curious, perhaps, than profitable, as the test never came. In August, 1775, the province, no longer bound by British parliamentary prohibition, began to issue currency without levying any tax for its redemption, at which time, doubtless, the collection of taxes to redeem *ante bellum* debts and currency also ceased. But it is not from a financial point of view alone that the act of 1771, providing for the issue of £60,000 in debenture notes, is of interest. It gives us a basis from which to make a fairly accurate approximation to the population of the province at that time. The calculation was that a two shilling tax per taxable, which, however, was never levied, would pay off the debt in ten years or less, in other words, that it would raise some £6,000 a year, which meant that there were some 60,000 solvent taxables in the province, and including insolvent, unlisted and exempt taxables, indicated a population of some 250,000 souls at

that time. The information thus afforded is about all we have as to the population at that date, that is to say, December, 1771.

But while the debt of the province was made to subserve a very useful purpose by its conversion into much needed currency it was nevertheless a great burden, especially upon the poorer people, as there then was no property tax in the province, and gave much trouble to the Assembly as well as the Governor.

At the end of Dobbs's administration, according to the report of the Treasurer, the provincial debt of all sorts amounted to some £75,000, most of which had been contracted in aid of the seven years' British war against the French and Indians. To this Tryon added "several thousand pounds" for running the Cherokee line, £15,000 for his palace and £20,000 for his expedition against the Regulators in 1768. So that upon the coming in of Martin the amount would have been near £115,000, but for the amounts called in by way of taxes levied for the purpose and burned. Of this debt a part was in the shape of legal tender obligations for the payment of which special taxes were levied, a part interest-bearing Treasury notes not legal tender, and another part notes bearing no interest and commonly called "debenture" notes.

On the 6th December, 1771, Mr. Burgwin, Clerk of the Committee of Accounts, pursuant to order, laid before the Assembly a statement of the public funds, from which it appeared that on account of the one shilling poll-tax imposed to meet the appropriation of £21,350 granted in 1748 and continued to meet the appropriation of £40,000 granted in 1754 and on account of the impost duty of four pence on imported liquors levied for the same purpose, there had at various times been burnt and destroyed, as by law required, the sum of £53,104 2s., and that there was on hand the sum of £12,586 5s. 6d., for which security had been given, making £65,690 7s. 6d. in all, that is to say, £4,340 7s. 6d. more than ought to have been collected, and thereupon the Assembly came to the conclusion that these special taxes had done their work and ought no longer to be collected, and a bill was brought in to prevent their further collection

which the Governor was pleased to declare to be teeming with fraud. But if the Governor was hot, the Legislature was stubborn, and the bill was duly passed. As a matter of course it was rejected, indeed so confidently was this expected that the Assembly prepared resolutions, discontinuing the tax and indemnifying the sheriffs for non-collection, to be entered upon their Journal in that event. They were not so entered, however, as the Governor, who had in some way gotten wind of the matter, in the same breath as it were, rejected the bill and dissolved the Legislature. It was a sharp trick for a Governor, as Governors then were, but it did not quite succeed, for Mr. Speaker Caswell communicated the purport of the resolves to the Treasurers as an order from the Assembly, and thereupon the taxes in question were omitted from the tax lists sent down to the counties for collection. The Governor was in a rage and issued a proclamation requiring the sheriffs to make collections as usual under pain of being sued upon their bonds for non-collection. The action of the Assembly was doubtless suggested by that of preceding Legislatures, in discontinuing like taxes and indemnifying sheriffs for their non-collection on the same ground, and was taken it seems without reference to the fact disclosed in a former exhibit that the sheriffs and other tax-collectors were defaulters to the amount of £66,000. Doubtless, however, the reflection that provincial money was being squandered by insolvent royal officials over whose appointment and in the approval of whose sureties the province had no voice whatever, hardened their hearts mightily against the indignation excited in the bosom of their royal Governor.

But, as might have been expected, Assembly resolutions discontinuing special taxes and indemnifying sheriffs for their non-collection, were only partially regarded, for not only was it to their interest for the sheriffs to collect the taxes, but the threat of the Governor to bring suits on their bonds in case of non-collection was a serious matter, the courts being, so to speak, in the interest of the Government, if not in the hands of the Governor, and then, too, the sheriffs

were not responsible to the Assembly, but to the Governor, whose appointees they were. No action was taken in the premises by the next Assembly, which met in January, 1773, possibly because taken up with the court law quarrel then pending. In the first week, however, of the ensuing session, which met in December, 1773, the Assembly again resolved that the special taxes in question had done their appointed work, and ought no longer to be collected, and a bill was introduced to put this resolution into execution, but failed of passage, because of the prorogation of the Legislature. It would have availed nothing had it passed, as the Governor declared he would have rejected it, just as he did the one in 1771. The trouble was not at an end, however, for upon the reassembling of the Legislature in March, 1774, another bill for discontinuing the taxes in question was passed by the Assembly and rejected by the upper House, whereupon the Assembly resolved, and this time actually made the entry upon their Journal, that the taxes in question had long since had their effect; that the Assembly had frequently passed bills to repeal the act under which they were collected, and that their not being able to obtain a law for that purpose was a great grievance to the people; that the Treasurers issue orders to the collectors not to receive the said taxes from any person for the year 1774, or any subsequent year; that the Assembly considered it their duty to indemnify any person from all damages incurred in obedience to these resolutions, and that the public faith stood engaged to make good any deficiency appearing on the final settlement by reason of the non-collection of the said taxes.

These resolutions coming to the knowledge of the Governor he dissolved the Legislature by formal proclamation, in which he denounced the resolves of the Assembly as an unconstitutional attempt by that body, solely by its own separate action, to abrogate a solemn statute, and looking at the resolves with a purely legal eye, it must be confessed they are liable to that criticism, but then that mode of looking at things was fast falling into "innocuous desuetude." Two years before he denounced similar resolutions as "irrefragible proof

of the democratic purpose of the Assembly." Of course, there was also a proclamation ordering collections to be made under the usual penalties of bringing suits in cases of non-collection. All this was in March, 1774, and thus matters stood until the end came, and the end was not now more than a Sabbath-day's journey distant.

Still another legacy of trouble was the unsettled dispute between the Carolinas about their boundary line. It will be remembered that in 1764 the line was carried to the Charleston and Salisbury road, and that at the intersection a stone was set up to mark the spot. This was simply a due-west continuation of the line from the Yadkin River. The necessity for a still further extension was undoubtedly urgent, and it would doubtless have been made, if the two provinces had been able to agree where it should run. Governor Tryon, unhappily, in spite of his boasted influence in England, was no more able to influence the King to conform to his wishes in running the line than he was to induce him to yield to them in the matter of allowing the province to issue additional currency, and so the King ordered that, instead of continuing the line in a due-west course from the Charleston road, as North Carolina contended ought to be done, it should be run substantially as it now exists, and accordingly, in December, 1771, Governor Martin communicated the order to the Assembly, and asked for funds to enable him to defray the expenses of the service. The Assembly, however, protesting against the proposed line because of the numberless injuries and great injustice that would accrue therefrom to North Carolina, declined to burden their constituents with any expense for its establishment. But for all that, in the summer following the line was run and a bill of expenses sent to the new Assembly in January, 1773, in a message in which the Governor informed that body that the refusal of the Assembly to provide therefor was ill-received by the King. The Assembly reminded the King and his Governor that as late as 1767 a line rendered entirely useless to North Carolina by the new line, was run under the inspection of Governor Tryon and exactly agreeable to a former royal instruction, "at an

expense of thousands to North Carolina," and reminding them further that an enormous debt of £60,000 had just been assumed in behalf "of His Majesty's government in the colony," declined to add to the burthen the expense of establishing a line that would deprive the colony of more than a million of acres of the most valuable land and take from it a number of inhabitants. Whether so intended or not, the reminder that the province had assumed an enormous debt, not for its own interest, but for the benefit of His Majesty's government, seems a suggestion that "His Majesty's government" was a matter of sufferance rather than of interest or right, a suggestion greatly strengthened and reinforced by repeated refusals to obey His Majesty's instructions in regard to the boundary line.

Another unhappy inheritance was the dispute about the Court laws, the history of which, in its earliest phase, has already been fully set forth. The struggle, however, as it renewed itself under Martin, turned upon a new point, and one that, by no means, went to the essence of the entire judicial system as before. But, for all that, the Assembly fought quite as viciously, it may be said, under Martin upon the new point as it had done under Dobbs upon the old one. Under Dobbs the effort was to secure the independence of the judiciary; under Martin it was merely to secure the right to proceed by attachment against the property of debtors who had never been in the province. The right to attach the property of debtors who had absconded seems never to have been questioned or objected to from the earliest days of the Colony, and so in the first revisal of our laws now extant, that of 1715-'16, we find a provision extending the law to real estate. In time, however, British merchants began to do business here by means of agents, without ever themselves putting foot in the province. Large bodies of land here, too, were owned by people in Britain who had never been here, and, in time both of these practices worked great hardship to North Carolina creditors by driving them to British courts for the collection of their debts. To meet this difficulty, when the Legislature, under Tryon's administration, in 1768, established a system of

courts, a provision of the court law then enacted enabled creditors to proceed by attachment against debtors who had never been here. Attention was called to the provision by the authorities in England, but the act was not repealed, they said, in the confident hope that when a new law came to be framed the objectionable clause would be omitted. Perhaps, too, the recollection of the signal failure to get the law they desired under Dobbs had something to do with their determination, and made them content with issuing a Royal instruction against the approval of such a provision in future. The confident hope of the British authorities was not justified, for in 1773 the Tryon Court Law being about to expire, the Assembly insisted upon inserting the obnoxious provision in the new law, in utter disregard of the King's written instruction, which Governor Martin had formally laid before them, and to which he called their especial attention. The issue was now fully joined. On the one side were the Governor of North Carolina, the authorities in England, and the merchants and others there who wished to do business and own property here without being subject to our laws. On the other side was the North Carolina Assembly, representing the creditors of the British merchants. Governor Martin, however, was not a blind partisan of the British merchants, and thought the position of the Assembly had some foundation in justice: first, because, in the nature of things, the creditors here ought to have some remedy in the premises; and next, because he thought North Carolina ought in this regard, as in others, to be on the same footing as other provinces. Indeed, he said that while, if the current talk was listened to, it would seem that the British merchants were almost universally dishonest, it was also claimed that the clamor for the extension of the attachment law was due to a natural desire on the part of the people here to use against debtors in other provinces the same remedies the laws there provided against debtors here. Indeed, he seems to have gone quite as far in his dispatches as any obsequious servant could have gone to a Royal or other master, in calling in question the propriety of an order of that master.

It may be thought that in the above there is an unjust reflection upon the British merchants of that day, but, if so, why did they oppose the extension of the attachment law? What could have been their reason, save that they wished to trade here upon their own terms, and not upon ours? It has been long since men began to rob their fellows under the forms of law, and the practice unhappily still obtains.

Along with the many cases in the ordinary course of trade and traffic that illustrated and emphasized the necessity of extending the attachment law to debtors who had never been here was one in many respects quite outside of the ordinary course. It will be remembered that in his extreme old age Governor Dobbs married a very young and pretty girl "of good family and some fortune" on the Cape Fear, to whom, at his death, he left a legacy of £2,000. This legacy was charged upon an estate given to a younger son in Ireland who had never been here and who evinced no disposition to make payment. Without the proposed extension of the attachment law, therefore, the young widow's only remedy was by suit in Ireland, which, if at all adequate, was by no means convenient. The case, of course, had its attractions, for widows' weeds were doubtless as becoming to pretty young wearers in those days as they are in these, to say nothing of the Dobbs legacy, *in prospectu*, and her own fortune in possession, and so, in the nature of things, the young widow soon became an object of interest to eligible bachelors. But, however that may have been, there was always some one to see that every bill for a new Court Law contained the much desired attachment clause against debtors who had never been in the province.

The following is a brief history of the struggle:

In February, 1773, the Tryon Court Law being about to expire, a new bill, containing an attachment provision identical with that of the Tryon Law, was passed and presented to Governor Martin for approval. The Governor, in obedience to his instruction from the King, rejected it. The bill, with a provision that it should last

only six months, was then passed by the Assembly and rejected by the Upper House. It was then passed by both Houses with a clause suspending its operation until the pleasure of the Crown should be known, and in that shape approved by the Governor. At the same time the Assembly spread upon their Journals a resolution declaring *nem. con.* that the right of attachment of the effects of foreigners had been long exercised by the inhabitants of the province, in common with other provinces in America, and several trading cities, liberties and franchises of Great Britain; that it had been found greatly beneficial to the trade and commerce of the country and the security of the property of individuals, and that the Assembly could not, by any public act of theirs, relinquish that right without at the same time abandoning the interest of their constituents, and the peace and happiness of the colony. As might have been expected, the bill was rejected by the authorities in England.

Meanwhile there were no courts in the province, either criminal or civil, so that lawyers were without practice and creditors without collections, and yet, to their praise be it said, the lawyers, with Samuel Johnston at their head, stood up manfully for the right. Of course no country without courts of any sort could long be in a desirable condition, for in such times the lawless and the violent, and the dishonest of every shade, always find their opportunity. The King, therefore, instructed Governor Martin that, as the Legislature would not establish the necessary courts, he must fall back on the ever ready prerogative, and create them himself, and accordingly in the summer of 1773 he issued commissions for special terms of Courts of Oyer and Terminer, one of the Judges of which was Richard Caswell. Whether Caswell's acceptance of the office under the circumstances created any surprise does not appear. It does appear, however, that it created a great uproar, and that "the current of popularity" was greatly against him because of it. Remembering that Caswell began his career as a pronounced patriot in less than twelve months his acceptance of a purely and avowedly pre-

rogative appointment seems as strange perhaps, as unpalatable to modern eyes. That it was unpalatable to our ancestors also is apparent, from the fact that at its next meeting, that is to say, in December, 1773, the whole matter, in all its bearings, being fresh in their minds, the Assembly, in reply to the Governor's speech announcing the creation of the Courts and asking for an appropriation to defray the expenses, formally entered upon their Journal a resolution declaring that the power of issuing commissions of Oyer and Terminer and General Gaol Delivery, delegated by his Majesty to the Governor, could not be legally carried into execution without the aid of the Legislature of the Province, and that the Assembly could not, with justice to their constituents, make provision for defraying the expense attending a measure of which they did not approve. Having made this formal protest against the establishment of courts by prerogative, in defiance of the Legislature, the Assembly proceeded to pass a Court bill, with the objectionable attachment clause in it, as usual. It was, however, rejected by the Upper House, and thereupon the Governor, in despair of accomplishing anything, and advising the Assembly to consult their constituents, prorogued the Legislature.

Before the prorogation, however, the Assembly formally resolved *nem. con.* that an address to the King be prepared, asking him to withdraw the instruction in regard to attachments, and that it be sent to Governor Tryon, of New York, with the request that he convey the same to the King, and support it with "his interest and influence," and this they did, they said, as a testimony of the great affection the colony bore him, and the entire confidence it reposed in him. The truth is, however, doubtless, that it was intended rather as a testimony of the detestation the Assembly bore Governor Martin. Certainly, at least, it was so regarded, and caused him great mortification to be so pointedly slighted. In March, 1774, the Legislature met again, and the Assembly forthwith notified the Governor that the people fully endorsed what they had done.

It was then proposed, in order to give relief to the province, now greatly suffering for the want of Courts, to divide the questions at issue and to enact three separate bills, as follows: First, a bill to establish Courts for twelve months; second a bill for foreign attachments in the shape desired by the Assembly, and third, a bill to change the law in regard to fees; both of these latter to be passed with clauses suspending their operation until the pleasure of the Crown should be known. Upon this proposition, the yeas and nays were called in the Assembly, a thing then very rarely done, and it was rejected. The vote as recorded develops the fact that the Assembly was not unanimous in its action, and what is more surprising, perhaps, that the difference was almost entirely sectional, only three members, who could possibly be called Eastern members, voting for the proposed compromise, and only four, who could be called Western members, voting against it. It appears, however, from a letter of instructions from the people of Orange to their members in the Assembly, that the Attachment Law under the Tryon Act was in practice much abused in the Western counties by reason of the fact that the people, because of the distance they lived from markets, were often obliged to be absent from their homes, and that while thus absent on their necessary business their effects were seized under attachment, sold and removed out of their power. All of which, especially in the prevailing great dearth of legal tender currency, was a very great hardship. A law so easily abused was, they said, highly inconvenient, but, at the same time, they declared that when a man meant to get his person out of the reach of justice, some way of subjecting his effects to our process should be provided, and that when any person, by any means, contracted a debt in the Province his effects in the Province ought to be made liable to our process if his person was beyond its reach, and that notice to the agent or factor should be notice to the principal debtor, provided judgment was deferred long enough for the agent to notify his principal and get his reply. From this it seems the objection was not to the principle of the Tryon attachment law, but to the

want of proper safeguards against its prostitution to improper uses. The vote is an interesting one in many respects.

Negotiations for a compromise having come to nothing, the Legislature passed a Court bill, with the now usual provisions, which was formally presented to the Governor, and by him as formally rejected; whereupon, the Assembly once more entered upon their Journal a resolution declaring that the power of attaching the effects of foreign debtors was founded upon principles of the strictest equity, and was a benefit so essential to the commercial interests of the colony that they thought it a duty they owed themselves, their constituents and posterity to retain it unimpaired, and that their not being able to obtain a law for continuing this power to the inhabitants of the country was the source from which the existing distresses of the colony were principally derived.

As the Legislature was very soon prorogued, and never again sat under Royal rule, save during the four stormy days of April, 1775, the result of it all was that until she became a sovereign State there were no more courts in North Carolina.

During this controversy the old "quorum trouble" cropped out once more, and for the last time, and somewhat after this wise: On Saturday, the 6th of March, 1773, Governor Martin prorogued the Legislature until the following Tuesday, to give the Assembly time to cool off, in the hope that it would then meet in a more complacent temper. But, regarding only the order for adjournment, and paying no attention to the order for the new session, the members generally went to their homes, which fact came to the Governor's knowledge about the hour for the new session to meet. He therefore sent a note of inquiry to the Speaker, who was still in town, in reply to which the Speaker stated that a majority of the members had already left town, and that others were preparing to do so. He thereupon again wrote to the Speaker, stating that under the King's instruction fifteen members constituted a quorum, that fifteen members were still in town, and required him to "make a House" with that number. The Speaker rejoined that the "charter still sub-

sisted," and that it was expressly required that a majority of the members should be present to make a House. The Governor wrote again, asking what the chances were that enough members would return to do business, to which the Speaker replied that he "had not the least expectation" that any of the absentees would return, or that many of those present would remain, and thereupon correspondence ceased, and that was the last attempt to force the Assembly to "make a House" contrary to the provisions of their beloved charter, then some one hundred and ten years old.

Another trouble, as unavoidable perhaps as insuperable, was that North Carolina had outgrown Provincial Government, that the child having ceased to be a child no longer thought or spake as a child but was fast learning to act as well as to speak as a full grown man. As Mr. Elmsly wrote to Mr. Johnston in 1774, the grand argument in favor of America, an argument that only recently had an existence, was the consequence her numbers and resources gave her then; every other argument in her favor teemed with absurdity, he said.

In nothing perhaps was it more apparent that the garments of a child were upon the brawny limbs of a full-grown man, than in the selection of the *personnel* of the Government. A King in England, of his own whim or good judgment, the favoritism of a minister, the caprice of a woman good or bad, or for money in hand paid, selected the Governor, Chief Justice, Secretary, Receiver General and Attorney General, in a word all the chief officers; the Governor selected the members of the council, the associate Judges, the magistrates, and the sheriffs. The clerks of the county courts and the registers of deeds were selected by an officer, called the Clerk of the Pleas who having bought his office in England came here and peddled out "county rights" at prices ranging from £4 to £40 annual rent per county. In 1772 these rents amounted to £560 per annum "from an absolutely sinecure office," as Governor Martin said. It was a vested right however. All this was done openly and above board, for "farming out offices," as buying and selling them was called, was highly honorable. The bulk of the Chief Justice's salary came from

his fees in suits before him, for though the King appointed him he did not pay him. The Superior Court Clerks, insignificant personages comparatively, however, were selected from the highest or other bidders by the Chief Justice.

Of the thirty-four County Court Clerks, only eight or nine, in 1772, had complied with an outstanding requirement to furnish the Governor with a table of their fees, accompanied by a certificate that such tables were put up in their respective offices. Attorneys were licensed by the Governor, each man paying him a fee for his own use, for permission to practice. Temptation to irresponsible corruption was the rule and not the exception in every office, and as a matter of course, corruption stalked abroad throughout the land, unconcealed, unawed and unabashed, making Fanning and Frohawk not merely possibilities but assured legitimate results. The experience of North Carolina, when overrun in modern times by a horde of irresponsible foreign "carpet-bag" officials, as to the capacity of mankind for evil, when exposed to constant temptation to irresponsible corruption, enables us easily to understand the condition of things here a few years prior to the Revolution.

But the trouble, more potent in bringing about Governor Martin's expulsion from the province than all other causes put together, was the spirit of freedom that began to manifest itself about this time throughout the colonies. In North Carolina it had been long cropping out, in more or less demonstrative form, oftentimes in speech, many times in action, during her years of training and tutelage. But now the years of tutelage and training, and of preliminary skirmishes, were about to end. The lines of battle were formed, and the great trial of strength between the forces of constitutional government and prerogative rule was about to begin. The two schools, in which the people of North Carolina had been so long laying the foundations of their education, having done their appointed work, were now well-nigh their close.

The Legislature met on the 4th December, 1773, and on the 8th appointed a committee to obtain the earliest intelligence of proceed-

ings in England relating to America, and to keep up correspondence with the other colonies, and so the year 1774 found North Carolina in full communication with the other provinces. In the Spring of that year, Governor Martin, foreseeing concert of action among the provinces, determined to prevent North Carolina from being represented in any Continental Congress that might be called. The regular way of appointing delegates to such bodies, being by election by the Assembly, he thought, having dissolved the existing Assembly on the 30th of March, that he had the matter in his own hands, and determined, in imitation of the course of Governor Tryon, in 1765, in reference to the New York Congress of that year, not to allow any Assembly to meet until matters were in better shape. This determination, on the part of the Governor, his private secretary, whether designedly or inadvertently does not appear, communicated to Colonel Harvey, then Speaker of the Assembly. Harvey's reply to this was, "Then the people will convene one themselves." On the 3rd of April, Harvey conferred with Willie Jones, at Halifax, and on the 4th, with Samuel Johnston and Colonel Buncombe, at the house of the latter, in Tyrrell County. He was in a very violent mood, says Johnston, in a letter written to William Hooper on the next day, and declared he was for assembling a convention independent of the Governor, and that he would lead the way and issue hand-bills over his own name.

On the 21st of July, 1774, a circular letter, written by direction of a general meeting of the people of the district of Wilmington, was sent to the several counties in the province inviting them "to send deputies to attend a general meeting at Johnston Court-house on the 20th August, for the election of delegates to a general Congress of the colonies and for the consideration of ways and means to avert the evils threatening the American colonies. In response to this circular, hand-bills were duly issued calling upon the people to elect delegates, as desired. Delegates were accordingly elected, generally, however, by way of abundant caution, with discretion as to the time and place of meeting for the convention, which was

well enough, as the place of meeting was, on conference, changed from Johnston Court-house to NewBern and the time from the 20th to the 25th of August. The convention met at the time and place finally agreed upon, in spite of Governor Martin's proclamations forbidding its members to do so and, among other things, denounced the claim of the British Parliament to tax the province; denounced the tax on tea consumed in America; denounced the Boston Port Act; denounced the act of Parliament regulating the police of Massachusetts; declared the cause of Boston was the cause of all, and, therefore, that it was the duty of the province to contribute in proportion to its ability to ease the burden imposed upon that town and to enable it to persist in a prudent and manly opposition to the schemes of Parliament; declared that after 10th September, 1774, they would not suffer East India tea to be used in their families, and would consider all persons who did so to be enemies to their country; that after 1st January, 1775, they would not import from Great Britain any merchandise, medicines excepted, nor purchase articles so imported, and that after 1st October, 1775, they would not export to Great Britain any articles whatsoever; that a Continental Congress ought to be held at Philadelphia on 20th September, 1774, for the purpose of describing with certainty the rights of Americans, and for guarding them from future violation under the sanction of public authority; appointed delegates to that Congress with authority to bind the people by their action; declared non-intercourse with any colony that failed to conform to any general plan that might be adopted in that Congress; levied an assessment upon each county to pay the expenses of the delegates thus appointed, and coming down to purely home affairs, provided that a committee of five be chosen in each county to take effectual care that the resolves of the convention be obeyed and to correspond with the Provincial Committee of Correspondence, and ordered that the Moderator should call another convention whenever occasion might require.

This convention or congress was the first representative assemblage that ever met in North Carolina, or in America, save by royal authority. Instead of having royal authority it had popular authority, and met in open, flagrant defiance of the Crown, its Governor and his proclamations. It consisted of just seventy members present, twenty-nine of the thirty-five counties into which the province was then divided being represented on the first day of the session, a very large representation both as to counties and as to members under the most favorable circumstances, but remarkably large, remembering that only a month intervened between the date of the Wilmington circular and the day appointed for the meeting of the convention. Only two of the Western counties, all of them counties that, because of their distance from Wilmington, might have been expected to fail of intelligence of the intended action in due time, were unrepresented. And so as to the character of its members; that first popular convention ever held has never had a superior from that day to this, and doubtless never will in all time to come. There was John Campbell from Bertie, Samuel Johnston, Thomas Jones and Hewes from Chowan, John Harvey and Joseph Jones from Perquimans, Coor and Cogdell, Abner Nash and Edwards from Craven, Caswell from Dobbs, Nicholas Long and Willie Jones from Northampton, Howe from Brunswick, John Ashe, Hooper and Clayton from New Hanover, Cray from Onslow, Simpson and Edward Salter from Pitt, and Hart from Orange. From the far-off West came Spencer of Anson, Patton of Mecklenburg, Kennon, Young and Winslow of Rowan, and Jenkins and Alexander of Tryon. Where can their superiors be found? Scarcely a name prominent in the annals of that day is wanting, giving assurance that in North Carolina public sentiment was as unanimous as it was determined, and for this evidence of a fact much to be proud of we are indebted to Governor Martin. Had he not attempted to prevent an expression of the popular will the delegates to the Continental Congress would have been elected in the usual way; as it was, however, they were elected in a very unusual way, a way without a parallel in

America at that time and that gives us as an initial point in our Revolutionary progress, an event to which we may indeed truly point with pride. Let Martin be thanked, then, for thus forcing us to put upon indisputable record indisputable evidence of the temper of our people at that period of the great crisis then upon them.

With this Convention began the actual overt act of revolution in North Carolina and its history from the date of its inception to the hour of its adjournment is matter of indisputable record. Step by step, from the moment when Harvey, solving the great problem presented to the province by Governor Martin's refusal to call an Assembly, declared in his wrath that the people would call one themselves, its progress can be distinctly traced, and every step of that progress, it is needless to say, is of the greatest interest, as that Convention inaugurated in North Carolina a system of purely popular government that was destined, in less than twelve months, to sweep from the province every vestige of Royal government. This new government consisted of the Committees of Safety, as they were called, that, in pursuance of the recommendation of the Convention, began to be organized in different parts of the province, the one in Rowan being the first, and that in Pitt being the second, of which we have any record. Usurping some new authority every day, executive, judicial or legislative, as the case might be, their powers soon became practically unlimited. They determined not only what acts and opinions even constituted a man an enemy of his country, but passed upon his guilt or innocence and fixed his punishment. And woe unto that man whom the committee declared to be an "enemy to his country."

Seeing the drift of things, and foiled in his scheme to prevent the province from sending delegates to Philadelphia, Governor Martin, in very despair and sheer helplessness, issued writs for a new Legislature, whereupon Colonel Harvey issued a proclamation for a new convention, to meet at the same time and place appointed by Martin for the meeting of the Legislature. This proclamation was met by a counter-proclamation from the Governor, but to no effect, for the

delegates were duly elected, and the Convention met. The proceedings of the Continental Congress at Philadelphia were formally approved, including the celebrated Association of 20th October, 1774. All the delegates, with a single exception, then signed the Association. The Legislature also met, but in such a frame of mind that on the fifth day of its session, that is to say on the morning of the 8th day of April, 1775, the Governor issued a proclamation dissolving it forthwith, and thus ended the last legislative body that ever sat in North Carolina under Royal rule. And so in another trial of strength with Royal rule popular government was triumphant.

But these two coincident, contemporaneous legislative bodies deserve more than a mere passing notice. It will be remembered that though the people depended greatly upon the Assemblies for protection, they had found that their efficiency in that regard was greatly impaired by the power of the Governor to prevent their meeting and to dissolve them at pleasure. Under every Royal Governor, without a single exception, from Burrington, the first, to Martin, the last, they had seen the evil effects of this tyrannical power, until it had come to be hateful. It was this consideration, doubtless, that frenzied Harvey to such an extent when informed that Martin intended, by its exercise, to prevent North Carolina from taking her rightful part in continental consultations. "He was in a very violent mood, and declared he was for assembling a convention independent of the Governor, and urged upon us to co-operate with him," said Sam Johnston, and it was doubtless because the people saw that executive control emasculated the Assembly that they so quickly and so unanimously fell into the suggestion of convening a body that should be absolutely without such control, or, indeed, without any control save that which they themselves might choose to exercise.

The people were not dissatisfied with the members of their Assemblies, but with their want of power when in session as such under Royal writs. Accordingly while in August, 1774, they began to

send to NewBern to do their will bodies untrammelled by Royal instructions, and that might meet when it suited them to meet, and might sit as long as it suited them to sit, in defiance of all the gubernatorial prorogations and dissolutions that could possibly be fulminated against them, they selected for their members the men whom they had been accustomed to send to the Assemblies. Notably was this the case in April, 1775, so that though there were two bodies in appearance there was only one in fact. One body was called the Assembly and the other was called the Convention, and both met in the same town and in the same room, the Convention on the 3d and the Assembly on the 4th. John Harvey was in each presiding officer, being called Mr. Moderator in the Convention and Mr. Speaker in the Assembly. Of the Assembly there were only fifty-two members answering to roll-call. In the Convention there were sixty-seven so answering. Every member of the Assembly present was a member of the Convention, and on duty as such, save Ralph MacNair, of Orange, who afterwards became known as a Tory. Some of the gentlemen, however, who were members of both bodies appear, either by accident or design, as members of the Convention only. This fact, and the further fact that there were delegates who were not Assemblymen, appointed in some counties for special reasons to attend the Convention, account for the larger number present when sitting as a Convention than when sitting as the Assembly. The two bodies met, as we have seen, in the same room, and usually, as the Convention, with Mr. Moderator Harvey in the chair. When, however, the Governor's private secretary was announced at the door, in an instant, in the twinkling of an eye, Mr. Moderator Harvey would become Mr. Speaker Harvey, without the change of a muscle or the turn of a hair, and gravely receive his Excellency's message. Was there ever a more striking illustration of supreme contempt for a government than that shown by North Carolina for Royal authority in those early April days in 1775? How impotent and helpless Royal Governor Martin must have felt, to be compelled to recognize

as an Assembly, under Royal writ, a body of men already in session as a popular convention, in defiance of his repeated proclamations, and how humiliated to be compelled to "approve," as Speaker of that Assembly, the head and front of the popular body, its presiding officer indeed, and the very man whose happy audacity had inspired the people thus openly to signify their opposition to royalty and their contempt for its representatives. It must have been a hard thing for proud Royal Governor Martin thus to "approve" bold democratic John Harvey. And yet he dared not refuse, though clothed with full authority to do so under the law.

The Convention adjourned on the 7th of April, and the Assembly was dissolved the next morning. The end was now fully in sight, for, as we have said, the Governor had again formally measured strength with the people and had been ignominiously beaten. But with emissaries already among the Scotch, with cannon and small arms and ammunition soon to come from General Gage, and with the help he was daily asking from Great Britain, he by no means despaired of final triumph. Meanwhile, the Committee government took firmer hold every day, every day usurped new powers and every day showed itself more despotic, and no help came from Gage or from the Scotch, and none from Great Britain.

On the 19th of April, 1775, a detachment of British troops, sent out from Boston by General Gage to destroy certain colony stores at Concord, fired upon a handful of citizens at Lexington, and continuing their march to Concord, met another body of citizens, before whom they were forced to retreat, with comparatively great loss. On that day forty-nine Americans were killed and thirty-four wounded. The loss of the British was two hundred and seventy-three. American blood had been spilled upon American soil by ruthless British soldiers, and cried out for vengeance. In North Carolina the cry was answered wherever heard, and events followed each other with winged feet. As we have said, American blood had been spilled by British soldiers, a fact that our ancestors knew full well how to take advantage of. Everywhere the news was used

purposely and with great effect, to inflame still further the public mind. Wherever a public meeting was held or a public paper was prepared, the fact that American blood had been shed by British soldiers was formally recited as the crowning act of a life-time of wrongs. It took just thirty days for the news to reach Charlotte, where, on the 19th of May, it found the Committee in session. All ordinary business was postponed, and some time after midnight the famous Mecklenburg Declaration of Independence was finished, and on the next day read to the public from the court-house door.

Meanwhile the committees were hourly growing recklessly bolder and sharply more vigilant. Governor Martin's movements were closely watched and his correspondence "violated" whenever opportunity offered. His purpose to raise the royal standard in the province at an early day was well known. The story of his efforts to incite the slaves of the East to rise in rebellion against their masters, the story of his efforts to instigate the Scotch to take up arms in the centre, and the story of the King's orders to bring the bloody Cherokees upon the people of the West had each been published and had done its work, and altogether the Governor had been effectually made odious.

On Tuesday, the 23d May, 1775, the Governor having that morning dismounted certain guns in the town, the Committee at New Bern, with Abner Nash at its head and the people of the town at its back, waited upon him at the Palace and desired him to remount them at once. The reason for dismounting the guns was, that the Governor had been repeatedly informed that the Committee intended to seize them by force, as was actually done a day or two later. He prevaricated, however, as to his purpose and seemingly satisfied the Committee for the moment, but only for the moment, as he well knew.

The end was now fully come. Without a man or a gun to enforce his authority, and personally odious, Josiah Martin saw that he was no longer a Governor, but a prisoner in the Palace under the strictest surveillance, and that immediate flight was his

only resource. Accordingly, as he said, he "immediately" shipped his family to New York, and "almost at the same time" himself sought safety under the protecting guns of the British sloop-of-war lying at the mouth of the Cape Fear River. And thus, in less than four years from his coming to the province, Governor Martin was a fugitive from his capital, a capital his eyes were never again to behold, flying for his liberty, if not for his life; and thus was the end of Royal rule in North Carolina.

And well might any Royal Governor, no matter how stont of heart, quail to find himself at the mercy of a province that thought he and his Royal master were seeking to compass its subjugation by means, at one and the same time, of a servile war in the East, an internecine war in the centre, and an Indian war in the West, with all the relentless cruelties, the atrocities, the horrors and the barbarities these modes of warfare implied.

Nor does the result seem to have been altogether unexpected. As early as April, 1774, William Hooper of the Cape Fear wrote to James Iredell of the Albemarle section saying, in just so many words, that the American colonies were "striding fast to independence."

It must be remembered, in this connection, that North Carolina had no special interest in the immediate cause of the movements against Great Britain. The shutting up of the port of Boston manifestly would not injuriously affect the port of Wilmington, but, on the contrary, would, in all probability, increase its trade. It appears, therefore, that North Carolina went into the contest, not from any pecuniary interest in the premises, but on principle, and that when she said the cause of Boston was the cause of all, she meant to avow her readiness to resist British oppression wherever it might show itself in America, and that she really meant what she said the event demonstrated. The merchants of Wilmington dispatched one of their own vessels with provisions and supplies without even freight charges for the relief of the people of Boston, who had come to much

suffering because of the loss of their trade. Nor was Wilmington the only point in North Carolina from which relief was sent to Boston. A little printed scrap of torn paper that has come down to us tells its own story. Though yellow with the dust and stains of more than a hundred years, it speaks trumpet-tongued of the generous patriotism of North Carolina in that day. It reads as follows:

ADVERTISEMENT.

NEW-BERN, January 27, 1775.

PUBLIC NOTICE is hereby given that *Mr. John Green* and *Mr. John Wright Stanly*, Merchants in New-Bern, have agreed with, and are appointed by, the Committee of Craven County, to receive the subscriptions which is now or may hereafter be raised in the said County for the relief of the distressed inhabitants of Boston, and to ship the same to Salem as soon as the several subscriptions are received.

Proper stores are provided by the said gentlemen for the reception of corn, Pease, Pork and such articles as the subscribers may choose to pay their subscriptions in.

Those gentlemen, therefore, who have taken in subscriptions either in money or effects are desired to direct the same to be paid or delivered to the above named Mess. Green and Stanly on or before the middle of March next; and to send as soon as possible an account of the subscriptions which are or may be taken, by which they may be governed in receiving.

R. COGDELL, Chairman

But suppose it had been the port of Wilmington instead of the port of Boston that had been closed, would Massachusetts have rung with the cry that the cause of Carolina was the cause of all?

During Governor Martin's administration North Carolina lost three of her most distinguished sons, one in a ripe old age, for that day at least; one in the prime of life, and the third lacking many years of the allotted three-score-and-ten. Two were natives here and to the manner born, and typical sons of the soil, of the very highest type, indeed, but still truly typical North Carolinians, one

from the Cape Fear and the other from the Albemarle section. The third was of Irish birth, but early and thoroughly acclimated here.

Samuel Swann, son of Major Samuel Swann and his wife Elizabeth, daughter of Major Alexander Lillington, was born, says the family chronicle, "the 31st day of October, 1704, being Tuesday, at 1 o'clock in the afternoon, the moon being full at 12 o'clock, and was baptised the 23rd day of August, 1705." William Swann, the grandfather of Major Sam Swann, settled Swann's Point, opposite Jamestown, Virginia, of which "city" he had been an alderman, and died there in 1638. There his descendants continued to reside until Major Swann came to North Carolina, in 1694, as his Majesty's collector of customs for the port of Roanoke, deputy for one of the Lords Proprietors and surveyor of the colony. His first wife, the daughter of Governor Drummond, having died, he married a daughter of Major Alexander Lillington, by whom he had two daughters and two sons, all of whom were yet in tender infancy when, in 1707, Major Swann himself died. A few years later Mrs. Swann married Colonel Maurice Moore, and it was under the care of his step-father, Colonel Moore, and the society of his uncles, Edward Mosely and John Porter, and his brother-in-law, John Baptista Ashe, that young Sam Swann grew up to manhood. He became a practical surveyor, and in 1729 was a surveyor for the Commissioners who ran the dividing line between North Carolina and Virginia, and, to their honor, be it remembered, that while the Virginia surveyors, on reaching the great Dismal Swamp, went around it, the North Carolina surveyor's party went through it, and Sam Swann was the first white man ever to cross that swamp. For some years he continued the business of surveying, and then became a lawyer. He was chosen to represent Perquimans County in the Assembly of 1725, and continued a member of that body for a period of forty years. In 1731 he removed to the Cape Fear, where he had previously obtained some interests, and where all of his family connections settled, locating at Swann's Point, below Rocky Point, but afterwards resided in Wilmington. He early took a leading part

in the Assembly, and in 1742, when his uncle Edward Mosely, who had for many years been Speaker, was transferred to the Upper House, he was chosen his successor, and continued to occupy the chair, except for two years, until 1762, when he declined a re-election on the score of ill-health. The period of his activity was a most important one in the life of the colony. It was the formative stage of our institutions. The settlement was just emerging from infancy, and the foundations of the State were being laid. The principles underlying the rights and privileges of the people had to be constantly asserted against the prerogatives of the Crown so aggressively and persistently claimed by subservient Governors. Clear heads, patriotic hearts, strong resolution and great firmness were requisite to maintain the ancient freedom of the people against the encroachments of the King's representative. Associated in youth with leaders devoted to popular rights, Swann was fully imbued with their political principles, and resolutely carried forward the work they had begun. From his first appearance in the Assembly, in 1725, that body was in antagonism with the Governors, and toward the close of his career the antagonism was in some measure with the Crown itself; and so heartily did Swann commend himself to the people that he was frequently chosen to represent Counties where he did not reside, and on one occasion was elected by two Counties to the same Assembly. Twenty years of almost continuous service as Speaker, then the highest position in the gift of the people, attest his commanding influence. Indeed, Governor Johnston, complaining of the control he exercised, states that he had the habit, while occupying the chair, to tell the Assembly what they should do. It is true he wielded the influence of a united people, and, while checking and thwarting all efforts to extend the Royal prerogatives, directed the course of events and laid down the lines on which the Government was developed.

The laws of the colony were the acts of 1715-'16, of which some few imperfect manuscript copies were to be found, and modified by the acts of each successive legislature, which also were in manuscript.

The state of the law was then very uncertain, and an effort was made to reduce the legislation of the province to some order and system. Swann, because of his familiarity with the laws, was appointed on a committee to revise them; and again, in 1746, he, with Edward Mosely, was authorized to make a further and complete revisal. This revisal was published in 1752, and is the first book printed in the colony. It is known to this day as the Yellow Jacket. An appropriation was made to establish public schools, and for setting up a printing press in the colony, and had it not been for the checks interposed by the Governor and the Crown, and for the interruptions that sprang from the Indian wars, entailing large expenditures and draining its resources, the improvement of the province would have been very marked. Efforts were made to establish a permanent capital also, to have a more orderly court system, to provide better depositories for the preservation of the records and to secure an independent judiciary, by imposing such qualifications as would lead to the appointment of North Carolinians to judicial position. In all these matters Swann took a leading part, but in none was his influence more felt than in those measures specially tending to bring the King's prerogative within the limits recognized in England. Versed in the law, familiar with the acts of the Assembly, with the charters and with the fundamental principles on which the traditional liberties of the people were based, Swann sought to direct the affairs of the commonwealth on lines of progress, but developing always the idea of the people's right to self-government. This led to frequent collisions with the Governors, and Governor Johnston arbitrarily silenced him, as a lawyer, for a time, but without avail. Governor Dobbs, too, found in him an opponent who would proceed to the last extremity. His high personal character, his strong family connections, his learning and his devotion to the interests of the province, rendered him more than a match for the representative of the crown in every conflict that arose.

These differences largely sprang from the determination of Swann to put the provincial Assembly on the footing of the British

House of Commons, with like privileges and powers as to the purse and legislation, and without greater control on the part of the Crown than existed in England. They manifested themselves more especially when appropriations for the King were asked, in passing Court bills and in the appointment of agents to represent the affairs of the province before the Boards at London. The Assembly claimed that the agent represented that body, and it appointed Swann and his two nephews and Treasurer Starkey the Committee of Correspondence, and they conducted all the affairs of the province in England. In the Court Law struggle in 1760, he was bold to the extreme. The Governor, not manifesting any favor toward the Court Bill then pending, Swann, with the whole body of the Assembly at his back, waited upon him and formally notified him that the Assembly had determined to proceed to no other business until the fate of the Court Bill was ascertained, meaning thereby that a much desired appropriation would not be made unless the Court Bill was first approved, the fear being that if a bill for the appropriation should be first passed, the Legislature would be prorogued or dissolved before that for the Court Law could be acted upon. Some days later, the same House, Mr. Speaker Swann being in the chair, locked its doors and the members being sworn to secrecy, framed articles of impeachment for high crimes and misdemeanors of the gravest character against the Governor, to be presented to the King, an arraignment unsurpassed in the annals of American history to this day, and unequalled unless by that in the Federal Declaration of Independence on the 4th July, 1776. These efforts on the part of Swann and his coadjutors in the interest of the province were ascribed by Governor Dobbs to "a republican spirit of independency rising in the colony" that he was continually asking to have his hands "strengthened to oppose and suppress." The Assembly, he said, thought themselves entitled to all the privileges of a British House of Commons, that they ought not submit to His Majesty's Privy Council further than the Commons in England, or to His Majesty's instructions to his Governor, whose powers they

would resist and place in a junto of the Assembly composed of Mr. Swann, his two nephews George Moore and John Ashe, and Treasurer Starkey. The republican spirit for which this province was so notorious, he said, also rendered his efforts ineffectual, and further, "that it was frequently hinted that if he would be silent and let the heads of the Republican party ingross the executive power of the Crown, his administration would be easy and happy;" that they opposed everything that proceeded from the Crown as inconsistent with and oppressive of the rights and liberties of the people. The struggle, begun in Mosely's time, to maintain the chartered privileges of the people, had come at last to this complexion, and during his long service Swann had so exalted the Speakership, and had so securely established the rights of the Assembly, that the Speaker had become a more important personage in the province than the representative of the King himself. After retiring from the chair Mr. Swann continued the practice of the law until his death in 1772.

General Hugh Waddell was born in Lisburn, County Down, Ireland. His parents were Hugh Waddell and Isabella Brown. His father, like Dobbs, and like Rowan, was a member of a well established family in the North of Ireland, but on account of the fatal result of a duel in which he was engaged he spent several years in Boston, Massachusetts, with his young son. He then returned to Ireland and not long afterward died. He was a friend, according to tradition, both of President Rowan and Governor Dobbs. The attraction for young Waddell in North Carolina was doubtless the opening for military service the Province presented at the time of his coming over, which seems to have been in the early part of the year 1754, an attraction that was heightened by family interest with both the acting Governor Rowan and the expected Governor Dobbs. He was then not twenty years old. In this connection it must be remembered that for some time North Carolina was the only Province that went to the help of Virginia against the French and Indians.

General Waddell was evidently a born soldier and, though so young, doubtless trained and disciplined, though there is nothing to show where he got his training, if any he had, before serving under Colonel Innes. But whether trained or not, wherever firing was to be heard there young Waddell was sure to be, and certainly as an Indian fighter he was without an equal in the Province. Physically he was a powerful man, of large stature, having not only unusual length of limb but great breadth of chest, activity, strength and endurance in a rare degree. He was, too, a man of no ordinary mental calibre, fertile in resources and quick and ready in making use of them. Many traditions remain showing the personal character of the man.

For seven years, covering all the Indian troubles, he lived and fought on the frontiers and was the leader and commander, *facile princeps*, in meeting every danger, so that the country and the people were alike familiar to him. And that the people were accustomed so long to fight under him, that they loved him and had confidence in him, explains why it was that ten years nearly after he ceased to live among them, he was able to raise troops there when sent by Tryon to rouse the country for the campaign against the Regulators. He had been "through the war" with the frontiersmen, as we would say in this day, a seven years' war, it must be remembered, sharing all their dangers and all their hardships, and his hold upon their affections and upon their confidence could not be broken. But civil affairs received his attention as well as military. In 1757 he took his seat as a member of the Assembly for the county of Rowan, the county in which Fort Dobbs was situated and in which he lived. In 1762, after peace was made with the Indians, he married, and having removed to the low country, represented the county of Bladen. He married Mary Haynes, daughter of Captain Roger Haynes, of the well-known "Castle Haynes," near Rocky Point, on Cape Fear River, and granddaughter of Rev. Richard Marsden, first Rector of St. James's Parish in the county of New Hanover. He died on 9th April, 1773, in his 39th year.

An earnest patriot, with war the passion of his life, and possessing reputation, experience and capacity, General Waddell's career in the Revolution, had he lived and retained his health, would doubtless have been a great one. But he was cut off in the prime of life and just when his country most needed his services.

The Harveys were among the first comers to the Albemarle section. They went there from Virginia, where, like the Swanns, they had been settled for many years. Possessing wealth and education as well as vigorous mental powers, they occupied a very prominent position in the Province for more than a century. John Harvey, the great leader in the eventful times immediately preceding the Revolution, is the only member of the family, however, with whom we have now to do. He was a native of the Albemarle shore, and a citizen of the county of Perquimans. Endowed by nature with a vigorous mind, and having enjoyed the most liberal opportunities for its cultivation, he added the ornaments of an education to the hereditary qualifications of a polished gentleman, that so eminently distinguished his character. His first appearance in public life seems to have been as a member of the Assembly in 1746, when Governor Johnston, by illegal and fraudulent "management," as he termed it, sought to deprive the Northern Counties of their accustomed representation in its Assembly. During the eight years following, Perquimans not being represented, his name does not appear, but from the year 1754, the Johnston law having been repealed by the crown and full representation restored, until his death, Harvey regularly represented his county in the Assembly, so that his career covered many of the most eventful years in our history. Indeed, he may be said to have been for thirty years a prominent actor in the great struggle that ended in the overthrow of Royal government in North Carolina. Naturally of a bold, determined temperament Swann, though his elder in years, found in him a congenial spirit, an able coadjutor and in time a worthy successor. In 1766 he was elected Speaker of the Assembly, a station he filled, with but one interruption, to the close of the Royal government. Throughout the

turbulent period of the years 1767, 1768 and 1769 he presided over the deliberations of the Assembly, and received the unanimous thanks of that body at the close of each session. The arts and influence of Tryon having in the course of time paralyzed the whig party, in the Assembly of 1770, Harvey, who was one of the few who could not be induced to pay court to Tryon, was succeeded by Caswell, a gentleman more acceptable to Tryon as a personal and political friend. In the Assembly of 1773, however, he was again elected Speaker, and found the office once more of the greatest dignity and importance. The Assembly from this period to the flight of Governor Martin, was, strictly speaking, arrayed as a party against the Government; and during the whole of this time Colonel Harvey was the acknowledged leader of the opposition. He conducted them through the great controversy of the court law with its attachment clause, and the various other disputes with the Executive and the Council. He was chosen Moderator of the first Provincial Convention, as was most appropriate, not merely because of his great prominence and his advanced views, but because from him the suggestion for the creation of such a body first came. He was Moderator, too, of the second Convention, which by a happy inspiration of sublime audacity he ordered to meet in the same town and at the same time the Governor had ordered the Assembly to be in session, an inspiration well worthy to crown so great a life. Doubtless he was in another of his "violent moods." It was a very bold thing thus to set the Royal Governor at defiance, bold in John Harvey to call the convention and bold in the members to obey the call; a dangerous thing, too, for the game they were playing was one in which heads were stakes. But, as we have said, how impotent and helpless Royal Governor Martin must have felt to be compelled to recognize as an Assembly under Royal writ, a body of men already in session as a popular convention in defiance of his proclamation, and how humiliated to be compelled "to approbate" as speaker of that Assembly the head and front of the popular body, its presiding officer indeed, and the very man whose happy audacity had inspired the people thus

to openly signify their opposition to royalty and their contempt for its representatives. It must have been a hard thing for Royal Governor Martin thus "to approbate" the bold, democratic John Harvey. Harvey, however, did not survive the Government whose downfall he had done so much to bring about. In less than two months he was in his grave. Indeed, Harvey was breathing his last while Martin was flying from the vengeance of an outraged people. Colonel Harvey was remarkable for great decision of character and firmness in his political principles, and demeaned himself towards his opponents, and more particularly the Governor, with a haughty reserve that showed the bitterness of his opposition. Harvey's Neck, a point of land on Albemarle Sound, at the mouth of the Perquimans River, was the seat of this remarkable and illustrious family, which, for many years before the Revolution, was celebrated for its dignity, antiquity and wealth. The changes of a century have left nothing but a few venerable and respected tombs to attest the magnificent hospitality and grandeur of the "House of Harvey."*

How well North Carolina must have been grounded in the faith to have shown no check in her course when Hugh Waddell, her greatest military leader, and John Harvey, her acknowledged civil leader, went to untimely graves at the very outset of the great struggle, and just when they were so much needed.

* Jones's Defence of the Revolutionary History of North Carolina.



COLONIAL RECORDS.

1771.

[P. P. R. O. AMERICA & W. INDIES, VOL. 218.]

Letter from the Earl of Hillsborough to Gov^r Martin

WHITEHALL May 4, 1771.

SIR,

By the last Mail from Carolina I received several Dispatches from Gov^r Tryon numbered 59. 60. 61 & 62.

I observe by his Letters that the state of the Province, with regard to the Riots and Tumults which have lately prevailed there, is very unsettled, and that he thinks it is yet uncertain what turn the public Affairs will take.

The King however very much approves the vigour which has been shewn in the proceedings against the Representative of Orange County, and as M^r Tryon observes that the Returns made by the Commanding Officers of the Militia, of such Men as were willing to stand forth in defence of Government, were in general favourable throughout the whole country: there is good ground to hope that the dangerous views of the Insurgents will be defeated, and I trust by pursuing the same Measures which have gained so much credit to your Predecessor, you will have the merit of restoring peace and tranquillity to the Province.

You will observe that there are but ten Persons named in your Instructions to be of the Council, but the number is now completed to Twelve, the Lords of Trade having, upon the recommendation of Governor Tryon, proposed Sir Nathaniel Dukenfield, and Marmaduke Jones Esq^{re} to supply two vacancies, and those Gentlemen having been approved by His Majesty for that Station.

I am &c^a
HILLSBOROUGH.

[B. P. R. O. AMERICA & W. INDIES. VOL. 218.]

Letter from Governor Martin to Earl Hillsborough

NEW YORK May 7th, 1771.

MY LORD,

I have the honour to inform your Lordship, that I received, on the 1st instant, through the hands of my Lord Dunmore, my Commission and Instructions, and that I shall with the utmost diligence repair to N^o Carolina the first moment I am able to move: my own wishes; the present apparent state of affairs in that Province; and every other circumstance conspiring to urgemy departure. At this time I am closely confined by a severe indisposition with which I have been afflicted almost ever since I had the honour to acknowledge your Lordship's notification of my appointment, but my Physicians now, give me reason to expect, I shall be very soon in a condition to proceed on my voyage. I have the honor to be, with the greatest respect,

My Lord, &c.

JOSIAH MARTIN.

[B. P. R. O. AMERICA & W. INDIES. VOL. 218.]

Letter from Earl of Hillsborough to Governor Martin

WHITEHALL, 5th June 1771

SIR,

The Letters which I received from Mr Tryon, by the last Packet from Carolina, contain the fullest Testimony of that Gentleman's Zeal for His Majesty's Service & of his unwearied Endeavours to promote the Welfare & Prosperity of N^o Carolina; and it gives the King great Satisfaction to find that he had in general been so well seconded in his laudable Views by the other Branches of the Legislature.

The Business of the last Session of General Assembly was equally interesting and important; & I have no Doubt that as, on the one hand, the Reasons assigned by the Governor in support of those Bills to which he has given his Assent will obtain a Confirmation of such of them as require it, so on the other hand the People will

readily acquiesce in the just Motives which induced the Gov^r to reject some of the Bills offered to him.

Amongst those Bills which fall under the last Description, that for better Collection of the Quit Rents certainly deserves Attention; & as I trust that the same good Disposition which first induced a Consideration of that Measure will weigh with the Assembly to revive it in a subsequent Session, I will endeavour before the next Packet sails to obtain a Consideration of the Bill by the Treasury Board, so that I may be enabled to send you such Instructions thereupon as will leave you under no Difficulties in case a Bill of the like kind should be again proposed.

It is with great Pleasure I acquaint you that the Queen was happily brought to bed of a Prince this Morning, & that Her Majesty & the young Prince are as well as can be desired. I most heartily congratulate you upon this Increase of the Royal Family, an Event which gives the greatest Satisfaction to all His Majesty's Subjects.

I am &c^a

HILLSBOROUGH.

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

COUNCIL JOURNALS.

At a Council held in the Council Chamber at the Palace in New Bern Monday 1st July 1771

Present

His Honour James Hasell Esq^r President & Commander in Chief
 The Honble { John Rutherford Martin Howard & } Esquires.
 { Robert Palmer Samuel Cornell }

His Honour the President directed to be read His Majestys Commission to His Excellency William Tryon wherein it is appointed on the death or absence of the said Governor, That the President of His Majesty's Council take upon him the administration. And His Honour took and afterwards administered unto the several Members of Council now present the Oaths mentioned in an Act passed in the first year of His late Majesty's Reign Intituled 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.

His Honour also made subscribed and administered to the said Members of Council the Declaration mentioned in an Act of Parliament made in the 25th year of the Reign of King Charles the second, Intitled an Act for preventing dangers which may happen from Popish Recusants. His Honour also took an Oath for the due execution of His Office as also the Oath required to be the 4th of George the Third by Governors of Plantations.

His Honour was pleased by and with the advice and consent of His Majesty's Council to order a Proclamation in the following words—

NORTH CAROLINA

By the Honorable James Hasell Esquire President and Commander in Chief in and over the said Province.

A Proclamation.

Whereas By the appointment and removal of His Excellency William Tryon Esquire to the Government of New York the administration of the Government of this Province hath devolved on me, And whereas it is necessary for the Peace and good Government of this Province that all officers therein both Civil and Military should hold themselves continued in their several places and employments. I have therefore thought fit to issue this Proclamation by and with the advice and consent of His Majesty's Council that all Persons in any office place or employment Civil or Military in this Province shall be and hold themselves continued in the same offices, places or employments as formerly they held and enjoyed the same until my pleasure be further known, and that the said persons do not fail, & every one severally according to his place, office or charge to proceed in the performance and execution of all duties thereunto belonging. And further I do hereby will and command all and singular his Majestys subjects in the Province to be aiding and assisting at the commandment of the said Officers in the performance and execution of the said Office, as they will answer the contrary at their peril.

Given under my hand to which I have caused to be affixed the Great seal of this Province at New Bern this 1st day of July 1771

JA^s. HASELL.

By His Honours Command

W^m. PALMER, Dep. Sec^y.

[B. P. R. O. AMERICA & W. INDIES. VOL. 218.]

Letter from the Lords of the Treasury

TREASURY CHAMBERS 2 July 1771

SIR [JOHN POWNALL],

A Petition of Alice Heron, Widow and Executrix of Benjamin Heron Esq^{re} deceased, late Deputy Secretary of the Province of North Carolina, having been laid before My Lord Comm^{rs} of His Majesty's Treasury, praying their Lordships to grant her an ample compensation for her late Husband's great fatigue, trouble & service in forming an Abstract of all the Lands in the said Province which was performed by him, pursuant to Orders which he received from Governor Tryon in consequence of His Majesty's Commands signified to the Governor by the Earl of Shelburne. I am ordered by their Lordships to transmit the same to You, for the information & Opinion of the Earl of Hillsborough.

I am Sir &c JOHN ROBINSON

[N. C. LETTER BOOK. S. P. G.]

Rev^d M^r Reed to the Secretary.

NORTH CAROLINA
NEWBERN July the 2^d 1771.

REVEREND SIR,

On Saturday last our worthy Governor took leave of this Province, and sailed from hence to the Government of New York. By this removal the clergy have lost a powerful advocate and a very sincere friend, and as the Bishop of London had granted him full power and authority over the clergy, during his residence amongst us, I thought it needless to write to the Society, so long as I had the happiness of living under his immediate notice and inspection, being very sensible that his Excellency would not fail to acquaint both the Bishop of London and the venerable Society with every thing material relative to the clergy and the Establishment of the church of England in these parts.

The Society I presume have been informed of an Act passed the last Session of Assembly authorizing Presbyterian Ministers to solemnize the rights of Matrimony, But lest by any accident the

Governors Letters should have miscarried I have sent you a printed copy of the Act, inclosed. By the preamble, you will perceive, that the Dissenters are very numerous in the Frontier Settlements. These settlements, Sir, have been the Seat of the late Riots, and of a very dangerous Insurrection and considering the great zeal with which the Bill was pushed by the Dissenting interest, and the dangerous Situation of the province from such a formidable number of mal contents, the Governor acted with the greatest prudence in passing the Bill with a suspending clause. For upon the fate of this, other Bills were dependent: and it was good policy to keep the Dissenters in as good humour as possible, at such a critical juncture. Should this Act receive the Royal assent, it would be a fatal stroke to the church of England, but as the Insurrection is entirely quelled I flatter myself with hopes that the Act will meet with a repulse.

I am sorry to inform you that our little Academy is not in the most flourishing condition. The scarcity of money and the dearness of Board very much disappointed Mr Tomlinson's expectations, and obliged him to dismiss a very able assistant. He never wants sufficient employment for himself, and has generally upwards of Thirty Scholars, children of the Inhabitants of the Town, But several that live remote, and are desirous of sending their children, cannot get money to defray the expence of Board and Tuition, so that the benefit of the school at present is too local, and confined in a great measure to the Town of Newbern. However, I hope the Legislature will very shortly find out some expedient to remove this obstacle and that the School will become more generally useful.

I had the satisfaction last Summer to Baptize the Honorable chief Justice of this Province. He was bred and born an Anabaptist, but had never been baptized, and as I suspected that he might still retain a particular liking for Anabaptism, I offered to baptize him by total Immersion. But he refused and said his prejudices were vanished, and that he regarded the moral more than the mode, Ever since he has been a constant communicant. I have likewise baptized since Christmas last about one hundred and thirty White children, Two white Adults, and seven black children in my own parish, and about Twenty five White children and one Adult in St. John's Parish.

If you would condescend to inform me of the fate of inclosed Act, as soon as possible, the favor will be gratefully acknowledged by Sir,
Your most obliged &c

JAMES REED,
Miss^y in Craven County.

P. S. The Reverend M^r Stewart the Society's Missionary at Bath died last Spring and has left a widow and four children, and his affairs in great confusion.

[N. C. LETTER BOOK. S. P. G.]

Extract of a Report of Board of Trade upon considering an Act passed in the Province of North Carolina in January 1771 intituled An Act for Authorizing presbyterian Ministers regularly called to any congregation within this province to Solemnize the rites of Matrimony under the ----- regulations therein mentioned.

That this Act which is passed with a clause of suspension, proposes to repeal so much of a former Act for establishing an Orthodox Clergy, and also of one explanatory thereof, as relates to the prohibition of presbyterian Ministers from solemnizing the rites of Marriage by publication of Banns in their Meetings, or by Licence without paying a fee of twenty shillings to the Episcopal Minister as Incumbent of the parish, this prohibition by the Act now submitted is intended to be taken off, and the presbyterian Ministers allowed to celebrate the rites of Marriage by publication of Banns in their religious Assemblies or by Licence first had and obtained without payment of any tax or fee for such Services to the regular Incumbent of the parish.

This regulation may it please your Majesty appears to Us to be exceptionable as being calculated to deprive the Orthodox Clergy of a fee or perquisite settled and imposed by Act of Assembly and in effect to operate as a Bounty to the tolerated Religion at the expence of the established, and we do therefore humbly propose to your Majesty to signify your Royal Disallowance of this Act.

[B. P. R. O. AMERICA & W. INDIES, VOL. 275.]

M^r Stuart [Indian Agent] to the Earl of Hillsborough

WHITEHALL 3^d July 1771.

MY LORD

* * * * *

The want of a proper regulation for the Indian Commerce has long been the subject of very just Complaints and the source of disorders that cannot fail to have the most fatal consequences but as the King has thought fit upon the Ground of the Representations of the several Colonies that they were themselves the best Judges of what those Regulations should be to leave this matter entirely to them & to lay aside a Plan which the Board of Trade had with unwearied attention prepared for that purpose it is an evil that now admits of no other remedy but that of the several Colonies interested passing — similar Laws in each Colony for that purpose and if the plan of which a Law was framed by you and communicated to the Governors of each Colony separately it might have the consequence to facilitate so desirable an object.

With regard to the Cession of Land proposed to be made to the Traders by the Indians in payment of Debts it is a Transaction that ought to be discountenanced as much as possible it will therefore be your duty to represent to those Traders who inadvertantly grasped at any proposals of this nature made to them by the Indians that his Majesty does entirely disapprove such proceedings and in case they shall persist therein you will not fail to give me the earliest notice of it in order that the necessary steps may be taken to put a stop to such dangerous and unwarrantable practices.

In the meantime I rely on your Attention that nothing of this sort is countenanced or carried on by your officers from any interested views of their own which I mention to you in caution as I observe that there has been some suspicion of this sort with regard to M^r Cameron.

I am &c:
HILLSBOROUGH.

[B. P. R. O. AM. & W. IND: NO. CAROLINA. VOL. 218.]

Letter from President Hasell to Earl Hillsborough

NEWBERN-the 4th July 1771.

MY LORD,

I do myself the honor to acquaint your Lordship, that Governor Tryon, embarked with his Lady and Family, for New York, four days passed and delivered up to me, as first named and eldest Councillor His Majesty's Commission and Instructions — He continued with us but a few days, after his return from the Forces — No Governor ever departed from a people more loyal and affectionately attached to him or his Administration nor more justly lamented. Your Lordship may be assured that I shall use my utmost endeavors and think myself exceedingly happy, should I discharge the important trust reposed in me, in such manner as to merit his majesty's approbation, nothing in my power to do or attempt shall be wanting on my part.

The first instant I summoned a Council and qualified as Commander in chief, conformable to the Instructions.

The Troops that marched from hence with the Governor against the Insurgents returned here, the second instant in high Spirits bringing with them, part of the arms taken at the Battle of Alamance from those detestable Rebels, who are now by His Excellency's wise and prudent conduct reduced to reason and thoroughly convinced of their folly and madness. Above six thousand of them have submitted to government and taken the Oaths prescribed, so that at this time the province remains in perfect tranquility and I am under no manner of apprehension of any future attempts, to disturb the quiet of the country.

Mr Martin the present Governor continues indisposed at New York.

All commands which I may have the honor to receive from your Lordship, you may rest assured, shall be by me most punctually obeyed.

I am with the highest regard, &c

JA^s. HASELL.

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

Letter from Henry Eustace McCulloh, Provincial Agent, to Committee of Correspondence.

LONDON, 10th July 1771.

HON^{ble} GENTLEMEN,

I Beg leave to refer you to my Letters dated 30 March, & 25 July 1770. To which I have not receiv'd the honour of any Answer; Daily expecting Letters from you I deferr'd writing to you on that Account. I much fear some Miscarriage must have happen'd to them,—as soon as I may be so fortunate as to hear from you—I will write you fully in answer. Not having received any thing in command from you,—I have little material to lay before you; and the more so, as hardly anything of consequence relative to America took place in the course of the last Winter.—The first part of the last Sessions was entirely taken up with the Dispute with Spain, and the vast Exertions of Dispatch and Strength which the British Empire manifested on the Occasion, and which doubtless were the means by which the General Tranquility was preserved: the latter Part of the Sessions was less happily engrossed by domestic Disputes which took up that Time which I am assured was better Intended to be applied to measures of public and General Utility, In which the Affairs of America were to have been fully considered.—With much trouble and Application I however procured the Act for the Bounty on Staves from America Imported into this Kingdom; It met with many Objections from Suhdry Persons Interested to oppose it—I inclos'd it to you and hope if due Attention is paid to it, it may prove the means of adding a Considerable and Advantageous Branch to your Exportation;—The Bounty is thought to be considerable.—The Act of Parliament granting a Bounty on Timber is near expiring, and was left over to the next Session, when I shall exert myself to have it renewed with greater Encouragem^{ts} and on a Plan much more suitable to the American Timber.—The Acts relative to Naval-Stores are also to be revised with a View to ease and benefit the Trade.—The Scheme of reducing the Bounty will not I believe be again revived. Many other Things advantageous to the Trade of America I am well assured are to be taken into consideration next Winter, to every of which, in which the Interest of the Province may be any Ways advanced, permit me to assure you of my best Attention.

His Majesty has been pleased to issue an Instruction to his Governors of North and South Carolina relative to the dividing Line between the two Provinces. I insisted as far as in my Power, on the Propriety and justness of continuing the Line in a due West direction, and Desired on Behalf of the Province, that Time might be given to offer their Objections against any Alteration;—His Majesty however has been advised to order the Line to be run so as to include the Catawbaw Indians, and to also direct, that it shall run up the main Stream of the Catawbaw River—from where it enters the Catawbaw Tract, to where the River forks, and from thence a due West Line to the Cherokee Line—by which means many Settlements on Broad-river are thrown into South Carolina. Declaring always that I had no Authority or Instructions from the Province on this Subject, and protesting against the present Arrangement—I refused, when applied to, to take out the Instructions from the Offices—and the more so, as there is a Charge on the same for Fees to the Amount of £35:16 Sterl^s which I shall pay, if I receive directions, but not without. I am extremely concerned to hear that the Internal Disturbances of the Province continue. The Expence which will necessarily be incurr'd will probably compell another Emission of Treasurers Notes or some such Expedient. The Danger of Counterfeits, to which the Provincial Notes and Bills of Currency have hitherto been exposed prevails upon me to submit to you, whether, in such an Event as before mentioned, the Assembly would not do well to direct the plates to be prepared here; Should they give me their Orders on this Occasion, I cannot help thinking every possibility of Fraud might be guarded against,—Paper such as the Bank uses, with the name of the Province in the Grain might be procured, The Plates might be engraved under the Eye of the Person intructed to procure them, without being ever out of his Custody, and the necessary Number struck off, and the Plate destroy'd, sent over to you; the Agent certifying on Oath that the Plate and all the Paper not used was destroyed, and no part remains in his hands, or any other's to his knowledge. The large Bills might have the Sums prickt in. Such Bills properly signed, could scarcely be ever imitated with the least Hopes of Success. I submit these Things with all due Deference, and from no other motive than my Zeal for the Honour and Safety of the Province in so great and so general an Object as the credit and Certainty of their public Circulating Medium.

The Expence which the Province will have incurred in restoring General Peace and Order appears to me to have many and good Pretensions to the Favour and Contribution of Government here; nor can I prevail upon myself to think that a regular Application of the Gener^l Assembly of the Province for a Grant or Sum of Money to reimburse and satisfy them part of such Expence would be unsuccessful: If the General Assembly think this Hint worth their Notice, and will prepare and transmit to me such an Application, I will exert myself to the Utmost to carry it thro'.

Permit me through you to observe, that the Act for my Appointment as Agent expires next December, and that I shall think myself honoured in the continuation of the Appointment. The same Zeal animates me, and I hope the same favourable Opinion thereof continues in the Gentlemen of the Assembly.

I am with perfect Respect &c

HENRY E. McCULLOH.

To the Hon^{ble} the Committee of
Correspondence in North Carolina.

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

Letter from Alexander Elmsly to Samuel Johnston, Esq.

LONDON 27 July 1771

D^r SIR

I have not heard from you the Lord knows when I was afraid you might have been one of the Heros of the Hawfields and as an Obnoxious Character fallen a Sacrifice to the fury of the regulating patriots, But McCulloh tells me the Northern men hung an arse under pretence of want of money. Money 'tis true is the sinews of war, but I'm afraid, the true reason was something Else. The regulating Spirit had begun to make its appearance years ago amongst yourselves, and I should not have been much surprised if I had heard that your Battle had been fought on the Banks of Pasquotank River, instead of Allemans or Haw river or wherever else it has happened, for we know nothing of the matter here except what Jamie Parker has wrote us, and his Information he says he had at 5th or 6th Hand. But let that matter be as it will, this serves to acquaint you that Col^l Lawrens has remitted £500 more for you Since my last advices, which is at your Command. When you draw

however for any Considerable sum make your draught payable 3 days after sight, because I am, as at present, sometimes a resident in the Country and nobody but myself can draw on the Bank.

My Compl^{ts} to your Family

I am D^r Sir

Your affec^{te} friend

& h^{ble} Ser^t

A. ELMSLY.

Tell M^r Charleton that his Boy wrote him by a Lawyer who went out in Col^l Taylows Vessel, under Cover to A Cox Bailly.

[B. P. R. O. AM. & W. IND: NO. CAROLINA. VOL. 218.]

Letter from President Hasell to B^d Trade

NEWBERN the 8th August 1771.

SIR, [JOHN POWNALL Esq] '

I received your packet of the 31st April last which contained twelve printed Coppies of the process used in Sweeden for the making of Tarr, transmitted by the direction of Lord Hillsborough, as Governor Martin is not yet arrived from New Yorke, where I apprehend he may have been detained by sickness—I will take due care that those Books shall be distributed in the best manner I can possibly contrive so as to answer his Lordships' benificent and publick spirited intention.

I am with great esteem &c

JA^s. HASELL,

[B. P. R. O. AM. & W. IND: NO. CAROLINA. VOL. 218.]

Letter from President Hasell to Earl of Hillsborough

NEWBERN NORTH CAROLINA 9 August 1771.

MY LORD,

I am to acknowledge the Receipt of Your Lordships letter, No. 1, directed to Governor Martin and in his absence to the Commander in Chief of this Province, As he is not yet arrived I apprehend Indisposition has detained him at New York. When Governor Tryon left this Province he acquainted me that he intended to inform your Lordship of his procedure against the insurgents.

They appear at present thoroughly convinced of their having been deceived and imposed on by the seduction of a few Turbulent villains who had formed a distracted scheme of overturning this government and thereby throwing the Country into Anarchy and confusion but under the gracious protection of the Almighty, his Excellency's Vigorous and prudent conduct has frustrated their infernal designs, so that this province is now restored to peace, the preservation of which shall be my constant study and endeavour.

By a letter I received by Express from Governor Eden of Maryland, dated the 9 last month he acquainted me we had information that Hermon Husbands the chief Ringleader of the Rebels with eight or ten of his associates were in that province and that the difficulty of proving the Identity of his person made him delay attempting to arrest him until he heard from hence, I answered his letter by the same express and sent with him a young man I had obtained of good Character who lived many years among the insurgents and knew most of their ringleaders and could swear particularly to the identity of Husbands. I also sent the copy of two Proclamations issued here offering large Rewards for taking them and informed Governor Eden that I had wrote by the same Express to M^r. President Nelson of Virginia acquainting him with the intelligence I had received and requested his Endeavours to procure the *Magdalen* Cutter or the man of war that was then in Virginia to proceed to Maryland in Order to bring them securely to Newbern should they be taken. I also wrote to M^r President Hamilton of Pennsylvania requesting his assistace in having them apprehended in case they should fly from Maryland with an Intention to shelter themselves in his government. By these precautions I rest in full expectation that Husbands may be taken and brought to suffer at that Tribunal which he has so daringly insulted and opposed; An Event which would effectually restore and permanently establish the peace and tranquillity of this government. Your Lordship may be assured that for the short Time I may have the honor to be intrusted with the Administration I shall constantly use my utmost Endeavours for its support and most punctually obey every Command I may have the Honor to receive from your Lordship.

I am my Lerd &c

JA^s. HASELL.

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

COUNCIL JOURNALS.

At a Council held in the Council Chamber in the Palace at New Bern Monday the 12th August 1771.

Present

His Excellency Josiah Martin Governor

The Honble { James Hasell and
Martin Howard Samuel Cornell. } Esquires

His Excellency then produced His most sacred Majestys Commission or letters Patent, bearing date at Westminster the 19th day of January in the Eleventh year of His Majestys Reign constituting and appointing him the said Josiah Martin His said Majesty's Captain General Governor and Commander in Chief in and over the Province of North Carolina, Which said Commission was read and duly published in the presence of the Gentlemen of the Council above named.

Then His Excellency took all the Oaths appointed by Law, declared and subscribed the Test, also took the Oaths for administering the Government and for observing the Acts of Trade and Navigation heretofore made and now in force. Then the Council above named took the Oaths by Law appointed for qualifying Officers declared and subscribed the Test and took the Oaths of office and secrecy.

Ordered that His Excellencys Commission be Recorded. Also Ordered that the following proclamation, be made forthwith, publick property throughout this Province.

NORTH CAROLINA

By His Excellency Josiah Martin Esquire His Majestys Captain
General and Governor in Chief &c. in and over the said Province.

A Proclamation.

Whereas, it is necessary for the Peace and good Government of this Province that all Officers therein, both Civil and Military should hold themselves continued in their several Offices places and employments until my pleasure be further known, I have therefore thought fit to issue this Proclamation, by and with the advice and consent of His Majesty's Council, and do hereby order, signify and declare,

That all persons who now are, or at the time of the Promulgation of my Commission as Governor and Commander in Chief of this Province, duly and lawfully possessed of, or invested in, any Office, place or employment, Civil or Military, in this Province, shall be and hold themselves continued, in the same Offices, places and employments, as formerly they held and enjoyed, until my pleasure be further known, and that the said Persons do not fail, every one severally according to his place, office or charge, to proceed in the performance and execution of all duties thereunto belonging, And further, I do hereby will and command all and singular His Majesty's Subjects in this Province, to be aiding and assisting at the Commandment of the said Officers, in the performance and execution of the said Offices as they will answer the contrary at their peril.

Given under my hand, and to which I have caused to be affixed the Great Seal of the said Province, at New Bern this Twelfth day of August, in the Eleventh year of His Majestys Reign, Anno. Dom. 1771.

JO. MARTIN

By His Excellencys Command

WM. PALMER, D. Sec.

God Save the King.

[B. P. R. O. AM. & W. IND: NO. CAROLINA. VOL. 218.]

Letter from Governor Martin to Earl of Hillsborough

NORTH CAROLINA, NEWBERN

August 15th 1771.

I have the honor to inform your Lordship, that I arrived here on the 11th instant from New York, after a passage of nineteen days, which is frequently accomplished in four or five a circumstance the more mortifying to me as I had been detained there by illness, long beyond my expectations, formed on the flattering encouragement of my Physicians. I suffered my Lord during my tedious confinement all the anguish, that a man may be supposed to feel under the apprehensions of being suspected of delinquency highly aggravated by seeing Gov^r. Tryon in my place, engaged in quelling at the expence of great fatigue & toil a dangerous insurrection at a time, that I found myself utterly incapable of relieving

him from ye difficult situation, to which honour & duty pressingly called me. The ability and address with which that gentleman has acquitted himself leaves me nothing to lament on the Publick account, but for myself I feel sensibly in being precluded all share of the honour, attending this very seasonable & glorious exertion of the loyal spirit of this Province, so happily directed by M^r Tryon to secure respect to the laws & to give vigour & stability to His Majesty's government. Arriving here on Sunday, I did not until Monday morning, cause His Majesty's Commission to be published, which being done with all usual solemnity I took upon me the Administration of government & issued immediately a Proclamation, for continuing Officers in their respective Employments receiving from the hands of M^r President Hasell, the seal of the Province from the hands of that gentleman. I have also received the late Governor's instructions, together with your Lordship's dispatches No. 1, & 2, and a duplicate of the former, His Majesty's most gracious speech at the conclusion of the last session of Parliament, & from Acts relating to America. The arrival of Governor Tryon at New York on the 8th of July, just when I was on the point of departure, in firm persuasion that I should meet him here and his assurances of the peaceful state of this country engaged me to postpone my embarkation a few days, in the hope of deriving usefull information & instruction from him concerning the affairs of this Province, in which I was not disappointed and I should be wanting in justice to that gentleman if I omitted this occasion to acknowledge my great obligations to him for his free and open communication of which I should have more availed myself, if he had not been occupied as he was, between business and ceremony, on his arrival in his new government. By his advice and that of M^r President Hasell a gentleman of great experience in publick business and a zealous friend to government, I am induced to meet the present Assembly according to its Prorogation on the 10th of October next, not in consideration only, of the great inconvenience that would attend a general election at this season of the year but in assurance, that the present House of Assembly, by whose Act the expence incurred in suppressing the late insurrection was authorized and of which a Majority took a personal share in that service, will think themselves Engaged to provide for it without delay. This I consider as a matter of the last importance since it cannot be doubted that any difficulty in

this business would have a tendency to abate that glorious spirit of loyalty on a future Emergency, that hath manifested itself in the late commotions here and which I conceive it right by all means to maintain & cherish. I trust my Lord, that upon this ground I shall be justified in departing from the express letter of His Majesty's 12th Instruction, whereby I am directed to call immediately a New Assembly. It is computed, that the charge of raising forces &c in consequence of the Act of the last session of the General Assembly, will amount to £40,000 Currency, a large sum to the funds of this Country! At the beginning of the preparation against the insurgents Mr Tryon found only £500 in the Treasury, to supply therefore the present exigence, the Treasurer of the Southern district agreed to pay the Governor's Warrants, by promissory notes, an expedient which very well answered and it was the only one that could enable the Governor to pursue the measures that the violence of the times made necessary, while he depended upon the resources of the Provinces, And without it his whole plan must have been defeated as appears by the default of the Northern District whose Treasurer did not employ the same substitute for money. Hence a new species of Currency hath arisen on the faith of Public Credit, more obnoxious to counterfeit than any that hath yet obtained, as being signed by the Treasurer alone, whereas all the Paper bills heretofore emitted have borne various signatures and yet been found liable to that mischief. It has been I understand already represented that the Paper Currency of this Colony has been peculiarly discredited by the great quantity of Counterfeit money that has entered into circulation, with the various emissions. And it is an evil so pernicious in its consequences, that I am persuaded your Lordship will think it deserving immediate attention. The only remedy appears to be a new Emission of such extent, as may admit of the extinction of all the former emissions, supply the present exigences of the Province and be sufficient medium of circulation in this growing Country, the credit and commerce of which calls loudly for such aid and reformation.

As it is of the most important nature, so it may be presumed, it will be the first business of the ensuing session, to provide for the expence incurred by the late service of the Militia Forces. And as I conceive the difficulties that will occur upon this occasion, must be foreseen by your Lordship, I hope before it comes on, that I shall be honoured with His Majesty's instructions for my guidance

in it. And I cannot help earnestly expressing my wishes that it may be seen expedient to procure the advantage of a new Emission of Paper Currency, to this Province as a circumstance essential to the publick Credit.

In consequence of the Proclamation issued by Governor Tryon after the Action with the Insurgents, I am informed, upwards of six thousand persons have taken the Oaths to government.

Colonel Waddell not having yet made his Return I am not able by this conveyance to report to your Lordship with precision the number of men nor of the arms collected from them but I hope to do it very soon; the last accounts from the Country of the insurgents assure me of its perfect tranquility, so that at present I do not see any measures necessary to be taken, but such as may be conducive to the healing of the people's minds to extinguish the remembrance of past evils and to obviate all just grounds of future discontent. To these points My Lords, I shall diligently apply my mind, pursuing in all cases, such measures, as shall appear to me most likely to advance the Honor of His Majesty's Government and the true happiness of his People, the constant object of his Royal care.

I have signified to Sir Nathaniel Dukenfield and Mr Jones His Majesty's gracious appointment of them to be Members of the Council in this Province notified by your Lordship's letter No. 1. This nomination your Lordship will find makes up the number of the Council thirteen, ten being named in His Majesty's Instructions besides the Lieu' Governor. Signal disadvantage I conceive may accrue in this Province from the widely scattered situation of its Members of which two only are resident, at this time in or near Newbern, which is become the fixed seat of Government and made extremely delectable by the accommodation provided at great charge to the Province according to the elegant taste of Mr Tryon. When Mr Strudwick arrives, there will be three members of the Council here, which is a Quorum, that I am justified in acting with upon emergencies only, and all the other Members live at the distance of One hundred miles, at least.

At my qualification, I was surprised to find that the Oath of Abjuration as attested by the Act of the Sixth year of his Majesty's Reign was not in use in this Province and that it had never been prescribed by authority. I have not been able to obtain it, but I have taken measures to procure it and as soon as I do, I shall take

care it be duly administered pursuant to his Majesty's Instructions, which with respect to this matter I have not had it in my power literally to comply with.

Governor Tryon having assured me that he had transmitted to your Lordship, a full account of his operations against the Insurgents I forbear to enter upon a subject of which he is so much better qualified to treat.

I have reason to believe that many of the outlaws who made their escape from the Action, have taken Sanctuary in the back parts of So. Carolina and I shall think it necessary to advertise Lieutenant Governor Bull of my information on this head that he may provide against the annoyance that such fugitives may hereafter give to that Province if they are suffered quietly to establish themselves.

M^r President Hasell, upon whom the Administration of Government devolved, on Governor Tryon's removal to New York and of whom I have the most honorable testimonials from that Gentleman, has put into my hands sundry copies of the description of the swedish method of making Pitch and Tar, transmitted from your Lordships office, which I shall take especial care to disperse in such manner as may best answer your Lordships wise and good intentions of improving those Manufactures in this Colony. I shall not fail to use my endeavours for the revival of the Quit Rent Bill when I am furnished with the instructions your Lordship encourages me to hope for, in relation to that matter.

It is with the truest pleasure, I receive your Lordships congratulations on the late addition to his Majesty's Royal Family, an event that must diffuse universal joy through the hearts of His Majesty's subjects and which, I feel with peculiar delight and satisfaction

I have the honor to be with the greatest respect &c

JOSIAH MARTIN.

[N. C. LETTER BOOK. S. P. G.]

Rev^d M^r Taylor to the Secretary (Extract)

ST. GEORGE'S PARISH, NORTHAMPTON COUNTY

NORTH CAROLINA, August 20th 1771

REVEREND SIR,

Must be obliged to you to acquaint the Society with my safe arrival in this Province the 3rd May, after a tedious passage of

11 weeks and 2 days. Should have waited upon His Excellency Governor Tryon, on my arrival but he was gone to Suppress a set of Rebels, who I make no doubt you have heard resided in the Western parts of this Province, for they, principally instigated by one Husband a Quaker resident among them, despised Government, and refused to pay their Taxes. As I imagine you have already received Authentic Accounts of His Excellency's Engagement and victory over them it would be needless for me to say anything on that head. I proceed therefore to inform you that finding things in this Situation, I adjudged it expedient for me to seek a parish for myself, and to wait on His Excellency with your Letter on his arrival at Newbern but his sudden Embarkation for his new Government, prevented my purpose, I have therefore settled myself for a while in St George's Parish Northampton County, void by the resignation of Mr Barnet one of the Society's Missionaries: who I am informed, has fled into Virginia, being charged with crimes, too base to be mentioned. It is great pity but an American Episcopate were established, if it tends to no other purpose than to take cognizance of the behavior of the Clergy, some of whom (I am sorry to say) are the greatest scandal to religion we have. I have been very ill used by Mr Earl one of the Society's Missionaries in Chowan County, for as it had been the place of my Residence from my first arrival in Carolina, the Inhabitants of my acquaintance were very desirous of my preaching in the church which he absolutely refused and being asked his reason (since not a fortnight before that he had not only permitted but made an offer of his church to a Presbyterian preacher, to hold Meetings therein,) he asserted a palpable falsehood saying he had examined me before I went to England and found me incapable, and has reported it in the public houses in Town (his places of Rendezvous) in all companies. Things of this kind have great weight with the people in this Country, who may from hence be induced to think that the Bishop of London would ordain any one that made application, and from hence must consequently proceed a total disrespect to all the Clergy. His reasons for this usage I am an entire stranger to, unless it proceeds from a fear of his parishes being divided, which has been talked of and they have expressed a desire of my coming into the best part of it where the Town of Edenton stands; however upon my signifying to some Gentlemen my intentions of writing home concerning his conduct and he being informed of it, the next time I went to Church he made me an offer

of his Desk pulpit, which I accepted; and he has since sought a familiarity but his manner of life not concurring with mine induced me to avoid it, and I have now removed myself so far from him, as I hope will break all further communication. I would not have it thought to proceed from any private pique, that I mention his misbehaviour, for I look upon it the indispensable duty of every professor of the Christian Gospel to endeavour to suppress immoralities of every kind, but more especially those which proceed from the root from whence true religion ought to branch and spring up. By writing to James Blount Esquire one of the Representatives for his County, you will be informed that he made a charge of 30 shillings for going to administer the Sacrament to his Mother who lay at the point of Death and at the same time obliged a poor Man in that Neighbourhood to pay him 15 shillings our money (equal to 10 shillings Sterling) for baptizing his sick child, and was not satisfied with that. I have of my own knowledge seen a man as he passed his door desire him to call in and baptize his child which lay sick and he has refused and in consequence of that the child died unbaptized. Thanks be to God, the people themselves have a greater regard for Religion than he, otherwise it would dwindle into nothing in his parish.

This misbehaviour in the Clergy has induced the people to be very cautious of having a Minister inducted to their parishes, as they see so much misconduct and no remedy easily to be obtained since every one of them dislikes being the first complainant.

I have agreed with the Vestry of this Parish till Easter at which time, (provided we unite in approbation) they are desirous of having me inducted. It is as wealthy a parish as any in the province, but rather too large. I have 4 churches to attend which in the course of every month, lays me under the necessity of travelling very near 200 miles, exclusive of my Journies to visit and baptize in cases of necessity. I suppose (God willing) to administer the Sacrament of the Lord's Supper next Sunday; which has not been administered but twice in this parish in the space of 7 years. It is my intention to order my affairs in such a manner as to administer it 8 times in the year, which will be twice at each church in the parish. I have communicated this plan to the church wardens and several orderly people who seem very much rejoiced at it, and are very desirous of receiving.

The people in general seem very fond of coming to church and my congregations are very much crowded. I have been in this parish exactly a month, and have baptized 66 white and nineteen black infants, besides 18 black adults. I purpose to take a Journey yearly through some parishes which are greatly in want of a minister and but poor, who I understand have scarcely ever an opportunity of having their children baptized yet preserve some sparks of religion among them. I should be very happy in my parish were it not for some Sectaries who call themselves New Light Baptists, and harbour in the skirts of my Parish and are very troublesome, but with the blessing of God I hope to eradicate them by convincing them that the Old Light is the only true one. I have talked with some of them and find them to be in general a very ignorant set of people yet notwithstanding that they busy themselves with the most mysterious parts of Scripture and believe they are absolutely bound to understand them. There is as yet no Glebe in my parish but the vestry purpose buying one immediately, if I am inducted into the parish and the reason they give why there is none, is, because they never had a Minister they would like to settle among them. There is a great want of Books in this parish as there were never any distributed here The Vestry have desired me to write home for three prayer Books and Bibles for three of the churches, one being provided. I told them I would write and enquire if the Society were willing to send them, and if they are not must beg the favor of you to give my respects to Mr Rivington and desire him to send them, as I shall direct, and should desire he were paid for them out of my Salary the Society allow. Respecting the balance of last years Salary I have judged it most expedient to defer drawing for it till this present years Salary becomes due, I shall take the liberty to preadvise you thereof.

If the Society are desirous of making any enquiry into my conduct, I hereby humbly beg leave to acquaint them that Willie Jones, and Howell Edmunds, Esquire are the two Representatives for this county, and Howell Edmonds and Mr. Samuel Lockhart the present church wardens, who I hope can never give me any other than that character which I have hitherto preserved untainted, and I pray that the Almighty may always afford me his assistance to discharge the trust reposed in me, and to grant that after I have preached to others, I myself may not become a castaway.

I am with submission &c.

C. E. TAYLOR.

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

COUNCIL JOURNALS.

At a Council held in the Council Chamber in the Palace at New Bern Friday 23^d August 1771—

Present

His Excellency the Governor.

The Honble { James Hasell and
 Martin Howard Samuel Cornell } Esquires.

His Excellency exhibited to the Council the two under written Proclamations proposing they should be entered on the Journals of this Board. It is Ordered accordingly

GEORGE R.

A Proclamation.

Whereas it has been represented to us that exorbitant fees are demanded and taken in the Publick Offices of several of Our Colonies, to the great oppression of our Subjects, and the scandal of our Government, and whereas such unwarrantable and dishonourable practices are objects of our highest indignation and resentment. It is our will and Pleasure and we do strictly enjoin and require all Publick Officers whatsoever within our Province of North Carolina 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 On pain of our Royal displeasure, of being removed from their Offices, and prosecuted with the utmost severity of the Law.

Witness our trusty and well beloved Josiah Martin Esq^r our Captain General, Governor and Commander in Chief in and over our said Province at New Bern the 22^d day of August 1771. In the fifth year of our Reign

JO. MARTIN.

By His Excellency's Command,

W^m PALMER, D. Sec.

God save the King.

NORTH CAROLINA,

By His Excellency Josiah Martin Esquire His Majesty's Captain
General, Governor and Commander in Chief in and over the
said Province.

A Proclamation

Whereas by His Majesty's Royal Proclamation of this date all Public Officers are strictly enjoined not to demand or take any other or greater fees in their respective Offices than what have been established by proper Authority—I have thought fit to publish this Proclamation hereby requiring all Public Officers of this Province forthwith to affix in their several Offices, Tables of their fees, to the end that all persons may know the same. And I do hereby further require the said Officers to certify to me without delay that they have complied herewith and that they do at the same time deliver in to me copies of the Tables of their respective fees so affixed up in their several Offices, signed by the Principal or his lawful deputy in each Office in which they shall distinguish those that are appointed by Law from such as are authorized by Custom only, And herein they are not to fail as they shall answer the contrary at their Peril.

Given under my hand and the Great Seal of the said Province at New Bern the 22^d day of August in the eleventh Year of His Majesty's Reign, Anno Dom. 1771.

JO. MARTIN

By His Excellency's Command

W^m PALMER, D. Sec.

God save the King.

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

ORANGE AND GUILFORD COUNTYS NORTH CAROLINAAugust 25th 1771

To all persons whom this may Concern Know ye, that whereas Thomas Welborn has lived in the neighborhood of Sandy Creek near hand about fifteen years in the Countys and province afore-said it tis requested of his friends and Acquaintance, A Letter of his Recommendation, which we the subscribers hereof, Do hereby Certify, the above s^d Thomas Welborn to be, A man of Justice and

Honest Integrity in his Dealing and Conversation neither Known, nor Suspected to be Guilty of Fraudulent Practices, But Contrary wise, Upright in his Generation, and A true Loyal Tenant to his Majesty, Excepting the Late Insurrection and Rebellion, as did arise in the Countys aforesaid, & Given Under our hands the Day and Year first above written.

Semore York	Joseph Hinds	John Alread
Jeremiah York	John Hinds	Denis Hobkins
John Dunean	Franc ^s Jenkins	Sam ^l Walker
Tidenee Lane	W ^m Welborn Junior	Jacob Hinshaw
James Billingslee	Levi McCullom	William Hinehe
Phill ^p Sitton	John McGee J. O.	Shubal Stearnes
John Lance		

NORTH CAROLINA—

TO HIS EXCELLENCY JOSIAH MARTAIN ESQUR HIS MAJESTYS CAPT
 GENERALL & GOVERNOUR IN CHIEF IN AND OVER THE SAID
 PROVANCE

The Petition of the Inhabitains of Guilford and orange Countys Humbly Sheweth that Whereas the Leat Insurections and Rebelions that did Prevaill in this Provance to Such a degree that it did desturb the Pease & tranquility of Provance & also to the Great Prajduee of many Individualls & to the Publick in Generall Whereas By the means of Leading and designing Persons in this unhapy Confedresy intending appeartly to Subvert Govrement many honest & Well minded men Were drawn in and over Presweaded to joyn in this unnatruell Combination Whereof the Person that We Begg Leave to Petition your Exceelleney for is one to-Witt thomas Welborn Who now Stands out-lawed But no Reward advrtised for taking him We your Exceleeney's Petitioners Being Well aquanted With the said Wellborn's former Life & Conversasion it Being honest and agreeabel. Which Ineorag us your Exceellaney's humbel petitioners To Erenestly plead & Begg that your Exceellaney Would Grant to him amost grasios Parden as We have no merit to Plead yet moved With pitey When We See a pooer morning Wife With a Learg family of Small Childeren and very Littel to Suport them & Soon Will be Exposed to the outmost Extremity & Now as your Exceleeney is now Entering on the ademensteration in this Government such Extensive

charity & mercy Extended as to Restor this said Wellborn to his
former Liberty and Intitel him to his majesty's Protection & We
your Humbel Petitioners as in duty Bound Shall Ever Pray

John Butler	Semore York	John Wood
John Mc Gee	John Marsh	Denis Hobkins
James Barre	Jeremiah York	Jones Maxwell
David Barnhill	Tidence Lane	Alexander Russel
Thomas Willson	James Billingslee	Nathaniel Lyon
Frank Jenkins	Phillip Sitton	Samuel Allen
Shubal Stearns	John Lance	

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

COUNCIL JOURNALS.

At a Council held in the Council Chamber in the Palace at New Bern Friday the 30th August 1771.

Present

His Excellency the Governor.

The Honble { James Hasell and
 { Martin Howard Samuel Cornell } Esquires.

His Excellency desired the advice of the Council as to the Meeting of the General Assembly on the 10th of October to which time it now stands prorogued, laying before them sundry reasons for proroguing it to a future time, it is the opinion of the Board for the reasons offered by his Excellency that it will be expedient to prorogue the said General Assembly until the 15th of November next, then to meet at New Bern for the dispatch of Public Business.

It was then ordered by His Excellency that the following Proclamation issue immediately — Viz^t

NORTH CAROLINA—SS.

By His Excellency Josiah Martin Esq. Captain General, Governor
and Commander in Chief &c.

A Proclamation.

Whereas the General Assembly is appointed to meet at Newbern the 10th day of October next, and as it is found expedient to prorogue the same,

I do therefore by and with the advice and consent of His Majesty's Council issue this my proclamation, hereby proroguing the said Assembly until the 15th day of November next then to meet at New Bern for the dispatch of Public Business.

Given under my hand and the Great Seal of this Province at New Bern the 30th August 1771.

JOSIAH MARTIN

By His Excellency's Command

W^m PALMER, D. Sec^r.

God save the King.

At the same meeting his Excellency laid before this Board a Proclamation for the encouragement of religion and virtue, recommending that the same should be issued. The Board unanimously concurred in opinion with His Excellency as to its expediency, and it was accordingly Ordered to be issued.

NORTH CAROLINA — Ss.

By his Excellency Josiah Martin Esquire, Captain General and Commander in Chief &c. &c.

A Proclamation

Whereas it is an indispensable duty above all things to promote the honor and service of Almighty God and to discourage and suppress all vice, profaness, debauchery and immorality, which are a reproach to religion and government and have a fatal tendency to the corruption of manne's. And whereas nothing can so effectually engage the Divine Blessing as a strict observance of the duties enjoined by religion, in which our most Gracious Sovereign is an illustrious example to all his people. And that it is most truly pleasing to his Royal mind to see religion, piety and good manners flourish and extend over all his Dominions; I have in consideration thereof, and by and with the advice and consent of his Majesty's Council thought fit to issue this proclamation hereby enjoining all persons in Authority to give all possible encouragement to religion and virtue as well by their own examples, as by their countenance to all orderly and well disposed persons and their utmost discouragement and restraint of the profane, disorderly and licentious of all denominations. And I do hereby strictly charge and command all his Majesty's Judges, Sheriffs, Justices of the Peace, and all others whom it may concern within this province to be vigilant and strict

in the discovery and the effectual prosecution and punishment of all persons who shall be guilty of drunkenness, blasphemy, profane swearing and cursing, lewdness, profanation of the Lord's Day, or other dissolute immoral or disorderly practices, and that they take care to put in execution all Laws now in force in this province for the punishing and suppressing vice and irreligion.

Given under my hand and the Great Seal of the said province at New Bern the 30th day of August Anno Dom 1771.

JOSIAH MARTIN.

God save the King.

By his Excellency's Command

WILLIAM PALMER D. Sec^y

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQ^r HIS MAJESTIES CAPTAIN GENERAL, GOVERNOR & COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA

The Petition of Sundry of the Inhabitants of Gilford County humbly Sheweth—

That Whereas it appears by general Proclamation that a Certain John Pugh Stands out Law^d for Committing Several acts of outrage on the twenty fourth and twenty fifth of Sep^r 1770 During the Seting of the Superior Court of Justice held for the Distriet of hillsborough to the Distubance of his Majesties Peace.

Whereas we your Petitionors have been well acquainted with S^d John Pugh this nine or ten years Past and never knew any thing of him but that he Behaved himself Soberly Honestly and Industusly as Becomes a good member of Society and a Subject of Great Britain and being Concious of his Loyalty to his gracious Sovereign king george the third now upon the Brittish throne and his Detestation to all Rebellious or Illegal Proceedings and knowing himself absolutely Clear of the Crime Charged in the Indictment he thought of Necessaty that he was not the John Pugh Intended in the indictment and therefore Neglected giving himself up Agreeable to the Lemited time Specified in the Proclamation and as he was forced to Betake himself to Distant Parts for his Safety Leaving a wife & one

Small Child in the utmost Extremity for want of that Relief & Support he as a Husband and father is in Duty Bound to administer unto them. We therefore Humby Pray that your Excellency in your great goodness may be Pleased to Extend to him his Majesties most gracious Pardon that he may again be Entitled to the Same Rights & Priviledges of the Resp^t of his Majesties Subjects and your Petitioners as in Duty Bound shall ever Pray.

August 31: 1771.

Tidence Lane	William Hinshaw
Semore York	William Walker
James Billingslee	T Samuel Walker Ju ^r
Shubal Stearns	Laughlin Campbell
William Welborn	Daniel Campbell
Thomas J Witt	Malcomb.Campbell
Jacob Hinshaw	John Campbell
Thomas Hinshaw	John Lowe
Joseph Hinshaw	Aquila Jones
Will ^m Hinshaw Sen ^r	John Richerson
John Hinshaw	Samuel Allen

TO HIS EXCELLENCY JOSIAH MARTIN ESQ^r HIS MAJESTYS CAPTAIN GENERAL, GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA.

Whereas John Pugh Has Required of us the subscribed A few Lines of Recommendation we the Subscribers Do Sertify upon His A Count that we Have Known Him to Bee a Dweller this Nine or ten year Amongst us and that we Never Knew any thing of the said Pugh But that He Behaved Himself Honestly and Soberly and Justly Amungst us and we Never Knew anything But that he was A true and Loial Subject to the King of Great Britain whereas he is outlaw'd for Breaking up the Kings Court and other Riots Committed at s^d Court we Certify that He wasnt not there by information therefore we &c., Beg the Gracious favor of his Excellency for His pardon.

And: we the subscribers Ever pray

August y^e 31st 1771

Thomas Hinshaw	Shubal Stearns	Stephen Harlow
William Hinshaw	William Welborn	Jacob Hinshaw
John Hinshaw	Elias Coin	William Morley
William Hinshaw	John Welborn	Charles Jones

William Walker	Isaac Corven	Samuel Jones
Laughlin Campbell	Ezra Hinshaw	William Low
Malcomb Campbell	Thomas Swink	William Ward
Daniel Campbell	Joseph Hinshaw	Tidence Lane
John Campbell	John Low	Samore York
John York	Aquilla Jones	James Billingslee

The Depusion of Elizabeth Jones the Deponant Saith that Shee Saw John Pugh the twenty third Day of September 1770 in the Evening Near or about forty Miles Distance from Hillsborough

The Depusion of Elizabeth Pugh the Deponent Saith that Shee Knew John Pugh to be about his Lawful Business the twenty fourth and fifth Days of September 1770 Near and about forty miles from Hillsborough

The Depusion of Peninah Pugh the Deponant Saith that Shee Knew John Pugh to Bee about His Lawfull Business the twenty fourth and fifth Days of Septemb^r 1770 Near or about forty Miles Distance from Hillsborough.

The Depusion of Ann Jones the Deponant Saith that Shee Saw John Pugh the twenty third and twenty fifth Days of September 1770 about His Lawful Business Near or about forty Miles Distance from Hillsborough

Sworn Before Me

JOHN LOW

August y^e 31 1771

The Depusion of Samuel Walker the Deponant Saith that He Saw John Pugh about His Lawfull Business the twenty forth and twenty fifth Day of September 1770, Ner and about forty miles Distance from Hillsborough

The Depusion of John Marsh the Deponant Saith that He Saw John Pugh the twenty fifth Day of September 1770 About His Lawfull Business Ner or about forty Miles Distanc from Hillsborough

The Depusion of William Savage the Deponant Saith that He Saw John Pugh the twenty fifth Day of September 1770 Ner the Middle of the Day Near or About forty miles Distance from Hillsborough

The Depusion of Cathren Marley the Deponant Saith that She Saw John Pugh the twenty fifth Day of September 1770 Near About two of the Clock in the Day aploving and the Deponant farther Sayeth that Said Pugh Enquired whether She Had Heard any News from Court She Replyed She Had not Said Pugh Said that He Had Not Heard and Wanted to Hear.

Sworn Before Me

JOHN LOW

August y^r 31 1771

[B. P. R. O. AM. & W. IND: NO. CAROLINA. VOL. 218.]

Letter from Governor Martin to Earl of Hillsborough

NO. CAROLINA, NEWBERN

Sept 4th 1771.

I have the honor to acquaint your Lordship that on representation made to me of great inconveniences that would attend the meeting of the General Assembly, at the time to which it stood prorogued when I arrived here, I advised with his Majesty's Council upon it, and that Board, being unanimously of opinion that it would be expedient to postpone it until the sickly season should be passed during which the Town of New Bern is peculiarly dreaded by the Inhabitants of the Country, I issued immediately a Proclamation proroguing it further to the 15th of November next. By that time the business of the superior Courts, that engages a great number of the Members of the Assembly, will be nearly over, and the minds of all people, freed from the terror of sickness better disposed to enter upon publick business, which I am assured will suffer no disadvantage by this suspense. I am too soon convinced My Lord of the malignity of this climate; it has already brought affliction upon my family, by depriving me of one of my children, my house is at this time a perfect Hospital and I find the old inhabitants are not exempt from the ills that are generated by the excessive heat, and humidity of this season, aggravated in this situation, by the surrounding dull and almost stagnant waters. I transmit herewith a duplicate of my last letter to your Lordship, having dispatched the Original by a Merchant Ship to Bristol. I have the honor to be with the greatest respect, Mr Lord &c

JOSIAH MARTIN

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 218]

Letter from Governor Martin to Earl of Hillsborough

NO. CAROLINA NEW BERN,

Sept. 30th 1771.

I have the honor to acquaint your Lordship that I had information about the middle of last month from Mr William Thompson, the Deputy Naval Officer at Beaufort, a small fishing Town, distance from hence between forty and fifty miles, that a Spanish snow called the *Sta. Catharina*, had put into Cape Look Out Bay in the greatest distress having on board the Crews of two ships, with which she had sailed in Company from the Havannah, that were stranded in their passage to Cadiz, between the Caño Largo, and Cape Florida with a Colonel, a Captain, a Lieutenant & forty odd grenadiers, making in all an addition of above One hundred men to her Company, which having soon consumed her stores, obliged her to seek a Port on this continent and that she had been brought into Cape Look Out Bay by a coasting vessel she had fallen in with at sea. He said she stood in need of provisions and water and being furnished therewith would immediately proceed on her voyage or failing to get the supplies she wanted here intended to go to Norfolk in Virginia. I told Mr Thompson that he should have brought up to me some of the principal Officers, that I might be more particularly informed of their circumstances and that I should expect one or more of them forthwith to repair to this place to give me such satisfaction, but on his representation that the Officers were invalids, that no means could be found where they were, of transporting them hither and that he was of opinion that the vessel could not be provided here with the stores she wanted and must therefore go to Virginia, I consented in that case, to dispense with their coming hither. Mr Thompson at this time informed me, that he had obtained the release of four of His Majesty's subjects, who belonged to a Vessel from Charles Town in South Carolina and had been taken on illicit trade in the Island of Cuba and were going by this Vessel to further imprisonment in Spain and that the *Snow*, had dismissed four or five of her hands, who had taken their route by land to Virginia. After continuing many days in expectation

of seeing some of the people from this Vessel, I received intelligence accidentally and with great surprise, that she was sailed for Spain, having secured the supplies she wanted after landing all the people, except the Troops in number about sixty five among which was a Brigadier General, a Lieut. of Horse, four Priests, an Inquisition and a Woman and that except the Brigadier General and a few others, who had been engaged by motives of inconvenience to think of coming hither, for contrary to the usage of foreigners, it appears they thought of no respect to government; they had passed in small boats, by the Inland Navigation that extends all along the coast of this Province, to a place called the North Landing on the confines of Virginia, and about 16 miles from the Town of Norfolk. Soon after I received this account, I had a visit from Brigadier General Douché, who stiles himself also Inspector General of the Military Department in Mexico who but awkwardly apologized for not seeing me sooner. I intimated to him that there was a vessel ready to sail from this Port bound to Cadiz and that I supposed and hoped he would take advantage of that conveyance; he pleaded however so strongly his recent sufferings at sea, the ill state of his health and the misery he must endure if compelled to go among the common people who had engaged their passage in the vessel I recommended that I could not help yielding to the pressing instances he made me to permit him to go to Philadelphia to recover his health before he entered upon another long voyage. I took care my Lord, to advise M^r Hamilton, the commander in chief for the time being of Pennsylvania, of this foreign Officer going into his government from whose observation on his passage Hither by water, I do not apprehend any danger and I signified to him also, my opinion that the Brigadier ought not to be permitted to continue longer, than might be absolutely necessary for the recovery of his health, at Philadelphia, from whence he will find frequent opportunities of going to Spain. From the Brigadier I learned and from M^r Michael De Armida, Master and Owner of one of the wrecked vessels, that the people who had taken the route of Virginia carried with them a considerable sum of money which they believe to be in general the property of the Individuals who were in possession of it, but as the Brigadier said there was money on private accounts, although none of the King's, on board the stranded vessels and it

appears by the testimony of several persons here, that the common mariners had more money than could be supposed to belong to people of that sort it may be presumed that some of it was plunder. I was induced My Lord to suspect that there had been some unfair proceeding in this case, from the conduct of the Deputy naval Officer at Beaufort, who had never notified to me the landing of these people or the departure of those who took the route of Virginia or any other circumstance after his first report of the vessel's arrival in distress and I therefore forbore to take notice of it in my last letter to your Lordship, resolving first to go to Beaufort and get what further information I should be able. I have since visited that place and after the most diligent enquiry in which I have been much assisted by Mr Berry Collector of this Port, I can only discover that the deputy Naval Officer, has been guilty of remissness towards me, as well as of error with respect to the Spanish Vessel and people, his general character, I think defends him from suspicion of fraud or ill design and indeed he is not arraigned by any of his neighbors, who I am informed look upon him invidiously and would not lose an opportunity of doing him injury. The Spanish Brigadier General made honorable mention of him to me. I have however thought it proper to represent his ignorance to his Principal and to require him to examine further his conduct on this late occasion.

The irregularity that appears in this affair has given me infinite concern and mortification, at a time that the universal sickness and the repeated losses of my family have most deeply affected me. The Spaniards who went to Norfolk, are I hear safely arrived there. As far as I am able to learn, they have suffered no injury in this Province and have no just ground of discontent, but at all events I trust your Lordship will see that I am blameless in this matter.

I have very lately advice from the back country, that some violences have been committed on private individuals but that in general the people seem well disposed and sensible of the advantages of peace, order and government, lamenting the fatal influence which lately engaged them in rebellion

I have the honor to acknowledge the receipt of your Lordship's letter No. 3, accompanying His Majesty's order in Council for the disallowance of Two Acts of the General Assembly of this Province, passed in 1768 with the Representation of the Board of Trade

thereupon, a Duplicate of your Lordship's letter No 2, and sundry Acts of Parliament relating to the Colonies, and I have made known His Majesty's Royal disallowance of the Acts of the General Assembly by Proclamation, according to custom.

I have the honor to be &c

JO. MARTIN

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Governor Martin to the Earl of Hillsborough.

NORTH CAROLINA NEW BERN October 18th 1771.

I have the honor herewith to transmit to your Lordship for His Majesty's Information, a list of the Names of the six Rebels who were sentenced to death by the special Court of Oyer and Terminer held at Hillsborough on the seventeenth day of June last and respited by Governor Tryon; that Gentleman having just informed me, by Letter that he had not made report of them: And at the same time My Lord, I humbly beg leave to join in his Recommendation of them for his Majesty's most Gracious Pardon, hoping that the Examples already made will be sufficient

Among the six Criminals who were executed pursuant to the sentence of the same Court My Lord, was one Robert Matear an egregious Offender but the only child of a very aged Father and Mother, who are good people and whose case much moves my compassion. The poor superannuated Man in confidence of his son's dutiful attachment, transferred to him his whole property not long before he entered into Rebellion, and it is now by his Treason become forfeit. Thus My Lord these most wretched Parents must at once lose their all, unless His Majesty in his great Mercy shall be graciously pleased to grant them possession of the Son's Lands and Goods, during their Lives. It is therefore a Boon My Lord, that common Charity engages me most earnestly to implore of his Majesty's Goodness.

By a letter I received this morning from the Sheriff of Guilford County many of whose Inhabitants took part in the late Insurrection it appears that the Spirit which raised that dangerous commotion is not yet totally extinguished there. He says he has met with some resistance in the Execution of his Office, that Magistrates and

Officers are odious to the People who have so long lived in a lawless state and that their Hearts seem much inclined towards Hunter one of the outlawed Leaders of the Insurgents. It is not I think My Lord to be expected that the systematical opposition, which had been so long forming in this Province against Government should be instantly dissolved in the mind of every individual Time and a steady exact execution of the Laws it may be hoped will effect it, in the mean time some Acts of Violence may be apprehended, the Sheriff I am inclined to think sees things in the worst light, as all other accounts I have received from that Country assure me of the Peoples ready obedience to the Laws. Your Lordship may assure His Majesty that I will vigilantly attend to the disposition of the lately disaffected parts of this Country and take every measure in my power to support the honor of his Majesty's Government and to secure the peace of this Colony.

I received about a month ago by the Wives of Hunter and two other of the Outlaws, petitions in behalf of their Husbands from some of the Inhabitants of Orange and Guilford Counties; among the subscribers I understand there are very few people of Character and by the Number they do not by any means appear to have the general Countenance of those Counties.

It is said, that Husbands, the great promoter of sedition in this Country, finds sanctuary in Pensilvania, but I cannot learn certainly where.

I transmit herewith to your Lordship Copies of six Proclamations issued by Governor Tryon after his action with the Insurgents that his Majesty may be informed of his Exceptions in his Overtures of Mercey to those deluded people.

I am of Opinion My Lord that an act of Grace as extensive as His Majesty in his Great Wisdom and Clemency shall see fit to make it, will be attended with good Effect, and I therefore most humbly submit it to his Majesty's Royal Consideration

I have the honor to be &c

JO. MARTIN

Names of respited Criminals Forrester Mercer James Stewart
James Emmerson Hermon Cox William Brown & James Copeland.

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE HIS MAJESTYS CAPTAIN GENERAL, GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA

The humble petition of Niny Hambleton one of the unfortunate persons Who are outlawed for Being Active in the late Riots and Insurrections Which happened in this province
Humbly Sheweth

That his Ignorance of the Nature of Government the Springs Causing Regularity and good order among men and Being unacquainted With the Blessings he Enjoyed under a British Constitution was the Reason he Joyned With other Misguided men in the late Insurrection or Riot, your petitioner being Now Sensible and With Sincerity truly penitent for his Errors Committed and the Sin he was guilty of in Being Instrumentall in putting a stop to the peace Tranquility and good order of government thus Humbly begs Leave to offer to your Excellency Sum few Reasons flattering My hopes that they Will Excite your pitty and Compassion towards your Misguided and Deluded petitioner

Your petitioner Acknowledges he was one of those men Who Called them Selves Regulators, that amongst them he assembled at Hillsborough; When the Court of Justice was Interrupted and the officers Belonging to it abused Which occasioned your petitioner outlawry tho Not Instrumentall in the acts of voylance offered to Either the persons or properties of Men But Endeavored to persuade others from Committing Such unwarrantable actions and the better to ascertain the saime begs your Excellencys pardon; your petitioner Relying Not on his own Mearits But on your Excellencys Lenity Compashon and Mercies towards your unfortunate Supplicant Humbly persumes to throw his Case at your feet imploring the Royal pardon for a life that hereafter Shall Be employed in Loyalty to his Sovereigns Submishun to government obedience to its Laws and officers promoting peace and at all times While Life Laste for your Excellencys Temporall and Eternall Wealfare actuated By principles of gratitude With unfeigned Zeale.

October 23^d 1771

NINY HAMBLETON

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA &c AND THE HONOURABLE GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNSEL

Greeting

May it Please your Excellency and your honnors we the subscribers whose names are heare unto annexed Persons in no wise concerned in the Late unhappy Disturbence occasioned in this Province By a set of People Called Regulators Begs Leave to Recommend or Represent to your Excellence and your honers one Ninian Beall Hamilton one of the unhappy as well as unfortunate Persons now outlawed as we understand for the Late Riot Committed at Hillsborough as a Person we are well acquainted with, some of us from his youth up and others from this several years Past as a Person who has Ever Been Estemed as a very Industrious and honest Man and a man very much Respected by all who knew him untill he was unhapley Deluded By some means or other to take Part in a Matter he Did not know the Consequence of, But we your Petitioners from these Reasons and on accounte of a wife and three small Children who Depends on him for a support Do in the most humble Manner Petition your Excellence to take the same into your wise Consideration and grant this unhapy man such Repreafe as your Excellence in your Wisdom shall seem meet

And youre Pertionners as in Duty Bound Shall Ever Pray

William Armfield	Francis McNary
Hugh Blair	Isaac Armfield Junior
John Elliot	William Thomas
William Armfield Jr	John Stuart
Jonas Touchstone	Jack Edwards
James Calhoon	John Blear
Jeffroy Beck	David Smith
Thomas Willson	Timothy Morphy
Thomas Knight	Levi Denington
James Coots	James Buchanan
Jeremiah Suliahan	Patrick Hays

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE HIS MAJESTYS CAPTAIN GENERAL, GOVERNOR, COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA &c

The Humble petition of Jeremiah Fields one of the unfortunate persons who are out Lawed for being active in the late Riots and Insurrections Which happened in this province

Humbly Sheweth

That his Ignorance of the Nature of government the Springs Causing Regularity and good order among men and Being unacquainted with the Blessings I Enjoyed under a British Constitution was the Reason I Joined With other Misguided men in the late Insurrection or Riot, your petitioner being Now Sensible and with Sincerity truly penitent for my Errors Committed and the Sin I was guilty of in being Instrumental in putting a Stop to the peace Tranquility and good order of government thus humbly begs leave to offer to your Excellency some few Reasons flattering my hopes that they will Exsite your pity and Compassion towards your Misguided and Deluded petitioner

Your petitioner acknowledges he was one of these men who Called them Selves Regulators that among them he assembled at Hillsborough when the Court of Justice was Interrupted and the officers belonging to it abused that I made use of aprobius Language Which occasioned your petitioners outlawry tho Not Instrumental in the acts of vilence offered to Either the persons or properties of Men but endeavored to persuade others from Committing such unwarrantable actions, and the better to ascertain the Same Begs your Excelleney's pardon your petitioner Relying not on his own Merits But on your Excelleney's Lenity Compassion and Mercy towards your unfortunate Supplicant Who is the husband of an unhappy Woman and father of five Small Children, Thus Humbly presumes to throw his Case at your feet imploring the Royal pardon for a Life that hereafter shall be employed in Loyalty to his Sovereigns Submission to Government Obedience to its Laws and officers promoting peace and at all times While Life lasts for your Excelleney's Temporall and Eternall Wealfare Actuated By principles of Gratitude with unfeigned Zeal Pray

October 25 1771

JEREMIAH ^{his} × FIELDS
mark

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA &C AND THE HONOURABLE GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNSILL

Greeting

May It Pleas your Excellency and your honors We the Subscribers whose names are hereunto annexed Persons in no wise Concerned in the Late unhapely Disturbence Ocasioned in this Province By a Sett of Peopel Called Regulators Begs Leave To Recomend or Represent To your Excellency and your honers one Jeremiah Field one of the unhapely as well as unfortunat Persons now outlawed as we understand for the Late Royet Comited at Hillsborough as a Person we are well acquainted with some of us from his youth up and others for this Severell years Past as a Person who has Ever Been Esteemed as a very Industrious and honest man and a man very much Respected by all who Knew him until he was unhapely Deluded by some means or other To Tack Part in a matter he Did not Know the Consequence of But we your Petitioners from these Reasons and on a Count of a wife and five Small Children all who Depend on him for a Support Do in the most humble maner Petition your Excellency To Take the Same into your wise Consideration and grant this unhapely man Such Repreef as your Excellency in your Wisdom shall Seem meet

And your Petitioners as in Duty Bound Shall Ever Pray

Nathan Jacton	William Reynolds	William Beeson
John Stilwell	Jo ^s Scott	Robert Kirkpatrick
John Kimbrough	Isaac Beeson	Benjamin Beeson
George Lewis	Benjamin Beeson Sen ^r	Jacob Ellit
Jeremiah Reynolds	Joseph Lamb	Thomas Lamb
Hendrey Dowel	Pritchert Beeson	Henery Reynolds

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Letter from Governor Martin to Secretary Hillsborough.

NORTH CAROLINA NEW BERN

October 25th 1771.

In the letter I had the honor to write your Lordship on the 30th September N^o 3, I mentioned that some of the Spaniards who

had been so irregularly landed in this Province had engaged their passage on board a Brigantine bound from this Port to Cadiz, they embarked here accordingly fourteen in number and were put on board the vessel then taking in her lading at Ocacock Bar. I thought them gone and congratulated myself that they had left the province without murmur or complaint; the other day after three weeks had passed, I was astonished by Information that eleven of the number were returned here. Business, my own illness and that of my Family prevented my seeing any of them for a day or two. At length I spoke with Don Migiel de Armida who calls himself the principal man among them and indeed appears to be so although his companions do not allow him the consequence he assumes, by means of a very bad Interpreter of the Spanish language I learned that he had complaint to make against the Master of the vessel in which he had engaged passage. The substance of which was, My Lord, that being detained eighteen days on board the Brigantine after he expected to sail, and having consumed the greatest part of the Stores provided for the voyage, and discovered that the vessel was leaky, and ill found, he with three other of the Cabin passengers formed the resolution of quitting her and returning hither to wait for another conveyance, and that they did so after paying the Master of the vessel one hundred dollars in consideration of his releasing them from their contract, by which the seven passengers had engaged to pay seven hundred and fifty pieces of eight. That after receiving this money and appearing content with it, he had threatened to follow them up here, and to arrest them for Breach of their contract, that he thought hard treatment and appealed to me for Justice. I told him I would interpose as far as I could by speaking to the Gentlemen to whom the vessel was consigned to try if the matter could not be amicably adjusted but if that could not be, the Law must take its course and I desired my Secretary who had a little smattering of the Spanish Tongue to recommend a Counsel to them if they should choose to stand a suit at Law. Don Migiel seemed much disappointed to find that I had not absolute power to decide his case and left me with a shrug of discontent.

I had very soon after an opportunity of talking over the matter with Mr Haslen a Gentleman of character in this place, to whom the vessel was addressed. I related to him the Spaniards Story expressed to him my great concern that they should suffer any injurious Treatment and requested that he would interpose his good

offices, representing the difficulties these foreigners labored under in having no knowledge of our Laws nor any Interpreter of their Language, by which they were precluded the assistance of Counsel. M^r Haslen said he wished the affair to be settled amicably with all his heart but that the Master of the vessel who was a man of excellent Character and had delayed his vessel many weeks at great disadvantage partly to accomodate these people thought himself so very ill used by them, that he had arrested them by advice of Counsel for the performance of their contract and was resolved since he could not otherwise deal with them that their difference should be decided at Law and at the same time to show his inclination to an amicable determination was willing to refer it to the decision of the other three of their Countrymen, who were going with him, that the Master finding these people troublesome would gladly have got rid of them at loss to himself and would have been satisfied with the hundred Dollars paid him rather than had further trouble about them if they had not inveigled away some of their Countrymen whom he had engaged as Mariners for the voyage and thereby exposed his vessel lying in a dangerous road, to great peril, here the matter rested, after some few days I was informed by M^r Haslen that at the instance of the other three passengers, Don Migiel and his Companions had satisfied the Master of the vessel and paid his demand amounting in the whole (including one hundred dollars paid at their quitting the vessel) to one hundred and fifty two dollars, and six shillings together with costs of suit amounting to twenty five dollars and one shilling and four pence.

I have since heard my Lord, that the people who remain here express great discontent at this transaction and threaten to complain to their Court, lest they should do so, with or without reason, I have thought it my duty to be thus particular in my relation to your Lordship of the Facts which have come to my knowledge concerning them.

The Master of the vessel bears a very good character, I therefore hope he will be able to acquit himself if he shall be called upon. I can assure your Lordship that I felt extreme concern at seeing Foreigners in such a predicament without power to interpose otherwise than I did, they settled their difference among themselves at last without my knowledge, or participation. Whether the settlement is equitable or not is impossible for me to determine as they are disagreed about it. It appears that there is great animosity

and division among them so that it would be at any rate exceedingly difficult to come at truth and impossible here where there is nobody who understands their language sufficiently to compare their various relations

I have the honor to be &c

JO. MARTIN.

P. S. The Brigantine mentioned in the preceeding letter is called the *Hope* she is owned by M^r John Haslen of the Island of Barbadoes and is commanded by M^r Stephen Williams.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Copy of the Cap^t of Fort Johnston's Return of Officers and Men.
RETURN OF OFFICERS AND MEN IN THE GARRISON OF FORT JOHNSTON NOVEMBER 1st 1771.

1 Captain.
1 Sergeant.
1 Corporal.
1 Gunner.
1 Drummer.
21 Rank and File.

ROBERT HOWE
Captain Command^t of Fort Johnston.

Return of Artillery & Stores at Fort Johnston Novem^{br} 1st 1771.

		Fit for Service.	Want Repair.	Unfit for Service.
Iron Ordnance	18 pounders -----	11		
	9 pounders -----	16		
	$\frac{1}{2}$ -----	17		
Round Shot	18 -----	1360		
	9 -----	1530		
	$\frac{1}{2}$ -----	1600		
Cannon Powder	Barrels { -----	8		
Musquet do		7		
Ladles with Staves	18 pounders -----	2	2	
	9 -----	2	2	
	$\frac{1}{2}$ -----	2	2	

	Fit for Service.	Want Repair.	Unfit for Service.
Sponges with Staves and Rammers } 18 pounds -----	3	4	
} 9 -----	4	3	
Paper Cartridges } 18 pounds-----	700		
} 9 -----	600		
} $\frac{1}{2}$ -----	1600		
Copper Powder Measures } 18 pounds -----	2		
} 9 -----	2		
} $\frac{1}{2}$ -----	1		
Spare Ladle Staves -----	12		
Aprons of Lead } Large -----	11		
} Small -----	16		
Powder Horns -----	26		
Priming Irons -----	42		
Link Stock without Cock -----	7		
Budge Barrels Copper Hooped -----	4	5	
Hand Spikes -----	66		
Crows of Iron $5\frac{1}{2}$ feet -----	1		
Handscrews large -----	2		
Hair Cloths -----	0		
Sheep skins dozens -----	0		
Musquet Flints -----	100		
Fine paper Reams -----	7		
Sponge Jacks -----	0		
Copper Nails for Ladles -----	0		
Small hammers -----	0		
Sling cart complet -----			1
Triangle Gin compl ^t with 2 Handspikes -----			1
Iron Gin Blocks -----	1		
with Brass Shivers -----	1		
Tared Marlin Skins -----	1		
White Ropes of } 5 Inches -----	0		
} $3\frac{1}{2}$ -----	0		
Lanterns } Muscovy -----	3		
} Tin -----	1	5	
} dark -----	1	2	
Tunnels of Plate -----	0		
Pick Axes helved -----	1		2
Shovels shod -----			5
Spades Heeld -----	1		3
Hand Bills -----	1		4
Hand Hatchets -----	1	3	1
Wheel Barrows -----	8		
Hand Barrows -----			
Match in Bundles pounds -----	250		

ROBERT HOWE
Cap^t Command^t of Fort Johnston.

Return of the Arms & Accoutrements at Fort Johnston Nov^{br} 1st
1771.

Firelocks fit for service.	Firelocks wanting Repair.	Bayonets.	(tin Barrels unfit for service.	Cartouch Boxes.	Sword Belts	Slings.	Halberts.	Drums fit for service.	Cutlasses fit for service.	Cutlasses unfit for service.
15	17	9	37	10	10	7	3	1	8	43

ROBERT HOWE
Cap^t Command^t of Fort Johnston.

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

NORTH CAROLINA }
Mecklenburg County. }

TO HIS EXCELLENCY JOSIAH MARTIN HIS MAJESTYS CAPTAIN GENERAL, GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA AND TO THE HONOURABLE [GENTLEMEN OF] HIS MAJESTYS COUNCIL OF SAID PROVINCE

The Petition of Sundry the inhabitants & Settlers of the Late Governor Dobbs' Land Humbly Sheweth

Whereas we your Humble petitioners Leabours Under a real Grievance in Regard of Rents Due on said Land for when we purchased and Obtained our Titles of Governor Dobbs we Setled with him for the Rents Due on the Quantity of Land we Separately bought of him to the Date of our Deeds So far back as to the Year 1760 and he informed us that he was to have an Requitance of all his Rents by the Crown so far back as to the Year 1756—We therefore hope You will take it into Your Wise Consideration and admit us to pay no Further back than to the Date of Our Deeds which we Confess we Justly owe and are willing to pay—we Once before petitioned to that Honourable Board in Governor Tryon's Time and there was an Order of Council Made that we Should be

admitted as Tennants and Pay so far back as to the Year 1756 which would be with what we have paid Twelve years More Rent than what we Can think we Justly Owe and upon that Order the Receiver General gave orders to Destrain for the Rents which keeps Us in Dayly fears and we Your Petitioners submit ourselves to your serious Consideration and as in Duty Bound shall ever Pray

John Pfifer	Martin Fishar	Aron Alexander
Samuel Patton	Charles Fishar	Benjamin Patton
William Hays	Henry Blaelard	Robert Rodgers
Christopher Walbert	Christian Abendschön	John Rodgers
Indras Reihart	Thos McFaddon	Paul Barringer
Longharts Hertzcl	Alx' Ferguson	John Hayler
Jacob Richy	John Cruzin	George Wilhelm
Adam Walcher	Samuel Ferguson	Charles Hart
Marcus Hausz	Robert Russell	Mathias Beaver
Donald Sturz	David Rees	

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQ. CAPTAIN GENERAL, GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA, AND TO THE HON^{ble} THE COUNCIL AND REPRESENTATIVES IN THE HOUSE OF ASSEMBLY.

The Petition of the Inhabitants of Wachovia or Dobbs Parish humbly sheweth, That in Consequence of an act of Parliament of the Twenty Second of His late Majesty's Reign, entitled an Act for encouraging the People known by the Name of the *Unitas Fratrum* or United Brethren to settle in His Majesty's Colonies in America (in which they were acknowledged to be an ancient protestant Episcopal Church, and that it would be beneficial to the Colonies, to encourage their moving thither in greater Numbers) the District of Wachovia was first settled by them, and their Improvements meeting with the Approbation of this Government in the year 1755 they were further favored with an Act of Assembly of this Province, intituled, "An Act for erecting that Part of Rowan County called Wachovia, into a distinct Parish, in which several Surveys of Land adjoining thereto were included under the Name of Dobbs Parish,"

And that in Consequence of this Act, the town of Bethabara, Bethany, and of late Years also that of Salem, together with other Settlements in the said Parish, have been begun, whereof they are in Hopes, that they will be of Benefit to the Country adjacent to encourage Trade and Industry.

But a late Act of Assembly made and passed at Newbern the 15th Day of January in the year of our Lord 1771, for dividing the county of Rowan, fixing the Boundary in such a Manner that the Partition Line cuts the said Parish into two Parts, whereof one is in Rowan, and the other in Surry County, which Division would bind them to different Courts and Magistrates and with many Inconveniences to the said Settlements.

And whereas the County of Surry in general, as well as the Northern Part of Rowan County, finding themselves equally distressed by the Smallness of the County of Surry, have petitioned for an Addition to be made thereto, Therefore the Inhabitants of Wachovia hoping that it will be of public Benefit to the County, as well as their own Interest humbly pray, that in fixing the Boundaries of Surry County their whole Parish may be included.

That the Premises may pass into a Law and that their Parish Act of the Year 1755 be confirmed is the Prayer of your humble Petitioners who as in Duty bound shall ever pray

Signed by Order of the Vestry of Dobbs Parish by

GOTTFRIED GRABS	} Churchwardens
GOTTLIEB TOCKET	

BETHABARA the 9th Nov^{br} 1771.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Gov^r Martin to Earl of Hillsborough.

NORTH CAROLINA NEW BERN
November 10th 1771.

I have the honor to acquaint your Lordship, that a rumour of a Boundary line being determined by His Majesty between North, and South Carolina on the representation of Lord Charles Montague, gives great alarm to the people of this Province, which they conceive much injured by such a partition, and it seems the more to

hurt them, as they had formed sanguine expectations of defeating Lord Charles's plan of division, by the intervention of Governor Tryon in consequence of the remonstrance of the Assembly at the last session, when his Lordships proposals to that Gentleman, were communicated; this My Lord is a subject matter of dispute between the two provinces, that I conceive it impossible to settle to their mutual satisfaction; it is certain that by such a division as is talked of this province will be dismembered of a large tract of well peopled, flourishing Country, that has been long deemed to belong to it, but if his Majesty hath been pleased to determine it otherwise, it cannot be doubted, that his Royal decision is made upon the justest principles, my present meaning therefore, My Lord is only to inform your Lordship, of the manner in which the report of this matter has been received here, the Governor of this province, will I believe be the greatest sufferer by such an arrangement, which will very much diminish the little emoluments that arise to him from granting the King's Lands, that portion of Country taken off by it, being what is most in request with new settlers, and almost the whole field of his profit.

The proprietary right of the Earl Granville in the heart of this Province I learn from all hands My Lord, to be a very principal cause of the discontents that have so long prevailed in this Country; the superior excellence of the soil in his District which includes by far the greater share of the fair and fertile part of this province invites emigrants from all the northern Colonies, who many of them bring money to take up Lands but Lord Granville having empowered no person here to give them titles they set themselves down where they please and because they cannot establish freeholds under these circumstances, they refuse to pay Taxes which has been and still is a source of perpetual discord and uneasiness. I am informed My Lord that this proprietary may be purchased upon very easy terms. I submit to your Lordship's consideration whether it is not an object that deserves the Royal attention. It seems here an universally acknowledged principle that this Country will never enjoy perfect peace until that proprietary which erects a kind of separate interest in its bowels is vested in the Crown. The Quit Rents of that district, which would be immediately settled would produce a Revenue that would very soon reimburse the Purchaser who should pay much more for it than sixty thousand pounds sterling, the price at which I hear it is valued.

I have from time to time forgot to mention to your Lordship, that the Province Seal was broke, when it was put into my hands, and that I was obliged to have it repaired before it could be used without doing it further injury, it is awkwardly mended but in such manner as to answer all purposes.

A Report obtaining here that M^r Mercer Lieutenant Governor of this Province is promoted to a new Government erected on the Ohio I most humbly beg leave to remind your Lordship of the long and faithful services of M^r Hasell president of the Council of this province, his merits have been often represented to your Lordship by Governor Tryon and were particularly conspicuous during the operation of the Stamp Act.

I have the honor to be &c

JO. MARTIN.

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

The Public of North Carolina to James Green jun ^r			
To my Pay as Armory from the 17 th of May to the 3 ^d	£	s.	d.
July 1771, 40 Days @ 7s. 6d-----	18	0	0
To ditto as Clerk of the Provisions 20 th May to the 3 ^d			
July 1771 45 Days @ 7s. 6d-----	16	17	6
To Enrolling & Assisting in Swearing 3,000 Persons stiled			
Regulators-----	25	0	0
To making a fair Copy of the Roll to be sent to England	15	0	0
	£74	7	6
To paid for Storing 606 Fire locks-----	0	5	4
To Storage of 606 Guns from the 3 ^d July to the 3 ^d Dec ^r 5			
months @ 20s-----	5	0	0
	£80	2	10
Errors Excepted	JAM ^s GREEN Jun ^r		
New Bern Novem ^r 10 th 1771.			

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

TO THE SPEAKER, AND GENTLEMEN OF THE HOUSE OF ASSEMBLY
NOW SEATING

The Petition of Morgan Broun, Humbly Sheweth.

That he was Sherriff for the County of Anson for two years; and that his lenity to the People in their impoverisht Circumstance, was such as put it out of his Power, to settle his Acc^{ts} and pay the Publick money within the time by Law Appointed, Therefore and in Order to Comply with the duty of his Office, he sold of his own Estate, to M^r James Robinson in Lands, sufficient to Discharge Your Petitioner from the Public, which the said Robinson undertook and Engaged to do, but neglect'd and left this Province before he Settled with the Publick Treasurer for your Petitioner, agreeable to promise. About that time the People Rebel'd and refused to pay their Tax's; and your Petitioner was Sued and imprisoned a Considerable time. At length the Gaol Door Open'd and he Came out Escape Warrant Issued, and your Petitioner was obliged to fly to the south, in hopes that his Collectors would be so Honest as to settle, and pay the money in their hands, but as yet he has had no settlement with them; They and others that is Indebted, to your Petitioner knows that he can't appear in Publick to recover his Debts, And Imprisonment will ever Deprive him of paying the Publick. And under the Present Circumstance he cannot call his Collectors and others to Acc^t &c. Tho your Petitioner has upwards of Five Hundred Pounds due to him, besides a good number of Tax's Accompt'd for in his Settlement, and not received by your Petitioner, they being solvent Persons he settled with the Court for. Your Petitioner under the present unhappy Circumstances, Prays Relief, so far, as the Proceedings against him may be stop't for a time, in Order that your Petitioner may settle and Collect his Debts, which will in a short time Inable him to Comply with all his Creditors, which is his sincere Desire and your Petitioner as in duty Bound shall Pray.

MORGAN BROUN

12th Nov^r 1771

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

COUNCIL JOURNALS.

At a Council held at the Palace Monday November 18th 1771

Present

	His Excellency the Governor		
The Hon ^{ble}	James Hasell	Alexander M ^c Culloch	} Esquires
	John Rutherford	William Dry	
	Lewis H ^r DeRosset	and	
	John Sampson	Samuel Cornell	

The Oathe of abjuration as altered by the 6th of George 3^d not being to be found in this province at the time of His Excellencys Qualification, the same being now produced His Excellency and the Hon. James Hasell and Samuel Cornell Esq^r took the same and the Honbles John Rutherford, Lewis DeRosset, John Sampson Alex: M^cCulloch and William Dry Esq^r now took all the Oathes to Government.

In consequence of a letter from His Majesty's Secretary of State to His Excellency signifying that Sir Nathaniel Dukenfield Bar^t was appointed one of His Majesty's Council of this Province, he was admitted to qualify and was sworn in and took his seat accordingly.

Marmaduke Jones Esq^r produced His Majesty's Mandamus dated 4th May 1771 appointing him a Member of the said Council and was accordingly sworn in and took his seat

It being prescribed by His Majesty's instructions that all Officers whatsoever should take the Oathe of Abjuration as altered by an Act of the 6th of His present Majesty His Excellency took the opinion of the Council as to the expediency of issuing a Proclamation directing the Administration of the said Oathe throughout the province, It is the sense of this Board that a Proclamation issue accordingly

NORTH CAROLINA,

By His Excellency Josiah Martin Esq^r &c

A Proclamation.

Whereas it appears that notwithstanding the Act of Parliament passed in the 6th year of the reign of His present Majesty for alter-

ing the Oath of Abjuration the usual Oath as directed before that Act hath continued to be taken in this Province I have therefore by and with the advice and consent of His Majestys Council thought fit to issue this proclamation requiring all majestrates, officers and others whom it may concern, to take the said Oath of Abjuration as altered by the above mentioned act of Parliament

Given under my hand &c at New Bern the 18th November 1771

JO. MARTIN.

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

NORTH CAROLINA }
New Hanover county } to wit

Henry Young esquire Coroner of the said county maketh oath that on or about the beginning of August last David Pollock keeper of the prison of the same county for this deponent, came to him this deponent wounded in a dreadful manner with part of his bowels out. That, understanding the wound was given by one or more of the criminals then in his custody, this deponent pursued and overtook them and found one of the prisoners whose name is Thomas Clarke with a knife in one hand and a razor in the other. That after some threats and attempt to escape the said Thomas Clarke surrendered, and acknowledged that he had wounded the said David Pollock. This deponent further saith that the said Thomas Clarke was committed to prison by a Magistrate of Brunswick county for breaking a chest on board of a vessel and stealing thereout money cloaths and other effects to a considerable value

HENRY YOUNG

Sworn to before me the 17th Nov. 1771

W^m CAMPELL J P.

TO HIS EXCELLENCY THE GOVERNOR THE HONORABLE COUNCIL AND
THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF NORTH
CAROLINA

The Petition of David Pollock

Humbly sheweth

That your petitioner being keeper of the prison in Wilmington on the fifth day of August last opened the prison-door in order to

put a negroe woman slave then in the passage into one of the rooms. That in the night the said negroe had unbolted a door where one of the prisoners (to wit Robert Green) then was—That Thomas Clarke another prisoner was in a separte apartment the lock of which was almost taken to pieces and as your petitioner was informed by the negroe was done by Robert Green That upon your petitioner's opening the prison door Thomas Clarke who was prepared rushed out with a knife in one hand and a razor in the other and wounded your petitioner in the belly so that part of his bowels came out of the wound—Your petitioner then left the Jail, locking the prisoners in the yard, and went with great difficulty to inform M^r Young the Coroner, under whom he acted. The people about him observing his dangerous and dreadful situation sent for every doctor that could be found, who came in a short time—Doctor Richard arrived first and reduced your petitioners bowels and with his hand closed the wound upon Doctor Parker's arrival, the wound was stitched. That your petitioner continued under care upwards of two months during which time he was attended by the said doctors who constantly visited him and dressed his wound.

Your petitioner therefore humbly requests that as he has received so great an injury and been put to so large expences, & lost so much time in the service of the public you would be pleased to make him such compensation as shall be deemed adequate thereto and your petitioner as in duty bound shall pray &c

DAVID POLLOCK

Sworne to Before me this 21st day of November 1771

WILLIAM ROBESON J P

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

NORTH CAROLINA—

TO THE HON^{ble} THE SPEAKER AND GENTLEMEN OF THE HOUSE OF
ASSEMBLY NOW SITING.

The humble petition of Faithy Smith Widow
Sheweth

That your petitioners late Husband John Smith on or about the first Day of April last Inlisted in the Dobbs Detachment And

Marched with the Army in the late expedition against the Insurgents and in the Battel at the Alamance received a Mortal wound of which he on the next day after the said Battel died leaving your petitioner a very poor and distressed Widow with an Infant at her Breast and no kind of support except the pay of her Deceased husband allowed by his Commanding Officer to the Time of his Death only which is now exhausted, your petitioner in a low weakly Condition is likely to become Chargeable to the Parish

Therefore humbly pray such Assistance and relief in the premises as this Hon^{ble} House shall think meet

And your pet^r will ever pray &c

FAITHY ^{her} X SMITH
Mark

November 20th 1771.

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

COUNCIL JOURNALS.

At a Council held in the Council Chamber in the Palace at New Bern Thursday 21st of November 1771—

Present

His Excellency the Governor.

The Hon ^{ble}	{	James Hasell	William Dry	}	Esquires
		John Rutherford	Samuel Cornell		
		Lewis DeRosset	Sir Nat ^l Dukenfield Bart		
		John Sampson	and		
		Alex M ^c Culloch	Marmaduke Jones Esq		

The Governor laid sundry petitions in behalf of outlawed persons before this Board, desiring its opinion as to the measures proper to be taken thereon. It is the opinion of this Board that a surrender of the said outlaws should preceed any attention to the circumstances which may render them objects of mercy.

His Excellency proposed to the Council the Hon. James Hasell as a proper person to fill the place of Chief Baron of the Exchequer, which was unanimously agreed on.

Ordered a proclamation issue declaring that new Commissions forthwith issue.

NORTH CAROLINA—

By His Excellency Josiah Martin &c.

A Proclamation

Whereas, I have issued my proclamation bearing date the 22^d day of August in the eleventh year of His Majestys Reign requiring all Officers Civil and Military to continue in their respective offices, until my pleasure was further known, I do therefore by and with the advice and consent of His Majestys Council issue this proclamation hereby signifying to all officers Civil and Military that new Commissions will be issued forthwith, of which all persons concerned are required to take notice and govern themselves accordingly

Given under my hand &c.

JO. MARTIN.

At a Council held in the Council Chamber at the Palace at New Bern 23^d November 1771.

Present

	His Excellency the Governor		
The Honble {	James Hasell	William Dry	} Esquires
	John Rutherford	Martin Howard	
	Lewis DeRosset	Samuel Cornell	
	John Sampson	and	
	Alex M ^c Culloch	Marmaduke Jones	

His Excellency laid before the Board letters and papers relative to the conduct of the County Court of Anson with respect to the Qualification of James Pickett as Sheriff of the County. It appears to this Board that the Qualification of the said Picket as Sheriff of the July Court 1771 under a Commission dated March 1771 is irregular. It is therefore recommended by this Board that the Governor issue a Commission for a Sheriff of the said County, according to the Act of Assembly.

At a Council held in the Council Chamber in the Palace at New Bern 25th November 1771 —

Present as before.

Upon the complaint of John Nuckols Deputy Sheriff of Tryon County, to this Board, that he finds a difficulty in the exercise of his Office in that part of the Country bordering on S^c Carolina, from a difference in opinion prevailing amongst the Inhabitants with respect to the Dividing of the Provinces, founded on a report

of His Majestys having ordered a new line—It is the opinion of this Board that the Sheriff be governed in His Collection of Taxes and service of process by the Line hitherto observed.

The Honble Martin Howard took the Oath of Abjuration as altered by an Act of Parliament of the 6th of His present Majesty

At a Council held in the Council Chamber at New Bern, 27th November 1771.

Present

His Excellency the Governor.

The Hon ^{ble}	{	James Hasell	Martin Howard	}	Esquires
		Lewis DeRosset	Samuel Cornell		
		John Sampson	S ^r Nath Dukenfield Bart		
		Alex McCulloch	and		
		William Dry	Marmaduke Jones		

Col Alexander of Mecklenburg presented a petition to this Board in behalf of James White Jun^r James Ashmore, Joshua Hadley, Rob^t Davis, Benj. Cochran, William White, William White Jun^r, John White and Robert Caruthers, praying that His Excellency would extend His Majestys Pardon to the said persons, they being charged with setting fire to some powder destined for the late service of suppressing the Insurgents. His Excellency thereupon acquainted the Board that he had transmitted to His Majestys Ministers a proclamation of Governor Tryon's wherein the aforementioned persons were excepted out of His Majestys Pardon, and that he conceived the matter to be now under his Majestys consideration. Whereupon the Board gave it as their opinion and advice to His Excellency that he would recommend the aforementioned persons to his Majesty as fit objects of His Mercy.

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

TO THE HONORABLE M^r SPEAKER AND GENTLEMEN OF THE ASSEMBLY OF NORTH CAROLINA, THE 28th OF NOVEM^r 1771.

The Humble Petition of Ann Bryan Widdow of William Bryan late an Ensign in the Craven Detachment Sheweth.

That some time in the Month of March last, your Petitioners Husband, William Bryan, was appointed an Ensign in the Craven Detachment; and went out as such in the late Expedition under the Command of His Excellency Governor Tryon against the Insurgents and was killed in the Battle of the Allemance, having left your poor unhapy Petitioner his Widdow with Six Small Children in Distressed Circumstances. And as Satisfaction at the present Assembly is to be made to those who were Out in the Service, your Petitioner humbly hopes this Honorable House will consider your poor Petitioner as having lost in the Service of this Country, all that was Dear to her by the Death of her Husband, And Afford her such Relief as in your Wisdom may be thought proper

And your Petitioner as for Duty Bound will pray &c—

ANN BRYAN

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

Letter from Thomas Jones Esq to Sir Nathaniel Dukenfield.

Pardon the trouble I am about to give you touching an affair that has very much disgraced the Magistracy of this County; you must know then Sir, that last Tuesday was the day appointed by Law for holding the Inferior Court of Tyrrell on which day appeared six Attorneys the Sheriff of the County and the Clerk of the Court at the Court house who continued there until Thursday Evening with the Grand and Petit Jurors plaintiffs and defendants with their witnesses as also Constables & during which time only two Justices appeared Viz^t Col^o Buncombe & John M^rKildoe, of Course no Court could be held for want of a third Magistrate— Until Thursday the people attended with becoming decency & patience, they at

length grew Clamorous, damn'd the absent Justices (I think with propriety) and then prevailed upon M^cKildoe to adjourn the Court over to the next Term, and went to their respective homes. Some Gentlemen of property & Fair Character in this County then met together, and agreed upon the persons set down in the inclosed List to be only placed in the Commission of the Peace for this County and that the same should be transmitted to the Governor and Council. I immediately offered my service on this occasion, and have taken the liberty to state with truth the ill conduct of the Justices who neglected the publick business in so shameful a manner. The Sheriff & Clerk of Tyrrell will attend the Council board. It will be further necessary for me to add that no County Tax is laid, no Lists of Taxables are returned, no Sheriff qualified, *in totidem verbis* all in confusion anarchy & uproar; pray therefore lend your helping hand to remove this injury from a good people, & restore peace to His Majesties ancient County of Tyrrell.

I am D^r Sir, &c

THO^s. JONES.

TYRRELL COURT HOUSE 29th Nov^r 1771.

A List of Justices for Tyrrel County

Stevens Lee	William Barnes
Edward Buncombe	Francis Lee
Joseph Spruil Lucky	John Stewart
James Long	John Everett
John M ^c Kildoe	Edmonson Edward
	Sam ^l Heck

[N. C. LETTER BOOK. S. P. G.]

Mr. Hasell and others to the Governor.

NEWBERN the 30th November 1771.

MAY IT PLEASE YOUR EXCELLENCY,

The Reverend Mr. McCartney during his residence in this province, having giving the most ample Testimonies of his pious and zealous endeavours to promote the cause of Religion and virtue and

having laboured with the greatest assiduity in the discharge of the duties of his sacred function. We are induced to recommend him to your Excellency's kind offices in soliciting for him a continuance of that bounty which the Society for the propagation of the Gospel in foreign parts extended to him, for a limited time when he was ordained and returned to this country.

We should not trouble your Excellency on this occasion did we not verily think that Mr. McCartney's merit most justly entitles him to a better reward than is provided here for the clergy, and were we not persuaded that he will be a credit to his holy profession, and continue to exercise his abilities for the benefit of mankind.

We are with the greatest respect

Your Excellency's

most obedient humble Servants

John Simpson	Jos. Montfort	Ja ^s Hasell
Aquila Sugg	Jas. Blount	Jn ^o Rutherford
William Cray	W ^m Davis	Lewis DeRosset
Richard Ward	Philimon Hawkins	John Sampson
Saml. Johnston	Jn ^o Campbell	Alex ^r McCulloch
Robert Howe	A. Nash	Will ^m Dry
Fr. Mackilwean	Hu. Waddell	Sam ^l Cornell
Ben Hardy	Andw. Knox	Marmaduke Jones
Tho ^s Hines	W ^m Thomson	Nat. Dukenfield
Rich ^d Evans	Joseph Hewes	M. Moore
Edw ^d Hare	Jacob Shepard	John Ashe
William McKinne	Jacob Blount	J Moore
Tho ^s Gray	Ja ^s Bonner	Corn ^s Harnett
Jam ^s Green Jun ^r	W ^m Haywood	R ^d Caswell
Joseph Leech	Moses Hare	John Harvey

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

TO THE HONORABLE M^r SPEAKER AND GENTLEMEN OF THE ASSEMBLY OF N^o CAROLINA 3^d DECEMBER 1771.

The Petition of Thomas Caressey, William Fullerton and Charles Yeats, Humbly Sheweth—

That some Time in the month of March or April Last Your Petitioner Tho^s Caressey listed in the Carteret Detachment

and went out under the Command of his Excellency Governor Tryon as a Soldier against the Insurgents, and in the Battle of the Alamance Received three wounds: one throu his Belly: & one throu Each arm; and in his Right arm the Bulet is Lodged Between the Bones; so that it Can not Be Cutt out; which wounds has Entirely Deprived him from Dōing any thing for a Lively-hood; & he has no Estate To Live on—

That your Petitioner William Fullerton in the same service; and in the same Battle Rec^d a wound in his Right Shoulder out of which since has Come eighteen splinter Bones By which his arm is Renderd Quite useless to him and as the Bone Dos Still Keep working out the wond is never Likely To get Well—

That your Petitioner Charles Yeats in the same Servis, and at the same Battle Rec^d a wound in his Right Rist which Cut the Leader of his fingers By Which his Hand is Rendered useless To him— and your Petitioners Humbly Hopes this Honorable House will Consider your Poor Petitioners each of them According to their several Circumstances, and afford them such Relieff as in y^r wisdom may be thought proper, and y^r petitioners as in Duty Bound will pray &c.

THOMAS CARESSY
WILLIAM FULLERTON }
CHARLES YEATS . }

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

TO THE HONORABLE M^r SPEAKER AND GENTLEMEN OF THE ASSEMBLY
OF NORTH CAROLINA, 3^d DECEMBER 1771.

The Petition of Isaac Reed, Moses Griffin, Benjamin Clash, Andrew Freasure, Thomas Clerk, John Strange and William Gilbert,
Humbly Sheweth—

That some Time in the Month of March or April last your Petitioner Isaac Reed, Listed in the Craven Detachment and Went out under the Command of His Excellency Governor Tryon as a soldier against the Insurgents, and in the Battle of the Allamance Received two wounds one in his Right Hand and one in his Right Elbow, which has Intirely deprived him of the use of his Right Arm, and that he hath a family, a wife and four Children, whose support

depended on his own labor as having no negroes or other Estate sufficient to maintain them,

That your Petitioner Moses Griffin in the same Service and at the same Battle Rec^d a Wound in his Knee, which hath made him a Cripple for Life.

That your Petitioner Benjamin Clash in the same Battle received two Wounds one in the Hand & one in the Belly which hath also rendered him unable to Labour.

That your Petitioner Andrew Freasure, of the Artillery was Blown up with Powder & Received a Wound in his Ankle which has made him a Cripple.

That your Petitioner Thomas Clerk rec^d in the same Battle a Wound in the Shoulder which has rendered him Incapable of Labour.

That your Petitioner John Strange, received a Wound in his Knee which has made him a Cripple—

That your Petitioner William Gilbert has also received a wound in his Leg which has made him a Cripple

And your Petitioners Humbly Hopes this Honorable House will Consider your Poor Petitioners each of them According to their Several Circumstances, and afford them Such Relief as in y^r wisdom may be thought proper and y^r Petitioners as in Duty Bound Will pray &c—

THO ^s CLERK	ISAAC REED
JOHN STRANGE	MOSES GRIFFIN
WILL ^m GILBERT	AND ^r FREASURE
BENJ ^a CLASH	

[B. P. R. O. AM. & W. IND: NO. CAROLINA. VOL. 218.]

Earl Hillsborough to Governor Martin

WHITEHALL 4th December 1771.

I have not failed to lay before the King your dispatch No 1. which was received at my Office a few Days before my return to London and I beg leave to congratulate you on your safe arrival in your gover^t and to express to you my sincere wishes that your administration may be happy and prosperous.

The Advice and opinion of Gov^r Tryon would have been alone sufficient to have justified your declining upon your Arrival to convene a new Assembly but the Inconveniences which you state would have attended a General Election in the Month of August and the other reasons you assign are additional Arguments against it & your conduct on that occasion is approved by the King.

The Tranquillity which you say now reigns in that Country which has of late exhibited scenes of so disagreeable a nature is most pleasing to the King, and it is His Majestys Command that you should pursue every lenient measure that may conduce to quiet Peoples minds, to extinguish the remembrance of such unfortunate events and to obviate all just ground of future uneasiness & discontent. The Heavy Burthen brought upon the whole Colony by the Measures which the madness of a few desperate Men, compelled the late Governor to pursue, is not one of the least of the Evils, flowing from the late disorders and tho' as I have repeatedly observed to M^r Tryon, the King cannot concur in any Act for creating a Paper Currency upon conditions inconsistent with the Law of England, yet His Majesty commands me to say, that any plan for that purpose which shall not contradict the Provisions of the Act of Parliament for restraining Paper Bills of Credit in the Colonies will be considered in the most favorable light, and every facility given to it that His Majesty's faithful subjects in North Carolina can wish. But I am more particularly called upon on this Occasion to direct your Attention to the Act of Parliament, as some other Colonies have by framing their Acts for establishing a Paper Credit in such a manner as to make those Bills a Legal Tender at the Treasury of the Colony, laid the Privy Council under the necessity of advising the King to disallow them. I observe, Sir, that in one part of your Letter you seem to apprehend that the creating a Paper Credit for defraying the expence of the late Measures will meet with difficulties that cannot be removed without Instructions from His Majesty, but as you do not explain yourself as to what those difficulties are likely to be, it is impossible for me to foresee them and consequently to propose any Instructions on that Head.

In the last letter I received from M^r Tryon relative to the Affairs of North Carolina and which is dated from New York, he expresses a wish that the Plantation and estate of Benjamin Merrill, a Captain of the Militia & who was one of the six Rebels executed on the 19th of June may be granted to a Wife and eight Children he left behind

him, and I have it in command from the King to signify to you His Majesty's Pleasure, that you do accordingly take the proper measures that whatever property belonging to that unhappy person became forfeited to the Crown by his conviction should be regranted to his Widow and Children

I am &c

HILLSBOROUGH.

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

COUNCIL JOURNALS.

At a Council held in the Council Chamber at New Bern December 6th 1771

Present

His Excellency the Governor

The Hon ^{ble}	{	James Hasell	William Dry	} Esq ^{rs}
		John Rutherford	Samuel Cornell	
		Lewis Henry DeRosset	S ^r N ^t Dukenfield Bar ^t	
		John Sampson	and	
		Alex M ^c Culloch	Marmaduke Jones	

Read and passed sundry patents for Land from N^o 425 to 475 inclusive.

At a Council Monday the 9th December

Present as before.

His Excellency ordered that Commissions of the Peace issue the following Counties Viz Anson, Beaufort, Bertie, Brunswick, Bute, and Carteret, to John Rowan to ascertain &c.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Governor Martin to Earl Hillsborough.

NORTH CAROLINA NEW BERN.

December 12th 1771.

I have the honour to transmit to your Lordship herewith, a Copy of my Speech at the opening of the Session of the General Assem-

bly on the 19th of last month, with the Addresses of the two Houses and my answers.

As far as I am able to discern at present, the most difficult business of this Session will be to make provision for the service of the Militia forces, employed to suppress the late Insurrection, which appears to me to be indispensable to the present peace, and the future security of this Country, for My Lord if any delay occurs on this head, many poor people, who forsook their homes and left their Crops to perish, in order to support Government in that time of defection, depending on its faith for recompence, must starve; a circumstance such as must necessarily abate the forward Loyalty, that has so lately triumphed over rebellion here, and for want of which, the Colony at a future day may become a prey to sedition, and violence, a consideration that involves an endless train of consequences to his Majestys American Empire. The representations made by Governor Tryon of the state of the finances of this Country and your Lordships knowledge of the expedient that was resorted to in a less pressing emergency, in the year 1768 of issuing debenture notes, induced me to hope that I should have been delivered from all embarrassment on this subject and the rather as I solicited it in the first letter I had the honor to write to your Lordship, from hence, it was in this expectation partly that I prorogued the General Assembly beyond the period to which it stood prorogued at my arrival. It is most certain my Lord that the present exigence can only be supplied by extraordinary means, what they may be I cannot precisely tell but I will endeavour that they be such as shall be the least injurious and exceptionable. If I am obliged to countenance the same expedient that served a former necessity Your Lordship may be assured, it will only be upon the clearest evidence that it is the last shift, and then with true repugnance not only on account of the difficulty with which I see the Lords Commissioners for Trade and Plantations before got over it but as it is inducive of a fraudulent medium of circulation which I am clearly of opinion it is contrary to good policy to augment. That I may not here appear inconsistent I must inform your Lordship that my opinion of the expedient of a new emission of paper bills, of great amount offered to your Lordship's consideration in my first letter was formed upon the Judgment of Governor Tryon, with which, mine upon closer examination of this subject does not correspond; but although such is my fixed principle My Lord I

cannot think this province under its present circumstances considering the great deficiency of specie can dispence with the want of such a medium of circulation altogether. The legal tender bills of credit now current amounting to £42,800 ----- ought before this time to have been sunk, but the funds established for that purpose have proved deficient which is in part owing to erroneous destruction of other later emissions of paper, in their stead and to the insolvency of the Collectors of Taxes, but chiefly from neglect to replace sums that have been at sundry times drawn from it and from the withdrawing prematurely in the year 1768 a poll tax of three shillings appropriated to that fund. By an accurate account of the public accounts made in consequence of a vote of the Assembly at the last Session it appears that there is due to the public on the several funds upwards of sixty six thousand pounds which is in the hands of the Tax Collectors of various denominations; of this sum only twelve thousand pounds arises from the sinking fund; its deficiency must therefore be made up from the surplussages of the other funds when the outstanding debts are collected, and it cannot be doubted that a future Assembly will readily make such an application as the only means of sinking this money for which the public faith is pledged. I shall think it my duty to press the Assembly to effectual measures for calling in the public debts which being taken will bring into the Treasury it may be presumed at least fifty thousand pounds; that will there lie dead, and be ready I hope at the next Session, for application to the sinking fund as far as may be necessary to the extinction of the legal tender paper. Under these circumstances My Lord I apprehend if I am compelled to give in to the expedient of issuing debenture notes to satisfy the clamours of the people, who lately stood forth here in support of Government this Country may admit of such an augmentation of the paper Medium without depreciation below its present standard, with respect to the sterling exchange which is at this time lower here than at New York.

I now transmit to your Lordship a Copy of a Message from the Assembly desiring me to grant a pardon to the Insurgents with certain exceptions and my answer thereto, which I hope will meet with his Majesty's and your Lordships approbation.

Having received a petition in behalf of certain persons (of whose names I now send your Lordship a list) excepted in one of Gov^r Tryon's proclamations under the description of persons concerned in

destroying General Waddell's ammunition I laid it before his Majesty's Council and it appearing that the young people guilty of this heinous offence, had been ever well affected to Government of good character and seduced by misrepresentation to this violence, the board unanimously joined in request to me to recommend them for his Majesty's most gracious pardon which I thought it out of my own power to extend to them, after I had referred the matter to the consideration of my Royal Master.

I am of opinion as I had the honor to tell your Lordship in a former letter that a pardon of as great extent as his Majesty shall see fit may be a healing measure well applied and I therefore most humbly recommend it to the Royal Consideration.

Benjamin Merrill one of the six criminals executed soon after the action with the Insurgents has left an innocent and miserable family consisting of his widow and seven young children who must starve unless his Majesty will be graciously pleased to continue to them possession of the lands of the delinquent. I am therefore my Lord engaged by the feelings of humanity to implore his Majesty's favor to this wretched and fatherless family.

Your Lordship will receive herewith a copy of a Message from the Assembly relative to the detention of a vessel the property of one of his Majesty's subjects in this Colony and her Crew at La vera Cruz with Copies of papers therein referred to authenticated under the province seal. I propose as a means of obtaining the speediest release of his Majesty's subjects and reparation for this injury to make application to the Commander in Chief of his Majesty's squadron at Jamaica, in the meantime I thought it my duty to transmit to your Lordship the best evidence on this matter for his Majesty's information and lest satisfaction should not be had through the intervention of that Officer.

I received last month a visit from King Pow of the Catawba Nation who came with three of his Chiefs under the usual pretext of respect and amity to furnish themselves with conveniences and luxuries, which they beg with no very scrupulous delicacy. I learned from them that their whole tribe does not amount to six hundred and that having made peace with all their enemies they are resolved quietly to devote themselves to the culture of their lands and to the attainment of knowledge in Religion and the Arts that tend to civilize rude nature

I have the honor to be &c

JO. MARTIN.

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQ^r CAPTAIN GENERAL, GOVERNOR & COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA—

The Petition of Philemon Hawkins sheweth That Thomas Bell, and Henry Hill Es^{qs} are not proper and fit persons to be Honoured with the Comission of Justices of the Peace in the county of Bute or Elsewhere, for that the said William Tabb, Thomas Bell, and Henry Hill are Extremely Ignorant of the principles of common Justice, or Guilty of Gross partiality and want of rectitude in many of their proceedings, particularly in the Cases contained in the paper hereunto annexed, and many more which your petitioner when called upon will prove to the entire satisfaction of your Excellency and the members of his Majesty's Honorable Council

Therefore your petitioner most humbly prays that the Conduct of the Said Justices may be Examined and such measures taken thereon as may to you seem most Just and your petitioner as in duty shall ever pray

PHILEMON HAWKINS

NEWBERN Dec^r 19th 1771

M^r Thomas Bell gave Judgement for forty shillings and cost against Thomas Jones at the Instance of Lodowice Alford where there was not the Least collour of Justice or pretention to a Legal Demand.

M^r William Tabb in a case where one Thomas Smith was Plaintiff against one Thomas Byrd; notwithstanding the fact on which the Complaint was founded appeared to be fully proved, gave Judgement that the Plaintiff should pay Costs, and on the plaintiffs refusing to Comply altered his Judgement, and made an order that a third person should pay such Cost.

In a Case where one Francis Mabry was plaintiff against one Byreson, M^r Tabb would not admit testimonies who were offered to prove the Justice of the Plaintiffs Demand, and gave Judgement against him, which Drove the Plaintiff to the necessity of appealing to Court or to loos his Debt, he Chooosed the Later and succeeded

M^r Tabb Issued a Warrant in the name of one Anne Jones against William Green, and Caused Evidences to be summoned, and the Warrant Served without her Consent or Knowledge

M^r Tabb used his utmost Influence to procure one Francis Mabry to swear falsly in a Case where the said Tabb was Interested

In a Case where one Thomas Jackson was Plaintiff against William Tabb M^r Henry Hill gave Judgement in favour of his Brother Justice, alltho the Demand was Just and fully proved by Indifferent witnesses

M^r Thomas Bell and Henry Hill give Judgement against one Benjamin Hill at the suit of ----- and on Hill's offering to appeal from their Judgement, they not Willing that their doings should be made publick altered the Judgement in Hill's Favour,

Henry Hill frequently Issues Warrants in Cases of slander and in particular one Joseph Martin was on his said Hill's Warrant brought before M^r Bell for speaking Defamatory words of one Tyrrel, and on Martins not being able to Justify to M^r Bells Satisfaction he was Committed by him to prison These and Numberless other similar Cases of Ignorant, arbitrary, and partial Conduct, Can be made appear by Incontestable proofs

Newbern Dec^r 19th 1771

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

COUNCIL JOURNALS.

At a Council held in the Council Chamber at New Bern the 21st December 1771

Present

His Excellency the Governor

The Hon ^{ble}	{	James Hasell	William Dry	} Esquires.
		Lewis DeRosset	Samuel Cornell	
		Alex M ^c Culloch	S ^r N Dukenfield &	
		John Sampson	Marmaduke Jones	

Read the petition of Philemon Hawkins respecting the conduct of William Tabb Thomas Bell and Henry Hill as Justices of the Peace for Bute County.

Ordered that the said Magistrates answer to the complaint in the said petition at the sitting of Council at the next Assembly, and that notice be given them accordingly.

His Excellency ordered that Commissions of the Peace issue for the following Counties, Viz. Edgecombe, Guilford, Granville, Halifax, Hertford, Orange, Wake, Onslow, Rowan and Perquimans.

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

NORTH CAROLINA—

Know all men by these presents That We John Harvey Jacob Blount and Joseph Montfort are held and firmly Bound unto His Excellency Josiah Martin Esquire Governor in Chief of the said Province in the penal Sum of Ten thousand pounds proclamation money to be paid unto His said Excellency Josiah Martin Esquire or to the Governor or Commander in Chief for the Time being And to which payment well and truly to be made We bind ourselves our Heirs Executors and Administrators firmly by these presents. Sealed with our Seals and dated this twenty third Day of December in the Year of our Lord One Thousand Seven hundred and Seventy One

Whereas by Act of Assembly passed this Day the above Bounden John Harvey is appointed a Commissioner to Sign and Stamp Debenture Bills Chargeable on the public Treasury of this Province to the Amount of Sixty thousand pounds proclamation Money. The Condition of the above Obligation is such that if the above Bounden John Harvey shall duly and faithfully Execute and Discharge the Trust reposed in him according to the true intent & meaning of the said Act then this Obligation to be void and of none effect, Otherwise to be and remain in full force and virtue—

JOHN HARVEY [Seal.]

JACOB BLOUNT [Seal.]

JOS: MONTFORD [Seal.]

Signed Sealed and Delivered in the presence of

JAM^s GREEN JUN^r

E GLASGOW

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

NORTH CAROLINA—

Know all Men by these Presents that We John Rutherford John Ashe and Robert Schaw Esq^s are held and firmly bound to His Excellency Josiah Martin Esq^r Governor of the said Province in Ten thousand pounds proclamation Money to be paid to His Excellency the Governor or to His Successor in office His or their assigns

for which payment well and truly to be made We bind ourselves our heirs Executors and Administrators firmly by these presents sealed with our seals and dated this twenty third day of December Anno Domini one thousand Seven hundred and Seventy one.

Whereas by an act of Assembly passed this day the above bounden John Rutherford is appointed a Commissioner to Sign and Stamp Debentures chargeable on the public treasury of this province to the Amount of Sixty thousand pounds proclamation money Now the Condition of the above Obligation is such that if the above bounden John Rutherford do duly and faithfully execute the trust reposed in him agreeable to the intent and meaning of the said act of Assembly then the above Obligation to be void and of none effect, otherwise to be and remain in full force and virtue

JNO. RUTHERFORD [Seal.]

JOHN ASHE [Seal.]

ROB^t SCHAW [Seal.]

Signed Sealed and Delivered in the presence of

MARMADUKE JONES

TH^o BURGWIN

N^o CAROLINA—

John Rutherford Esq^r one of the Commissioners Appointed by act of Assembly this day passed for Stamping and emitting of Sixty thousand pounds proclamation Debenture bills chargeable on the public treasury of this Province Maketh Oath that He will faithfully and duly execute and discharge the trust reposed in him according to the true intent & Meaning of the Said Act

JNO. RUTHERFORD

Sworn before me this 23^d day of Dec^r 1771

MARMADUKE JONES

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

NORTH CAROLINA—

Know all Men By these Presents That We Lewis Henry DeRosset John Sampson and Cornelius Harnett Esq^{rs} Are Held and Firmly Bound unto His Excell^{ty} Josiah Martin Esq^r Governor In Chief of

the said Province in the Penal Sum of Ten Thousand Pounds Proclamation money to be paid unto His said Excell^y Josiah Martin or to the Governor or Commander In Chief for the time being and to the which Payment well and truly to be made We Bind Ourselves our Heirs, Executors, and Administrators Firmly by these Presents. Sealed with Our Seals And Dated this twenty third Day of December in the Year of Our Lord One Thousand Seven Hundred And Seventy One

Whereas By Act of Assembly passed this Day The above Bounden Lewis Henry DeRosset is appointed a Commissioner to Sign and Stamp Debuture Bills Chargeable on the Public Treasury of this Province to the Amount of Sixty Thousand Pounds Procla. money. The Condition of the above Obligation is such That If the above Bounden Lewis Henry DeRosset shall duly and faithfully Execute and Discharge the Trust reposed In him according to the true Intent and meaning of the said Act Then This Obligation to be Void and of none Effect, otherwise to be and remain In full Force & Virtue

LEWIS DEROSSET [Seal.]

JOHN SAMPSON [Seal.]

CORN^s HARNETT [Seal.]

Signed Sealed and Delivered In Presence of

W^m PALMER

WILL CUMMING

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

NORTH CAROLINA—

Know all men by these presents that We Richard Caswell Cornelius Harnet and Joseph Montfort are held and firmly Bound unto His Excellency Josiah Martin Esquire Governor in chief of the said Province in the penal Sum of Ten thousand pounds proclamation Money to be paid unto His said Excellency Josiah Martin or to the Governor or Commander in Chief for the time being and to which payment well and truly to be made We bind ourselves our Heirs Executors and Adminis^{rs} firmly by these presents. Sealed with our Seals & Dated this Twenty third day of December in the Year of our Lord One Thousand Seven hundred & Seventy one

Whereas by Act of Assembly passed this Day the above Bounden Richard Caswell is appointed a Commissioner to Sign & Stamp Debenture Bills Chargeable on the Public Treasury of this Province to the Amount of Sixty Thousand Pounds Proclamation Money. The Condition of the above obligation is such That if the above Bounden Richard Caswell shall duly and faithfully Execute and Discharge the Trust reposed in him according to the true intent and meaning of the said Act then this Obligation is to be void and of none effect, Otherwise to be and remain in full force and virtue—

R^d CASWELL [Seal.]

CORN^r HARNETT [Seal.]

JOS. MONTFORT [Seal.]

Signed Sealed and delivered in the presence of

JAM^s GREEN JUN^r

J GLASGOW

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

COUNCIL JOURNALS.

At a Council held at the Council Chamber at New Bern the 24th December 1771—

Present

His Excellency the Governor.

The Honble { James Hasell
John Rutherford and } Esquires.
Marmaduke Jones }

His Excellency ordered that a Commission of the Peace issue for the following Counties, Viz. Northampton, Hyde, Pitt, Johnston, Mecklenburg, New Hanover and Tryon.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219]

Governor Martin to Earl Hillsborough.

NORTH CAROLINA NEW BERN

December 26th 1771.

I have the honor to inform your Lordship that at the conclusion of the business of the Session of the General Assembly of this

Province on the 23rd Instant I dissolved the Assembly. A measure taken by me my Lord not only in conformity to his Majesty's instructions but as expedient in my opinion towards conciliating the minds of the people only intent upon a new representation which I am assured cannot be selected so bad as the last. It was however indispensibly necessary to keep that to provide for the present exigences; since it is universally agreed that a future Assembly would not have been found to do it.

A great part of the time of this Session my Lord was consumed in the most disorderly speculations such as I am informed are constantly the offspring of a necessity to raise money in this Country. A Majority from the Southern district in which the people are almost universally necessitous and in debt and whose policy it seems it has been to overflow the province with paper money would have availed themselves of this exigence and made it a pander to that pernicious design. The minority from the Northern districts as warmly opposed this system; the first plan was again and again retrenched of extravagances. Long contention at length began to create ill humor on both sides and I entertained apprehension that no measure would be taken to satisfy the poor people who relying on the public faith had so notably stood forth in support of Government and were actually starving for want of their promised stipend. I was therefore my Lord glad at last to close with the only expedient they would adopt that could serve the present emergency, and I have given my assent to an act for raising the sum of sixty thousand pounds proclamation money the vast amount of the expense of suppressing the late insurrection for which stamped debenture notes are to be issued forthwith. I have likewise My Lord given my assent to an act to indemnify the people who acted in behalf of Government on that occasion who would otherwise have been torn to pieces by malicious and vexatious prosecutions in this Country where a spirit of litigation prevails beyond example. For both these steps My Lord out of the ordinary course of things and over the limit to which I wish to confine my self I must build my hopes of justification on the sole ground of necessity which I thought my duty to his Majesty called upon me to yield in these instances to prevent the certain confusion that a suspence of such measures would have occasioned by alienating the affections of the very poor people who had been so recently the Bulwark of his Majesty's Government in this province and who now looked up to that Government for Justice from their Country.

The assurances given me by the Assembly that they had taken effectual measures to call in the public Debts afford me hopes that this emission of paper considerable as it is will not depreciate, especially when I consider it will be near four months before it can be altered, in which time by a proper exertion of the Treasurers I apprehend a sum nearly equal will be taken out of the hands of the public Debtors which will thenceforth lie dead until another Session when the public faith will call upon the next Assembly to make up the deficiency of the fund established for sinking the legal tender paper. That can only be done by the application of as much of this excess of the other funds as shall be necessary to its aid, and this I shall lend all my strength to accomplish as essential to the preservation of the public credit.

The Acts and Journals of the late Session of the General Assembly I will transmit to your Lordship as soon as I can obtain fair copies of them.

I received a few days ago under your Lordships cover through the hands of Lord Charles Montague his Majesty's Royal Instruction directing me to appoint Commissioners to act jointly with Commissioners to be appointed by the Governor of South Carolina in running a boundary line between the two provinces. Accordingly my Lord I communicated without loss of time his Majesty's commands to the Assembly and desired they would enable me to defray the charge of the service prescribed, which was refused upon the reasons which will appear to your Lordship in their Message in answer to me herewith transmitted. I am now at a loss my Lord, how to proceed in this business and shall be more so if Lord Charles Montague does not according to my proposition engage the province under his Government to bear the whole expense.

The embarrassments of the last session have been such as to leave me no opening to procure the amendments in the Laws as prescribed by the Lords Commissioners for Trade and Plantations by their Lordships letter of the 12th of last December to Governor Tryon. At the next Session I hope I shall be able to accomplish that business to their Lordships satisfaction. It is indeed my Lord matter of wonder to me that under my circumstances of ill health I have been able to endure the weight of business with which I have been oppressed; nothing I think can have supported me but my earnest desire of doing right. If I shall be so happy as to find my conduct approved by my Royal Master such a recompence my Lord will

alleviate all my sufferings and enable me to encounter with cheerfulness every difficulty that may present itself.

The loyal struggle lately made here and the distressed state of this Country's finances I am hopeful My Lord will recommend it to his Majesty's Royal consideration and induce a parliamentary Relief.

By the returns made to me it appears that after the action with the Insurgents six thousand four hundred and nine men came into the several detachments of the Army and took the Oaths to Government in consequence of Governor Tryon's Proclamations, and that between seven and eight hundred stand of arms were collected from them which are for the most part unserviceable

I have the honor &c

JO. MARTIN.

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

COUNCIL JOURNALS.

At a Council held in the Council Chamber at the Palace in New Bern 30th December 1771—

Present

His Excellency the Governor.

The Honble	{	James Hasell	Samuel Cornell	}	Esquires
		John Rutherford	and		
		Martin Howard	S. N. Dukenfield Bart		

The Governor having thought it expedient to dissolve the Assembly on the 23rd Instant, desired the advice of the Council when it was most proper to call a new Assembly. The Board were unanimously of opinion that the Writs should forthwith issue for the Election of a New Assembly to meet at New Bern on the 11th day of May next. And it was ordered that a proclamation issue according to the usual Tenor.

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE GOVERNOR AND COMMANDER IN CHIEF OF THE PROVINCE OF NORTH CAROLINA

The Petition of the Freeholders and Inhabitants of and near Campbelton in Cumberland County* [This 13th March, 1772.]

Humbly Sheweth

That his Excellency Arthur Dobbs esquire former Governor of the said Province for good and sufficient Reasons, thought proper to grant his Majesty's Royal Charter to Campbelton aforesaid, in which, amongst other Privileges, was that of electing a Member to represent them in General Assembly.

That the said charter however well intended, and in the infancy of Campbelton, well adapted to the circumstances of the plan, and conditions of those who resided there at that Time, yet, from the alteration that Town has undergone by the increase of its Inhabitants, and the improvement of Commerce, the Charter in its present form, cannot answer the purposes for which it was intended. We therefore the subscribers beg leave humbly to represent to your Excellency, that the said Charter gives a power to all persons whom accident or design shall bring within two miles of the Court-house of Campbelton, on the day appointed for the election of a Member to give their suffrages; altho' their proper place of residence be far out of the limits of the said Town, and altho' they have no property in that or any other place to become the subject of representation.

That in a trading Town like Campbelton the Men of property are the fewest in Number which must ever throw the power of determining the Election in the Hands of transient persons, Boatmen Waggoners and other Laborers, and take it from their Employers, who are principally interested in securing or improving from their right of Representation, the property of the Town.

For this reason. we the Subscribers humbly request your Excellency to grant a new Charter empowering all persons, being Freeholders within two miles of the court-house of Campbelton or seized of an Estate for their own, or the life of any other person in any dwelling-house (such house having a stone or brick Chimney thereunto belonging and appendent) to elect a Member to represent

*The petition and the charter following it should appear on page 274 *post* at the end of the Council Journals on that page.—EDITOR.

them in General Assembly Whereby we humbly conceive that the right of election will be lodged with those who only have right to claim it and the purposes for which the Charter was granted to encourage Merchants of property to settle there fully answered.

And your petitioners shall ever pray &c.

Rich ^d Lyon	John Miller	Lewis Bowell
George Mylner	William Blanchfield	Lewis Barge
Henry Giffard	Dan Ochiltree	Mark Cole
John Ingram	Benja M ^c Natt	Ferq ^d Campbell
Neill MacArthur	John Welsh	John Brownlow
Alex ^r MacArthur	Robert Mackie	Philip Raiford
James M ^c Donald	John Dobbins	Arthur Council
Andrew Reid	Alex ^r Freil	Hepburn Nelson & C ^o
Rob ^t Borggan	Oliver White	Robert Cochran
James Loyd	Peter Nessers	A MacLaine
Patt Travers	Garet White	Will Hooper
John Murphy		

NORTH CAROLINA—SS.

George the third by the Grace of God of Great Britain France and Ireland King, Defender of the Faith and so forth To all and singular our Faithful Subjects Greeting Whereas By our Royal Charter bearing date the 10th day of Febry in the year of our Lord 1765 We for certain Causes and Considerations us thereunto moving Did amongst other Liberties and Franchises in the s^d Charter menconed Give and Grant to all male persons (beeing of lawful age) inhabiting our Town of Campbelton in our County of Cumberland in our s^d province or within two miles of the Court House within the s^d Town Free and lawful authority to name elect and send one pson (being a Freeholder in the County of Cumberland) to represent the s^d Town in the House of Assembly of our s^d province of N^o Carolina and therein to sit vote do and consent to those things w^{ch} by the Assembly of our s^d P^{vince} sh^d happen to be done & enacted and that a writ of Election for a member of Assembly to represent the s^d Town sh^d be issued & sent to the Sh^{ff} of the County of Cumb^d for the time being when & so often as an Assembly sh^d be called or occasion sh^d require And that such Election sh^d be carried on in such order manner & form & under such Regulations & Cond^{ons} as in our s^d Charter is par^{larly} ment^d expressed & described as in & by the s^d Charter relation being thereunto had w^{ch} more fully and at large appear. And Whereas by a certain Deed poll or Instrum^t in writing under the Hands &

seals of our faithful Subjects the principal Inhabitants of our said Town of Cambleton and within Two miles of the Court House in our s^d Town being Freeholders bearing date the 13th day of March instant reciting as therein is recited Have thereby surrendered to us our s^d Charter together with our s^d Charter thereunto annexed And further by a petition signed and subscribed by our s^d faithful Subjects the principal Inhabitants of our s^d Town of Cambleton and within two miles of the Court House in our s^d Town being Freeholders preferred to our Captain Gen^l Gov^r & Com^r in chief of our s^d province Setting forth that our s^d Charter gave a power to all ^{sons} whom accident or design should bring within two miles of the Court House of our s^d Town on the day appointed for the election of a Member to give their suffrages altho^h their proper place of Residence might be far out of the limits of our s^d Town to the great detriment of the real Residents and Freeholders in the s^d Town & within two miles thereof and praying that a New Charter might be granted to them under such regulations & restrictions as by their s^d petition are particularly prayed for To the End therefore that all and singular our s^d faithful subjects may enjoy such Liberties privileges and Franchises in as full and ample manner as the same are enjoyed by other Towns within our s^d province and that all cause of future detriment and Complaint in that Behalf may be fully removed Know Ye that we of our Royal Grace Good will certain Knowledge and mere motion Have given and granted And by these presents for us our Heirs & Successors Do Give and Grant to all persons being Freeholders of said Town of Cambleton or within two miles of the Court House in our s^d Town or seized of an Est^e for their own or the life of any other person in any dwelling House (such House having a stone or Brick chimney thereunto belonging and appertaining) to name elect and send one person (being a Freeholder in the County of Cumberland) to represent (here follows the Words of the old charter throughout)

[N. C. LETTER BOOK. S. P. G.]

From the Bishop of London to the Lords of Trade

I have in obedience to your Lordships 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 & interfere with the Bishops Ecclesiastical Jurisdiction in the Colonies and

Secondly how they affect the rights of the Crown to the patronage & presentation to Ecclesiastical Benefices.

The Act having made provision for constituting a vestry & directed in what manner they shall be elected & qualified goes on to ascertaining the powers of the Vestry & 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, & the Kings Governor in Chief has a right to exercise that right in virtue of the King's 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 12 months after a vacancy & 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 £50 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 neighboring or other minister to serve in the case of such vacant parish by performing divine service once in 3 months they shall thereby save to themselves & 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 kind preacher who perhaps may be had at a cheap rate & below £50 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 patronages to themselves of all the livings in the province (to the manifest injury of the Crown) they go on to set up over the Clergy a new jurisdiction which is quite inconsistent with the government of the Church of England & excludes the Bishop from examining or correcting all misbehaviours of the Church & takes from the Crown the right of appeal & 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 & at such times as the Vestry or a majority of them shall direct.

After all these provisions what becomes of the Kings Supremacy? It seems to me to be all transferred to the Vestry of the several

Parishes so far are they from copying after the Church of England that I rather suspect that they borrow'd the model of their government from the Presbyterians & Independ^{ts} of New England who at an Assembly begun May 28th 1718 did enact that the Inhabitants of the towns therein mentioned should have full power to chuse a Committee for the regulation & 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 2^d precinct parish or district & further to have all such powers & 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 Govern^t 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 Lordships consideration it is enacted that every Vestry man 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 refered to me viz^t how far this Act may interfere with the Bishop's Ecclesiastical Jurisdictions 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 or what, as I had considered that point at large upon my first coming to the See of London & had laid before the King in 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 passed upon the occasion.

Soon after I was Bishop of London I went to wait upon the King & 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 could have an opportunity of meeting with the Ministers. After frequent delays & 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 the affair into their consideration; this produced a meeting at Newcastle House but 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 & 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 B^p Gibson for reasons best known to himself applied for a patent and the consideration thereof was referred to the Attorney & Solicitor General & they reported that the Jurisdiction was in the Crown & that the B^p 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 judge not proper for me to do.

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA &c AND THE HONOURABLE GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNSEL GREETING

May it Please your Excellence and your honnors

We the subscribers whose names are hearunto annexed Persons in no wise Concerned in the Late unhapay Disturbence occasined in this Provence By a set of People Called Regulators Begs Leave to Recommend or Represent to your Excellence and your honnors one Matthew Hamilton one of the unhappy as well as unfortunated Persons now outlawed as we understand for the Late Riot Committed at hillsbourer as a Person we are well acquaint with some of us from youth up and others for this severel years Past as a Person who has Ever Been Esteemed as a very industrious and honest man and a man very much Respected by all who knew him untill he was unhaply deluded By some meanes or others to take Part in a matter he Didd not know the Consequence of But we your Petitioners from this Reason and on account of him in Most humble

manner Petition your Excellency to take the same in to your Wise Consideration and Grant this unhappy Man such Releaf as your Excellency in your wisdom shall seem meet.

And your Petitioners as in Duty Bound shall ever Pray

William Armfield	Frank Edwards	Jeffrey Beck
William Armfield Jun ^r	Timothy Morphy	James Coots
Isaac Armfield Jun ^r	Patrick Hays	Isaiah McNary
John Elliot	John Stuart	James Calhoon
David Smith	Thomas Knight	James Buchanan
Hugh Blain	William Thomas	Jonas Touchstone
John Blear	Thomas Willson	Levi Penington
Jeremiah Fillihan	Joseph Kennedy	John Alexander

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA &C AND THE HONOURABLE GENTLEMEN OF HIS MAJESTYS HONOURABLE COUNCIL GREETING—

May it Please your Excellency and your honers

We the Subscribers whose names are hereunto annexed Persons in no wise Concerned in the Late unhapely Disturbance occasioned in the Province By a Sett of People Called Regulators Begs Leave to Recommend or Represent to your Excellency and your honers one James hunter one of the unhapely as well as unfortunat Persons now outlawed as we understand for the Lat Riot Comited at hillsborouh as a Person we are well acquainted with Some of us from his youth up and others for this Severall years Past as a Person who has Ever Been Esteemed as a very Industrious and honest man and a man very much Respected by all who Knew him until he was unhapely Deluded by some means or other To Tack Part in a matter he Did not Know the Consequence of But we your Petitioners from these Reasons and on account of a wife and five Small Children all who Depend on him for a Support Do in the most humble manner Petition your Excellency To Take the Same into your wise Consideration and grant this unhapely man Such Repref as your Excellency in your Wisdom Shall Seem meet

And your Petitioners as in Duty Bound Shall Ever Pray

William Armfield	John Elliot	William Thomas
Isaac Armfield Junior	John Stuart	Jonas Touchstone
William Drapar	James Calhoon	John Blear

James Coots	William White	Thomas Willson
W ^m Armfield Junior	J ^{no} Talbot	Ralph Gorrell
James Wilson	David Smith	Levi Penington
Joel Cloud	Thomas Knight	Jeremiah Suthfen
Isaac Edwards	James Buchanan	Joseph Kennedy
Patrick Hays	George Finley	John Alexander
Francis McNary	Hugh Blair	

NORTH CAROLINA

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE HIS MAJESTYS CAPTAIN GENERAL & GOVERNOR IN CHIEF IN AND OVER THE SAID PROVINCE—

The Petition of us the Inhabitants of Guilford County & Province aforesaid Humbly Sheweth that whereas the unhapy tumults Insurrections & Rebelions Which Disturbed the Peace and tranquility of this flourishing Province being Now Haply Stopt By the Good providence of God y^e Indefeatigable Care Prudence Corage and Good Conduct of his Majestys Leat Govrnor over the said province and the officers under him Whos Conduct Will Be We hope of Great Utility to this and the Neighbouring provinces and add much to y^e Peace and tranquility of your Excelleney administration so long as it shall please God to continue your Excellency over Us We Would Humbly Beg Leave to petition your Excellency in Behalf of one of the Persons out Lawed in this Unhapy Confederasy to Witt James Hunter and though We are Sensible that said Hunter hes forfeited his Life By Joyning this Unhapy Confedrecy Yet We Would Beg Leave to Inform Your Excellency We have all along observed a spirit of Leanity and tender Compassion in him above any of the Rest and Believes Whatever Was don By him against Government that he was actuated by others and Born down by the popelace and We Believe there has Been Examples Suficiant made alrady to debar any Evil designing persons for the futre from Joyning again in the Like Unhapy affair and as We are Well acquainted with said Hunters former Life and Conversation We are Well persuaded that Were he Restored Under his Majestys protection again that he Wold make a passable member of Sosiety & We Likewise Believe that he Bears true aleagins to his majesty King George the third and that if your Excellency Would Grasiously Restor him to his former Liberty that he Would for Ever detest and Abhor Such

Combinations therefor may it Pleas Your Excellency to Greacously Grant a pardon When We Begg his Life for the Sake of a poor Disconslet Wife and Small Children and an aged mother He has no other Heir in this Life and his affectioned Relations With Whom We Sympathise depending on your Lenency & Goodness Without any merit We hop for mercy may God Incline your Excellencys hart to descharg him as our Saviour Christ did the Woman taken in adultery saying Go & Sin No more. Such Lenecy Will Ever Ingag your Humble Petitioners to Ever Pray

James Powell	John Ryan	Thomas Willson
James Wylie	John Shaw	Andrew Finley
James M ^c Adam	James Rouche	William Meben
Hugh Wiley	Adam Lackey	Frank Jenkins
Andrew Finley	Tho ^s Willey	William Drayson
Tho ^s Woodburn	William Cassick	W ^m Cole
Joseph Dobson	William Willey	John Law
James Neelley	John Forbes	Tho ^s M Cuistion
James Neelley Junior	Edward Ryan	Johu Shaw
Robert Neelley	J ^{no} Meadow	Jam ^s Haritt
John Shaw	Hugh Walesjoy	John Kimbrough
William Forbis	Cha ^{les} Logan	John Lewis
James Graham	James Barry	John Telath
John Hall	David Barnhill	John Butler
Thomas Jenkins	James Maxwell	Samuel Allen
Sam ^l Walker	Alexander Russel	
Jacob Henshaw	Nathaniel Lyon	

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

TO HIS EXCELLENCY JOSIAH MARTIN HIS MAJESTYS CAITAIN GENERAL, GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA, AND TO THE HONOURABLE THE MEMBERS OF HIS MAJESTYS COUNCIL, M^r SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY

The petition of us the Subscribers inhabitants of Guilford County Humbly Sheweth: that your petitionars is Deprived of that Natural & profitable priviledge of Catching fish in Deep River as formerly by its Chanel being stopt by several mill Dams being made quite

across said River to the Great hurt of many poor familys who Depended on said fishing for great part of their living, it being well known that No River of its Size in this proveince afforded a greater Quantity of Exelant Shad and other fish. We therefore Humbly pray that you through your great goodness would Condesend to pass a law in our favour so far as to oblige the owners of said dams to afix proper flood gates in their dams from the mouth of said River to Field & Dicks mill above the trading path and them to keep open at proper times from the tenth of fabruary to the tenth of april that the said inhabitents may in some maner be Restored to their former priveledge of Catching fish and your petetioners as in Deuty Bound shall ever pray

Absalom Jackson	Jonathan fincher	John Phips
Promintor morgan	William Bell	William walker
Henry Burron	Games Dougan	Philburd Wright
william ellet	David Luis	Peter Julen
Jacub Jones Sener	Benjamin Bailey	John Beverley
Jacub Jones Juner	Henry Underwood	Eli Branson
Phillup Selers	William Ward	Christian Shultz
Henry Moss	Jonas Swift	Jessee adams sen
James Raney	Ruddey Morgan	Stephen Jones
Isam Let	Zebedee Wood	Isaac Starnes
James Lowe	Samuel Walker	William Welborn Jun
Archibald Hamilton	Sa ^m Deveney	Robert Kirkpatrick
John Parr	John McKay	John Rogers
Richard Norton	William Erving	William Norton
Joseph nill	James Walker	John Cabel Juner
David Smith Juner	Tho ^s Hood	Edward Conder
John Smith	Robert Field	Elias Cain
Osburn Lemar	Samuel Jones	Ninian B. Hamilton
John Clark	Aquila Jones Juner	John Walker
Isaac Robings	George Thorpper	bengeman briner
George Farlon		

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQ^r. CAP^t GENERAL, GOVERNOR IN AND OVER THE PROVINCE OF NORTH CAROLINA THE HONOURABLE COUNCIL M^r SPEAKER & GEN^t OF THE HOUSE OF BURGESSES

The Humble Petition of the inhabitation of the north part of Orange County Humble Sheweth

That whereas by the large Extent of Said County it renders it very Burdensom to Attend General Musters & Courts & C we pray that A Line begining where Granville County line Corners on the Virg^a line thence runing South on Granville line Twenty five miles & there Corner thence west to Guilford line thence North Along Said Guilford to the Virg^a line Thence East Along the Virg^a line to the Beginning & your Petitioners as in duty bound shall ever pray &c

Jn ^o Tryor	Joseph Suttle	Peter Rogers
Rich ^d Coleman	Tho ^o Clayton	John Rogers
Isaac Johnson	John Clayton	John Smith
Gabriel Davis	Lambroth Morgan	John Warrin
John Adams	Thomas King	James Warrin J ^r
Moses Bridges	Isaac Reaves	James Warrin S ^r
Robert Paine	Rashles Owin	Timothy Warrin
Aaron Bridges	Joseph Shelewoth	Hackley Warrin
Joshia Butler	John Bumpas	William Warrin
David Womack	Samuel Bumpas	John Rogers J ^r
Abraham Womack	Edward Bumpas	William Fuller
John Lawson	William Bumpas	Thomas Majors
John Thomas	Robert Bumpas	Joseph Gold
John Bridges	John Day	Jn ^o Dunlevy
William Stone	Tho ^o Day	James Harker
James Funer	William Yarbrough	Thomas Neeley
James Jones	Samuel Yarbrough	Nathaniel King
George More	James Tabor	Joseph Dunkins
John Ragon Sen ^r	Alexander Davison	Darby Henly
Jonn Ragon Jun ^r	John Davison	John Browning
Ja ^s Baird	James Roye	John Moore
John Baird	James Kirkland	William Welch
Thos Donaldson	John Hinge	Ambrose Williams

James Hubbard	Benjamin Connel	John Williams
Tho ^s Camp	Henry Fuller	Law ^r Hook
Henry Ledbetter	James Moore	Loyd Vanhook
John M ^c Coy	John Tabor	John Garrett
Philip Palmer	Nuton Cannasor	Ritchard Foard
John Barin	William Tomson	John Morrow
James Anderson	Roger Rees Sen ^r	Arthur Moore
Joseph Surrott	John Saterfield	John Tomson Jun ^r
David Vanhook	Thomas Ray	Philip Selph
Samuel Vanhook	James Saterfield	Henry Ford
James Gay	Barnabas Grims	W ^m Bridges Sen ^r
Rubin Nuton	Stephen Auston	W ^m Bridges Jun ^r
Ritchard Hargis	Isaac Vanhook	Jn ^o Isham
Will ^m Jay Jun ^r	William Jay Sen ^r	James Griffin
W ^m M ^c Coy	John Anderson	Jn ^o Yaves
William Nealey	Benjamin Morrow	Thos White
Joseph Jay	John Debond	Th Bumpas
John Tomson	John Arnel	John Mann
William Morrow	John Boling	James Jufus
Ja ^s Dunbar Hendby	John M ^c Murry	Thos Mann
Charles Trim	Ja ^s Griffin	Joseph Logan
Samuel Nealey	Alex ^r Canhorn	Zachri Green
Jesse Tomson	John Hardges	William Byas
Roger Rees Jun ^r	John Knight	Daniel Blackwell
John Rees	William Tabb	Isaiah Blackwell
William Rees	John Byas	John James
Benjamin Justis	James Satterfield	Thos Morrow
John Willson	Robert Byas	T Wyeman
Elijah Edwards	Caldwell Saterfield	Thomas Nucket
John Allen Tharp	William Rankin	Ham Carr
James Long	W ^m Usrey	Edward Nash
Robert M ^c Reynolds	James Turner	Rob ^t Austin
Medford Dickson	Josias Dickson	W ^m Miles Sen ^r
W ^m Miles Jun ^r	Jacob Sulph	Ja ^s Hitcherside
Tho ^s Barnett	Elkanah Lacy	W ^m Carver
Henry Cockburn	Abram Ford	Tho ^s Whilkins
John Gan	John Womack	Benjamin Taftin
W ^m Davison	Benjamin Huber	

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE HIS MAJESTIES CAP^t
GENERAL, GOVOURNOUR AND COMMANDER IN CHIEF IN AND OVER
THE PROVINCE OF NORTH CAROLINA HIS MAJESTIES HONOURABLE
COUNCILL AND HOUSE OF BURGESSES—

The petition of the Inhabitants of the upper Settlement of the
Catawba River Yadkin River and three Creeks Humbly Sheweth

That we your Humble petitioners being part of the Great County
of Rowan and near one hundred and forty miles from Salisbury our
present Seat of Justice and never has had the opportunity of having
any magistrate yet in our Settlement so that we Cannot Recover any
Small Debts without Infinate trouble and Cost, which said Distance
is Chiefly attended with Several Dangerous waters and Many other
bad properties which puts our Settlement to many disadvantages
and this being the third time we have petitioned for a County—

We therefore Most Humbly Beg your Excellency and Honours
Would take this our Necessity into your prudent Considerations and
Grant us a Seperate County Agreeable to a former petition viz—
Begining at Beatys ford Wheare Tryon Line Crosses the Catawba
River then Runing up the South side of the said River to the Mouth
of Lower Little River then Runing a straight Course to the Mülberry
fields upon the Yadkin River from thence a North Course to the top
of the Blue Ridge from thence along the top of the said Mountain to
Wheare Tryon Line Crosses the said Mountain then Down the said
Line to the Begining which will Contain one hundred miles in
Length and sixty miles in width Chiefly thick settled, and as we
Conceive fully able to Support a County as we allow we have at this
time About two thousand taxables and Better and your petitioners
as in Duty Bound will ever pray

Thomas Whitson	Jn ^o M ^c Mullin	Sam ^l Lapesly
James Moorer	Ezekiel Forman	Veazey Husband
John Connelly	Alex ^r McMullin	Marwian Honeycutt
James Winston	William Morrial	Rob ^t Biggem Perkins
John Pierson	William McMullin	Abraham Colet
Simon Jonas	John Weakfield Sen ^r	William Courtney
William Baldwin	John Weakfield Jun ^r	W ^m Husband
John Baldwin	Cherls Weakfield	Loommi Husband

John Baldwin Jr	Moses Wakefield	Robert Husband
John Morgan	Henry Wakefield Sen ^r	W ^m Stewart
James Bleir	W ^m Richie	John M ^c Dowell
William Wittenburg	Ilezekiah Forman	Charles M ^c Dowell
Edward Kilian	Henry Wakefield Jr	Joshua Young
Idam Edent	Sam ^l Sherrell	James Barnes
Joseph Wittenburg	Adam Sherrell	Thomas Burchfield
Ute Sherrell	Micage Pennington	Sewell Young S ^r
Peter Henly	Benaja Pennington S ^r	Philip Young
John Fish	Benaja Pennington Jr	Sewell Young Jun ^r
Joseph Lowrance	Charles M ^c Pheters	Aiton Young
John Reddin	Amos Bird	Samuel Young
John Stogdon	Frances Hughes	John Allen
Joshua Perkins	Bajamon Pennelton	John Shamly
John Briges	Mr Rose	Ephriam Cox
Alexd ^r Thompson	John Tailler	John Witherspoon
Henry Pearson	William Haysey	William Penland
Samuel Thompson	John Walch	George Penland
Henry Yeargen	John Davis	Robert Penland
John Conn	John Ralah	John Kees Sen ^r
James Condon	James Nixon	John Kees Jun ^r
Henry Thompson	David Nilson	Robert Banks
Tho ^s Givirs	Nathaniel Young	Peter Banks
Barnett Lockman	Aaron Ward	John Dobson
Ab ^m Womack	Hugh M ^c Dowell	James McKeaney
Matthias Fisher	John Honeycut	Paul Whitley
James Litten	W ^m M ^c Bride	Michael Whitley
James Osborn	Thomas Haire	Richard Travillion
James Martin	James Lapesly	John Travillion
Leeroy Taylor	John Hall	Joab Travillion

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQ^r HIS MAJESTYS CAPTAIN
GENERAL, GOVERNOR & COMMANDER IN CHIEF IN AND OVER THE
PROVINCE OF NORTH CAROLINA TO THE HONOURABLE THE MEM-
BERS OF HIS MAJESTY'S COUNCIL AND TO THE MEMBERS OF THE
HOUSE OF BURGESSES NOW SITTING.

The Petition of Thomas Bryant Humbly Sheweth,

That whereas your Petitioner who was a Soldier in Captain Na-

thaniel Hart's Company, of the Orange Detachment in the late expedition against the Insurgents, and had the misfortune of receiving in the Battle at the Alamance, five Wounds, one of which in his Breast has rendered him intirely unable to Labour for a Livelihood, being extremely Weak and infirm with it. And your petitioner further Sheweth, that he has no Estate wherewith he can support himself, and is obliged to be indebted to the Humanity of his Friends & Acquaintances for a Support. He therefore prays that such reasonable provision may be made for him by the General Assembly, as they in their Wisdom shall think proper, whereby he may be enabled to Live & receive the Common Blessings of Life, without being troublesome to his Friends or an Incumbrance to the Parish he is resident in. And your Petitioner as in Duty bound shall ever pray, &c.

His
THO^s X BRYANT.
Mark.

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

TO HIS EXCELLENCY JOSIAH MARTIN HIS MAJESTYS CAPTAIN GENERAL, GOVERNOR, COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA

The petition of Sundry of the Inhabitants of Orange County Humbly Sheweth.

That whereas John Fruit one of the out Lawed Regulators, hath ever since he came to years of Maturity behaved himself as a useful member of Society and in all things becoming a subject of great Britain, until he unfortunately fell in with that most Extraordinary set of Enthusiastick people Called Regulators; we also further humbly shew that the said John Fruit hath a wife and sundry small Children who are in the utmost Distress, for want of that Comfort and Support which he as a Father and Husband ought to supply them with and as he sheweth such great signs of Penitence for the past follies of his life promising ever obedience to the Laws of this province as becomes a Subject of great Britain, we are in Charity bound to hope that he, if Pardoned would again become a good subject and useful member of Society, and therefore Humbly pray that your Excellency would Extend to him his Maj-

estys most gracious pardon and we your Humble petitioners as in duty bound will ever pray

Charles Johnston	Tho ^a Taylor	James Crenige
Andrew Patterson	John Dawes	David Sitt
Robert Cate	Daniel M ^c Daniel	James M ^c Canna
Malcomb Baldrige	Matthew Holdy	W ^m Rankin
John Baldrige	William M ^c Curdy	John Butler
Alex ^r Mebane	Robert Baldrige	John Red
William Blackwood	Daniel Baldrige	Ja ^s Freeland
Samuel Allen	Eliander Dussell	David Creag
Jeremiah Horton	William Brashar	George Jones
Philip Jackson Jun ^r	James Mebane	Joseph Allison
Jn ^o Temple	Walter Barnsick	Archebeil Borland
Abraham Allen	Robert Hunter	William Jackson
William Trousdale	James Maxwell	Stephen White
William Mathis	Andrew Mebane	Allen Daily
Thomas Lockhart	Neil M ^c Alister	George Allen
William Reney	David Dennin	John Pugh (Hawfields)
Joseph Holloch	Thomas Thomas	Abraham Rees
W Phillips	Arch M ^c Allister	Daniel Rees
Alex ^r Mebane Jun ^r	Enoch Bradley	James Ross
Robert Rea	Richard Woods	Joseph Sloss
John Hopkins	John Dayley	John Sloss
Jn ^o Trousdale	James Brown	Daniel Hanley
Matthew Woods	Thomas Clark	James Yellen
James Wilkins	John Wood	Tho. Mains
John Hodge	Warham Glen	Robert Cochran
Robert Strain	John Howell	James Thomas
Thomas Strain	Michael Robinson	Joseph Whitley
Edward Thomas	John Dickie	Aaron Hopkins
David Mitchell	John Rany	Henry Pennington
Wilm Bradshaw	Edw Long	Daniel Rees Jun
W ^m Anderson	Rob ^t Farrier	Alexander Young
W ^m Cate	John Moor	Alex ^r Graydon
John Woods	James Smith	John Burhard
Thomas M ^c Curdy	W ^m Ansley	Josy Rusle
James M ^c Cauley	W ^m Robinson	Alexander Furgerson
John Allen	John Hart	John Cook
Stephen Wilson	Jacob Mason	Thomas Abot
Richard Bird	William Boimns	John Abot

Rob ^t Burnside	John Latta	Gilbert Theborn
Robert Mebane	Joseph Duncan	William Craig
James Tening	John Tabor	William Murray
Sackfield Brewer	John Blackwood	
W ^m Armstrong	Samuel Patton	

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

TO THE HON^{ble} THE SPEAKER & GENTⁿ OF THE HOUSE OF REPRESENTATIVES

The Petition of the Inhabitants of Granville County & the Parish of Granville Humbly Sheweth that your Petitioners have for a Considerable time Labour'd under a Heavy & Burthernsome Tax wh^{ch} the Exegencies of Government Hitherto made Necessary & unavoidable & still Apprehending that the Suppression of the Insurgents & other Contingent Charges of Government, have Inevitably Created a Large & Weighty Debt which the Honour of the Province is Ingag'd to pay with all Convenient Speed and which Your Petitioners are Ready & Willing to Discharge their proportion of, by such mode of Taxation as the wisdom of your honourable [body] shall Direct, Your Petitioners further shew that the Vestry of their Parish without duly Considering the Present Circumstances of Government & the heavy Taxes y^t Shortly must be assessed upon Your Petitioners Have Engaged with Workmen to Build two Churches in their Parish the Expence of which will amount to upwards of Twelve Hundred pounds. Your Petitioners are by no means able at this Juncture to Discharge such a Considerable Sum, altho upon any future Occasion After the Demands of Government are Comply'd with they wou'd Chearfully Contribute all in their power to have done whatever their Duty as Christians or the Interest of Religion may Require of them. Under these Circumstances Your Petitioners Pray that an Act may Pass to Relev the Vestry from the Engagements they have Entered into as afores^d & as the Workmen who have undertaken the s^d Buildings are willing to be Releas'd on their parts upon being paid a Small Gratuity for their Disappointment & Trouble Your Petitioners further pray that by the s^d Act they may be Released from the Penalty of the bond by them Given for the Performance of their undertaking & that the Vestry may be Impow-

er'd to lay a Sufficient Sum in the Parish Levey to be paid as a Compensation to thes^e Workmen for the Trouble they have been at as afores^d & Your Petitioners also further Pray that the Inhabitants of the s^d Parish may be Releas'd from the Payment of So much of the Parish assessment as was Laid for Carrying on & performing the Building the Churches as afores^d and the Collector Indemnified for not Collecting that part of the assessment as afores^d and Your Petitioners as in Duty bound Shall ever Pray &c

John Hampton	Z Gorgebyus	Lewis Collins
Michael Peclar	Benjamin Glaze	George Whitlock
Henry Fuller	Samuel Dyar	Thomas Butler
Thomas Goss	Reuben Pyles	John Gwin
James Meders	John Russel	Humphry Davis
Joseph McDaniel	Eley Brinckley	Josiah Stovall
Jesse Parker	David Parrish	Thomas Head
Valentine White	Edward Bond	John Head
William Briant	Cutbird Hudson	Martha Knight
Groves Howard	Isaac Hood	Thomas Bond
David Howard	W ^m Wallis	Jonathan Knight
James Langston	J ^{no} Tudor Sen ^r	Nathan Chiles
John Williams Jr	Isaac Head	Ben Bearden
Tho ^s Philpot	Tho ^s Rowe	Lovet Gates
William Spears	J ^{no} Badget	Benjamin Hendrick
Rich ^d Person	Daniel Standard	John Chiles
John Knott	Aquiller Sniling	William Graves
James Nowil	Gibea Chavis	W ^m Allen
John Earl	Benjaman Bass	Willis Roberts
Francis Howard	Joseph Bass	James Williamson
Christopher Hunt	Davie Michell (negro)	William Hunt
Ed ^w Crenshaw	Lewis Anderson	Tho ^s Lowe
Charles Moore	Rubin Bass	Isham Johnson
John Smith	Lawrence Potiford	Isaac White
William Worthington	Edward Bass	William Head
James Caudill	William Chavis	George Feagans
Isom Caudill	John Fullilove	Charles Spalding
Carter Hedgebeth	Samuel Hucabay	Henry Spalding
Solomon Langston	Thomas Owen	William Matthews
James Labond	Richardson Owen	Ben Howard
Frances Davenport	John Pendergrass	Thomas Willingham
Christian Peelor	Absalom Ford	Shadarach Roberts

George Bruce	Daniel Wilkerson	William Wharton
John Pulliam	James Hester	John Hart
John Boyd	Thomas Bing	John Harris
Miles Wells	Nathan Sanders	James Downey
William Cawthon	John Wilkerson	John Davis
Antney Pallear	Anthony Cozart	

• [FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

TO THE HON^{ble} THE SPEAKER AND GENTⁿ OF THE HOUSE OF ASSEMBLY

The Petition of the Inhabitants of Granville County Humbly Sheweth, that by the Act of Assembly Concerning Tythables, it is among other things enacted that all free Negroes & mulato women and all wives of free Negroes & mulatoes are Declared Tythables & Chargeable for Defraying the Public County & Parish Levys of this province, which Your Petitioners Humbly Conceive is highly Derogatory of the Rights of Freeborn Subjects—Your Petitioners therefore Pray that an Act may pass Exempting Such free negroes & mulatoo women and all wives other than Slaves of free negroes & mulatoes from being Listed as Tythables & from paying any Public County or Parish Levys and Your Petitioners shall ever pray &c^t.

David Howard	Beniamin Bass	Tho ^s Owen
John Knott	Lewis Anderson	James Hester
James Langston	Edward Bass	Nathan Sanders
Tho ^s Philpot	Davie Michell (negro)	John Wilkerson
John Williams, T. R.	Rubin Bass	James Nowil
Rich ^d Person	Lawrance Pettiford	Thomas Head
Francis Howard	William Chavis	John Head
John Smith	Samuel Huckabay	Martha Knight
Charles More	Lewis Collins	Nathan Chiles
Christopher Hunt	Thomas Butler	Benjamin Hendricks
William Washington	John Gwin	Willis Roberts
James Caudill	George Whitlock	James Williamson
Isom Caudill	Humphrey Davis	William Hunt
Carter Hedgebeth	Josiah Stovall	Tho ^s Lowe
Francis Deavenport	Ben Bearden	Isham Johnson
Cutbird Hudson	Lovet Gates	Isaac White

Isaac Head	Shadrach Roberts	William Head
Joseph Hill	Thomas Wellingham	George Fagans
William Cawthon	William Wharton	Charles Spaulding
W ^m Wallis	John Hart	Henry Spaulding
Jn ^o Tudor	John Harris	William Mathews
Jn ^o Badget	Robert Downey	James Downey
Groves Howard	Jonathan Knight	Rich ^d Burton
Aquila Kohn	John Fullilove	Benjamin Glaze .
Gibea Chavis	Daniel Standard	John Davis

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQ^r CAPTⁿ GENERAL GOVERNOR AND COMMANDER IN CHIEF IN AND OVER HIS MAJESTIES PROVINCE OF NORTH CAROLINA—

The Petition of a Number of the Distressed Inhabitants of Rockey River & Coddle Creek Settlement in Meeklenburgh County North Carolina Humbly Sheweth

That whereas a Certain N^o of young men, Ignorant of their Duty to our Sovereign Lord the King, riotously Assembled in a wicked manner, Combined against Government, without the least Knowledge, Advice, or Consent, of any Parent, friend, & some of them even Demented by Spiritous Liquors, did, about the first of May last, rashly & inconsiderately Destroy the ammunition of General Waddle & Sundrys, the Property of Colo. Moses Alexander; for which wicked deed, Their Parents and Friends are Drowned in Sorrows & the Unhappy Perpetrators truly & Deeply Afflicted. Permit us, y^r Excellencys most humble petitioners, to assure your Excellency, that these Miserable persons were, prior to this Fact, esteemed faithfull & loyal Subjects. We Cannot but most tenderly Compasionate the Desolate & Distressed, & Even take part in their affliction and Having learned your exceeding Humanity and that benign Temper of mind with which you are so Eminently Possessed of; We therefore big with expectation, Cannot but Sollicit & most earnestly & importunately pray, that your Excellency would be Graciously pleased to extend to these unhappy, though unworthy Subjects, his Majesties most free & gracious Pardon. That your Excellency may see Loyalty to the best of Sovereigns, & Fidelity to our noble Constitution,

flourishing among us; & the Reigns of Government easy and Delightful to yourself, Shall be the Sincere Prayer of your Excellencys most humble & Dutifull Petitioners.

Moses Shelby	John Russel	George Davys
Samuel Loftain	Rob Russel	Robert McCallan
Mathew Stewart	James Russel	James Callwall
John Morison	W ^m Scott	James Harriss
David Slough	Robert Campbell	William Sper
Sam ^l Harris	William Blair	John Callwall
James Morison	Thomas Hall	Oliver Wiley
Robert McMurrey	Thomas Smith	James Harris
William White	William Addem	David Caldwell
John Davis		

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

TO HIS EXCELLENCY JOSIAH MARTIN, HIS MAJESTY'S CAPTAIN GENERAL, GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA, AND TO THE MEMBERS OF HIS MAJESTY'S HONOURBLE COUNCIL

The petition of William Butler Humbly Sheweth that, your Humble petitioner, by means of my own unwarrantable behaviour; being influenced by others to Commit Sundry outrages against the Laws of this government; and am now in a state of outlawry; to the great grief of myself; and the Ruin of my family; it is with the utmost abhorance that I Reflect on the proceedings of the people formerly Called Regulators, being fully Convinced that the principles which they had espoused were Erroneous, and therefore most Sincerely promise never to engage in the like again; Humbly hoping and begging that you in your great wisdom and goodness will procure my pardon and your Humble petitioner as in Duty bound will ever pray

WILLIAM BUTLER.

TO HIS EXCELLENCY JOSIAH MARTIN, HIS MAJESTY'S CAPTAIN GENERAL, GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA

The Petition of John Butler Humbly sheweth that, Whereas my Brother William Butler; is by the Laws of this Province, in a state

of outlawry, and notwithstanding, the very Extraordinary unlawful and unconstitutional proceedings of him and others, made it necessary for Examples to be made of some, yet I Humbly hope that mercy may yet be found with your Excellency for one who is very sensible of his folly and who Sincerely promises never to be one of Such a Riotous party again; his own petition is herewith presented to your Excellency; Humbly begging pardon; which I most Humbly and Heartily beg, your Excellency, will be pleased to grant and your Humble Petitioner as in Duty bound will ever pray.

JOHN BUTLER.

[B. P. R. O. JOURNALS B. T. VOL. 79.]

BOARD OF TRADE JOURNALS.

[P. 188.]

Thursday August 22. 1771.

The Secretary laid before the Board public Acts and proceedings of the Legislatures of several of the Colonies—as follow Viz:—

[P. 192.]

Account of fees received by Gov. Tryon on each particular Instrument signed by him Minutes of Council 12 May 1770 from 19 Nov. 1770 to 7 Feb. 1771 from 5 Dec. 1770 to 26 Jan. 1771 Journals of Assembly—same times—Forty one Acts passed in Session begun 5 Dec. 1770 List of Patents. Copy of a Bill relative to Quit Rents.

[P. 214.]

Thursday December 12. 1771.

The Secretary laid before the Board Abstract of Patents for Lands granted in His Maj. part of the Province of North Carolina

Minutes of Council from 13 Feb. to 19 March 1771.

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

LEGISLATIVE JOURNALS.

NORTH CAROLINA—Ss.

In the upper House.

At an Assembly began and held at New Bern the fifth day of December in the eleventh year of His Majesty's Reign and continued by prorogation until the 19th day of November Anno Dom 1771

Present

The Hon ^{ble}	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Cornell	
		Lewis DeRosset	S ^r Nath Dukenfield	
		John Sampson	and	
		Alex McCulloch	Marinaduke Jones	

Then His Excellency the Governor met the Members of the upper House in the Council Chamber at the Palace and commanded the immediate attendance of the Speaker and Gentlemen of the lower House of Assembly, who thereupon attended and then His Excellency made to both Houses the following Speech, viz—

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL, MR SPEAKER
AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

His Majesty having been most graciously pleased to appoint me His Chief Governor of this Province, I now first enter upon the duties of that Important Station in my Legislative Capacity with all the diffidence which the difficulty of the situation, added to a just sense of the luster of my predecessors character, naturally inspires; desiring at the same time the most pleasing expectations from the generous, and loyal support, that you gave to that Gentlemen approved administration.

I have the pleasure to assure you Gentlemen that it has afforded great satisfaction to His Majesty, to see Gov. Tryons unwearied endeavours, for restoring the peace of this Country so well seconded by the Legislature, and I am confident it will be most grateful to His Royal mind to find that by your wise provisions and his able conduct, the good work is accomplished, and that tranquility and good order, have succeeded the tumult and violence, which during sometime had disturbed so fair a part of this Province.

I most heartily congratulate you Gentlemen on this Event and I take the first occasion to recommend to you in the most earnest manner to consider of an effectual means to prevent future evils of the like nature, to this end it appears to be necessary to give all force and vigour to the Laws; to obviate all just grounds of discontent to the people, that shall be found to exist, to give them the fullest evidence that is possible of the just administration of the public Finances; to correct, as far as human prudence may, all manner of abuses; and above all things to give every facility to the administration of Justice. Thus Gentlemen you will promote the benignant intentions of our most gracious Sovereign, who with Paternal and unrelenting care, labours to extend to all his people the inestimable blessings of that happy Constitution, of which he is a most vigilant and tender Guardian. And thus by the wisdom of your deliberations and the Divine blessing, I trust they will be permanently secured and enjoyed in the amplest manner, And to the latest time, by the Inhabitants of this Province.

The war which is still raged on the Continent of Europe; as it keeps Britain in a state of watchfulness, seems just reason for prudent caution in the Colonies; I therefore recommend to you to maintain the Militia of this Province on a respectable footing.

Gentlemen of the House of Assembly, I hope you will see it expedient to provide for the present establishment of Fort Johnston and to supply that Garrison with sufficient stores.

As the Public Faith stands engaged, I conceive it is needless to recommend to you to make immediate provision for defraying the charge of the recent, and important services of the Militia forces, upon which occasion I cannot doubt that you will be mindful to indemnify at least, your late worthy Governor, Under whose auspices they acted, for his personal expence on that service, so generously undertaken for the good of this Country. This done His Majestys Subjects lately misled, having returned to their duty I think it is to be wished, that the Veil of Oblivion may be drawn over the past unhappy troubles, and all the animosities and distractions which they created.

Gentlemen of His Majestys Honble Council Mr Speaker and Gentlemen of the House of Assembly, I have nothing particular at this time in Command from His Majesty to communicate to you. On my own part, I must express my earnest wishes, that you conduct the public business with unanimity and dispatch. And I do

assure you of my concurrence in all measures, that are calculated to promote the honor and security of His Majestys Government; and the true interests and happiness of this Colony.

On motion ordered that His Excellencys speech be read, the same was read and taken under consideration. And thereupon Ordered that the Honble Lewis Henry DeRosset and Marmaduke Jones Esq^{rs} be appointed a Committee of this House to draw up an Address in answer to His Excellencys Speech.

Then the House adjourned till to-morrow morning 10 °Clock.

Wednesday Morning 20th November 1771.

The House met according to Adjournment.

Present as before.

Then the House adjourned till 10 °Clock tomorrow morning.

Thursday Morning 21st November 1771.

The House met according to adjournment.

Present as before.

The Committee appointed to draw up an address in answer to His Excellencys speech—reported that they had prepared the same which was ordered to be read, the same was read and approved of and that it be entered on the Journals of the House as follows. Viz.

TO HIS EXCELLENCY JOSIAH MARTIN ESQ^r HIS MAJESTYS CAPT. GENERAL, GOVERNOR AND COMMANDER IN CHIEF OF THE PROVINCE OF NORTH CAROLINA—

May it please your Excellency,

We His Majestys most dutiful and loyal subjects, His Council of North Carolina met in General Assembly—return your excellency our most hearty thanks for your affectionate speech at the opening of the Session.

When it pleased our most Gracious Sovereign, that the abilities of our late Governor should be employed in his Majestys Service in another Colony—We could not but lament, as a misfortune to the Province, the destined departure of a Governor so deservedly esteemed; but the gloom which that event began to spread over our minds, is now happily dispelled, and a brightened prospect opens to our view with the dawn of new felicity under your Excellencys Administration.

It is therefore, Sir, with the sincerest pleasure we beg leave to congratulate your Excellency and the Province on the Royal favour of your appointment to be our Chief Governor; and on your safe and early arrival with your lady and family.

It is our happiness, sir, that whilst we have the Honor to address the Representative of our Sovereign, We share the general joy of receiving a most acceptable Governor; And, as an inclination to do good is ever inseparable from a virtuous mind, your Excellencys Character justifies our confidence of every benefit to the Province, which can result from a benevolent administration.

We return your Excellency our particular thanks, for your congratulations on the tranquility and good order, which is now restored to the Province. It adds to the happiness of these circumstances that the conduct of our Legislature (in seconding the late Governors endeavors for restoring the peace of the Country) has afforded his Majesty great satisfaction, And we beg leave to assure your Excellency that with the most dutiful and loyal attachment to his person and Government We shall ever retain a grateful sense of his unremitting care to extend to all his people the inestimable blessing of our happy Constitution.

The success in the defeat of the Insurgents at Alamance, at the same time that it does the greatest Honour to Gov. Tryon's courage and military talents, and to the bravery of the Troops under his command, has united to his character of a worthy Governor, that of a brave preserver of the Country. We dwell, Sir, with the greatest pleasure on the Signal Services to this province, as they were performed by the exertion of those qualities, which are known to make part of your own character.

The remembrance of the alarming situation, to which this Government was reduced, by the late dangerous combination will most powerfully stimulate our endeavors to provide effectual means to prevent future evils of the like nature, And we shall rank amongst the first objects of our attention, the several matters which your Excellency has recommended as necessary for the attainment of that end.

The utility of the Militia of this Province, has been so lately and so happily manifested, that we shall most cheerfully concur in any measure for maintaining it on a respectable footing.

We receive as an early and pleasing instance of your Excellencys affection for this Province, your recommendation that "the veil of

oblivion may be drawn over the past unhappy troubles, and all the animosities and distractions which they created." Such sentiments bespeak a tender concern for the peace and happiness of the Country, and well deserve a general adoption, tho' perhaps the enormity of some offenders, may be found to necessitate particular exceptions.

At this and all other times, as well in our public as private capacities, we shall constantly endeavor to promote the ease and happiness of your Excellency's Administration. With most sincere wishes, that you may long enjoy the high Station, in which we have now the honor to address you, we shall enter upon the Business of this Session, with a sincere disposition to unanimity and dispatch, and to concur with the other House, in all measures that are calculated to promote the honour and security of the Government and the true interest and happiness of this Colony.

In the upper House, Nov. 21st 1771.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 21st November 1771.

The House met according to adjournment.

Present

The Honble	{	James Hasell	Wm Dry	}	Esquires.
		John Rutherford	Martin Howard		
		Lewis DeRosset	Samuel Cornell		
		John Sampson	Sr. Nath ^l Duckenfield &		
		Alex McCulloch	Marmaduke Jones		

Then the House adjourned till tomorrow morning.

Saturday Morning

The House met and adjourned till Monday Morning

Monday Morning 25th November 1771.

The House met according to adjournment

Present as before.

Received from the Assembly by Mr Blount and Mr Shepard the following Message Viz.

This House having appointed Mr Harnett, Mr Johnston, Mr Nash, Mr Christo. Neal, Mr Thompson, Mr Cray, Mr Shepard, Mr John Harvey and Mr James Moore, a Committee of this House to state and settle the Public Accounts of this Province, And Mr Jacob Blount, Mr James Blount, Mr Davis, Mr Ferq Campbell, Mr Polk,

Mr Mackelwean, Mr. Dunn, Mr Gray, Mr Thos Neal, Mr Rutherford and Mr Dickson a Committee of this House to settle and allow Public Claims in Conjunction with such of your Honors as you shall think fit to appoint

R^d CASWELL Speak

By order J. GREEN Clk.

In the Assembly 22^d Nov. 1771.

On motion Ordered that the following Message be sent to the Assembly viz.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your Message relative to the Committees This House have appointed the Honble John Rutherford, Alex McCulloch W^m Dry Samuel Cornell and Marinaduke Jones Esq. a Committee of this House to examine state and settle the Public Accounts, And the Honble Lewis Henry DeRosset, John Sampson, Martin Howard Esq and S^r Nat^l Duckenfield Bart. a Committee of this House to settle and allow the Public Claims

By order J. B. Clk.

In the upper House 25th Nov. 1771.

Then the President attended by the House waited on His Excellency at the Palace and presented him with their address to which His Excellency was pleased to return the following Answer.

MR. PRESIDENT AND GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL—

I return you my sincerest thanks for this very affectionate address. And I feel myself most sensibly obliged by your warm congratulations on my appointment to the Government of this Province and on my safe arrival in it with my family.

Your affectionate concern Gentlemen on the removal of your late worthy Governor to another Province, affords at once a proof of your generous gratitude, and his exalted merit.

With a just sense of the difficulties under which I succeed a Gentleman of his eminent advantages, I am a Candidate, unequal but in zeal, for those inestimable rewards he now enjoys in the approbation of our most Gracious Sovereign, And the united suffrage of the good people of this Province in his favour. And I shall

esteem myself happy, If I am able in any degree to alleviate your just concern, for a loss, I cannot hope to repair

The favorable sentiments you have been pleased to conceive of my character, do me honor; and I shall studiously endeavour by my right conduct, to confirm you in them. My abilities, such as they are of every sort, I do assure you Gentlemen, shall be uniformly and faithfully dedicated to the service of my Royal Master, and to promote the honor, peace, and happiness of this Country, of which he has been most graciously pleased to constitute me Guardian.

I derive, Gentlemen, the greatest satisfaction from the obliging assurances you give me, of your endeavours, to promote the ease and happiness of my administration, And I enter upon my arduous duty, with double confidence, relying on the assistance of a Council whose approved wisdom, loyalty and spirit, claims my respect, while your generous sentiments engage my esteem and gratitude.

New Bern 25th Nov 1771.

JO. MARTIN.

Then the House adjourned till 10 °Clock tomorrow Morning.

Tuesday Morning 26th November 1771

The House met according to adjournment.

Present as before

Then the House adjourned till 10 °Clock tomorrow morning.

Wednesday Morning 27th November 1771.

The House met according to adjournment.

Present as before.

Thursday Morning 28th November 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Robertson and Mr Slade the following Bills, viz

A Bill for dividing the Western part of Rowan County and erecting a new county and parish by the name of ----- and ----- Parish. Read the first time and passed.

A Bill for erecting part of the Counties of Halifax and Tyrrel into a County and parish. On motion read the first time and passed.

A Bill for erecting the north part of Orange County into a distinct County and parish by the name of ----- County and Parish of ----- Read the first time and passed.

A Bill to impower Thomas Neal and Isaac Price to keep a Public Ferry across the Catawba River.

A Bill for appointing and empowering ----- of Anson County to Collect and receive the Taxes which are due from the Inhabitants of the said County for the year one thousand seven hundred and seventy. On motion read the first time and passed.

Received from the Assembly by Mr Hewes and Mr Montfort—

A Bill to amend an Act entitled an Act for the Regulation of the Town of Wilmington. Read the first time and passed.

Received from the Assembly by Mr Waddell and Mr Ashe, A Bill for granting to His Majesty the sum of-----thousand pounds proclamation money to be applied as herein directed and for directing the duty of Sheriffs in the Execution of their office. Read the first time and passed.

Received from the Assembly by Mr Gray and Mr Ormond a Bill for continuing and amending so much of an Act as is now in force, Intitled an Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein and for providing adequate salaries for the Chief Justice and the Associate Justices of the said Superior Courts. Read the first time and passed.

Received from the Assembly the following Bills, Viz,

A Bill to amend an Act entitled an Act for regulating the several Officers fees within this Province and ascertaining the method of paying the same. Read the first time and passed.

A Bill to amend an Act entitled an Act, what Fences are sufficient. Read the first time and passed.

* Received from the Assembly the following Resolve &c.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have Resolved that Robert Howe Esq. be allowed the sum of three hundred and forty eight pounds out of the sinking fund he having made it appear that on the ninth day of the present month November he lost a sum equal to that in proclamation money which was entirely destroyed and can never again come into circulation, and desire your Honours Concurrence thereto.

R^d CASWELL, Speaker.

In the Assembly 28th Nov. 1771.

By order J. GREEN, Clk.

In the upper House 28th Nov 1771, then on motion the above resolve was read, considered and concurred with.

J. HASELL, P.

By order J. B. Clk.

Received from the Assembly a Bill to amend an Act intituled an Act for establishing a new County between Campbleton and Hillsborough by taking the Southern part of the inhabitants of Orange County by the name of Chatham County and St Bartholemew parish. Read the first time and passed.

Received from the Assembly the following resolve, Viz—

This House have Resolved that James Alford of Wake County be allowed twenty eight pounds five shillings out of the sinking fund he having made it appear that on the twenty eighth day of April last a sum equal to that in proclamation money was in his dwelling house burnt and totally destroyed, to which we desire your Honours Concurrence.

R^d CASWELL, Speaker.

In the Assembly 28th Nov. 1771.

By order J. GREEN, Clk.

In the upper House 28th Nov 1771, then on motion the foregoing Resolve was read, considered of and concurred with.

J. HASELL, P.

By order J. B. Clk.

Friday November 29th 1771.

The House met according to adjournment.

Present as before.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday Morning 30th November 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly the following Bills by Mr Gray and Mr Dickson—

A Bill for appointing and empowering Francis Mosely of Anson County to collect and receive the Taxes which are due from the Inhabitants of the said County for the year 1770. Read the second time and passed.

A Bill to empower the Church Wardens and Vestrymen of the Parish of St. Gabriels in the County of Duplin to sell the Glebe in the said Parish and County. Read the first time and passed.

A Bill for erecting part of the Counties of Halifax and Tyrrel into a County and Parish.

A Bill for laying out a Town on the land of Richard Evans in Pitt County by the name of -----

A Bill to amend and continue an Act intituled an Act to amend and continue an Act intituled an Act to establish Inferior Courts of Pleas and Quarter sessions in the several Counties in this Province—passed at Wilmington in the 4th year of the reign of his present Majesty. Read the first time and passed.

A Bill to annex part of the County of Rowan to the County of Surry. Read the first time and passed.

A Bill for altering the dividing Lines between the Counties of Beaufort and Pitt. Read the first time and passed.

A Bill for amending an Act intituled an Act for erecting in the Town of Salisbury a public Goal, Pillory and Stocks for the district of Salisbury in this Province. Read the first time and passed.

Received from the Assembly by Col^l Moore and Thompson the following Resolve.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL—

This House have Resolved that David Pollock keeper of the Wilmington Goal be allowed the sum of twenty-five pounds for so much paid the Doctor for curing a wound given him by one of the criminals in attempting to prevent the said Criminals escape; to be paid him by the Treasurer out of the contingent fund: And desire your Honors Concurrence thereto—

R^d CASWELL Speaker.

By order J. GREEN Clk.

In the Assembly 30th Nov. 1771.

Then the House adjourned till 10 o'clock on Monday morning.

Monday Morning 2nd December 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Hardy and Mr Kimbrough
A Bill to amend an Act intituled 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 Election; or to 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—read the first time and passed.

A Bill for altering the place fixed upon by the Commissioners for building a Court House and Prison and Stocks in the County of Guilford. Read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow Morning.

Tuesday Morning 3^d December 1771.

The House met according to adjournment

Present as before.

Received from the Assembly the following Bills Viz

A Bill to empower the Church wardens and vestrymen of the Parish of St Gabriels in the County of Duplin to sell the Glebe in the said Parish and county. Read the second time and passed.

A Bill for appointing an agent to solicit the Affairs of this Province at the several Boards in England. Read the first time and passed.

A Bill for amending an Act entitled an Act for erecting in the Town of Salisbury a public goal, pillory and stocks for the District of Salisbury in this Province. Read the second time amended and passed.

A bill for the further enabling Francis Lock, Andrew Allison, Griffith Rutherford and William Temple Cole former Sheriffs of Rowan County to collect the arrearages of Taxes. Read the first time and passed.

A Bill to empower the Freeholders of the Parish of Unity in Guilford County and the Parish of St Margarets in Wake County to elect vestry men in the room of those heretofore elected for the said Parishes. Read the first time and passed.

A Bill to amend an Act intituled an Act for the regulation of the Town of Wilmington. Read the second time amended and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 4th December 1771

The House met according to adjournment

Present as before.

On motion the Bill for erecting part of the Counties of Halifax and Tyrrel into a County and parish was read a second time amended and passed

Received from the Assembly by Mr Polk and Mr Kimbrough the following Bills—

A Bill to continue an Act intituled an Act to encourage the destroying of vermin in the several Counties therein mentioned. Read the first time and passed.

A Bill for building a Court House in the Town of Salisbury for the District of Salisbury. Read the first time and passed.

A Bill to empower the Church Wardens and Vestrymen of the Parish of St Gabriels in the County of Duplin to sell the Glebe in the said Parish and County. Read the third time and passed. Ordered to be engrossed.

A Bill for the more easy and effectual method of collecting the taxes in the Counties therein mentioned. Read the first time and passed.

A Bill for continuing and amending so much of an Act as is now in force intituled an Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein and for providing adequate salaries for the Chief Justice and the Associate Justices of the said Superior Courts.

Received from the Assembly the following Resolve Viz—

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

This House have Resolved that John Fulford be allowed the sum of thirty shillings he having made it appear that he had a sum equal to that in proclamation money burnt in his house on the 7th day of March last, which we have directed to be paid out of the sinking Fund and desire your Honours concurrence thereto.

R^d CASWELL Speaker.

In the Assembly 4th December 1771 — Concurred with.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 5th December 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Col^o Moore and Col^o Eaton a Bill to indemnify such persons as have acted in defence of Government and for the preservation of the public peace of this Province during the late Insurrection from vexatious suits and prosecutions. Read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 6th December 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Lanier and Mr Field the following Bills viz^t.

A Bill to alter the method of working upon the Roads in the Counties therein mentioned. Read the first time and passed.

A Bill to continue an Act intituled an Act to encourage the destroying of vermin in the several Counties therein mentioned. Read the second time and passed.

A Bill for annexing part of Cumberland County to Chatham County. Read the first time and passed.

A Bill for annexing part of the County of Rowan to the County of Surry. Read the second time amended and passed.

A Bill for altering the place fixed upon by the Commissioners for building a Court House, Prison and stocks in the County of Guilford. Read the second time and passed.

Received from the Assembly by Mr Polk and Mr Dickson the following Bills viz^t

A Bill to empower the Officers therein mentioned in certain cases to take the Poll at the election of Members to serve in the General Assembly. Read the first time and passed.

An Act to amend an Act intituled an Act for founding establishing and endowing of Queens College in the Town of Charlotte in Mecklenburgh. Read the first time and passed.

A Bill to amend an Act intituled an Act for establishing a New County between Campbelton and Hillsborough by taking the Southern part of the inhabitants of Orange County by the name of Chatham County and St Bartholomews Parish. On motion rejected.

A Bill to enlarge the time for several Sheriffs to settle their accounts with the Justices of the Inferior Courts of Pleas and quarter sessions of the Counties therein mentioned. Read the first time and passed.

A bill for erecting part of the Counties of Halifax and Tyrrel into a County and Parish. Read the third time and passed. Ordered to be engrossed.

A Bill for establishing the Court of Chancery, consisting of the Governor and Council for the time being or any five of them with allowances as salaries to such of the members as attend the same and for establishing rules of the said Court with fees to the Register and other Officers thereof. Read the first time amended and passed. Then the House adjourned till 10 o'clock tomorrow morning.

Saturday Morning 7th December 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Gray and Mr Hynes a Bill to discontinue the poll tax of one shilling and duty of four pence per gallon on rum wine and other spiritous liquors. Read the first time amended and passed.

A Bill to continue an Act entitled an Act to encourage the destroying of vermin in the several Counties therein mentioned.

Received from the Assembly by Mr Dunn and Mr Rutherford the following Bills Viz,

A Bill for granting to His Majesty a duty on spirits for the purpose of amending the navigation of this Province and other purposes. Read the first time and passed.

A Bill for further amending an Act entitled 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.

A Bill for dividing the western part of Rowan County and erecting a new County and Parish by the name of York County and St James Parish. Read the second time and passed.

A Bill to empower the Freeholders of the Parish of Unity in Guilford County the Parish of St Johns in Pasquotank County and the Parish of St Margarets in Wake County to elect vestrymen in the room of those heretofore elected for the said Parishes. Read the second time amended and passed.

A Bill to confirm the title of such persons as have purchased lands sold by execution under the statute of the fifth of George the Second intituled an Act for the more easy recovery of debts in his Majestys Plantations and Colonies in America. Read the first time and passed.

Then the House adjourned till 10 o'clock on Monday Morning.

Monday Morning 9th December 1771.

Received from the Assembly by Col^o Cray and Col^o Rutherford the following Bills, viz^t

A Bill for granting to his Majesty the sum of one hundred and thirty thousand pounds proclamation money to be applied as herein directed and for directing the duty of Sheriffs in the execution of their Offices.

A Bill to release the Inhabitants of the Parish of Granville in the County of Granville from certain taxes and for other purposes therein mentioned. Read the first time and rejected.

A Bill for erecting in the Town of Hillsborough a public goal and goalers house for the district of Hillsborough in this Province. Read the first time and passed.

A Bill for appointing and empowering Francis Moseley of Anson County and James McCoy of Rowan County to collect and receive the Taxes which are due from the inhabitants of the said Countys for the year 1770. Read the third time and passed. Ordered to be engrossed.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning 10th December 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly the following Bills Viz^t

A Bill for the more easy and certain collection of his Majesty's Quit Rents, in this Province. Read the first time 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.

A Bill to annex part of Dobbs County to Pitt County. Read the first time and passed.

A Bill to amend an Act intituled an Act for regulating the pilotage of Cape Fear River and other purposes. Read the first time and passed.

A Bill for building a Court House in the Town of Salisbury for the district of Salisbury. Read the second time and passed.

A Bill for laying out a public road from the frontiers of this Province through the Countys of Mecklinburgh, Rowan, Anson and Cumberland to Campbelton. Read the first time and passed.

A Bill to amend an Act intituled an Act to prevent hunting for and

killing deer in the manner therein mentioned. Read the first time and rejected.

A Bill for removing the Superior Court of Hillsborough to Campbellton. Read the first time and passed.

A Bill to amend an Act intituled "an Act for founding establishing and endowing of Queens College in the Town of Charlotte in Mecklenburgh County. Read the second time and passed.

A Bill for the further enabling Francis Lock, Andrew Allison, Griffith Rutherford and William Temple Cole former Sheriffs of Rowan County to collect the arrearages of taxes. Read the second time amended and passed.

A Bill for amending an Act intituled an Act for erecting in the Town of Salisbury a public goal, pillory and stocks for the District of Salisbury in this Province. Read the third time and passed. Ordered to be engrossed.

Received from the Assembly the following resolve viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

This House send you the petition and affidavits of Abram Evans to whom we have Resolved that the sum of twenty two pounds sixteen shillings and eight pence be paid by the Treasurers or either of them out of the sinking fund and be allowed them in the accounts with the public to which we desire your Honours concurrence.

R^d CASWELL, Speaker.

In the Assembly 9th Dec 1771.

J. GREEN Jun^r, Clk

In the upper House 10th Dec. 1771 Concurred with

JA^s HASELL, P. C.

Received from the Assembly the following Bills Viz^t

A Bill for dividing the western part of Rowan County and erecting a new County and Parish by the name of York County and St James Parish. Read the third time and rejected

A Bill to enable the freeholders of the Parish of St John in the County of Pasquotank to elect a vestry and provide for the poor. Read the first time and passed.

On motion the Bill to empower Thomas Neal and Isaac Price to keep a public ferry across the Catawba river was read the first time and passed.

And a Bill for laying out a Town on the Land of Richard Evans in Pitt County by the name of ----- was read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 11th December 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr. C. Neal and Mr. Cray the following Bills, Viz^t

A Bill to empower the officers therein mentioned in certain cases to take the poll at the election of Members to serve in the General Assembly. Read the second time amended and passed.

A Bill to amend an Act intituled an Act for the regulation of the Town of Wilmington.

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. Read the second time amended and passed.

A Bill to empower Thomas Neal and Isaac Price to keep a public Ferry across the Catawba River. Read the second time and passed.

A Bill for laying out a Town on the Land of Richard Evans in Pitt County by the name of Martinborough. Read the second time and passed.

A Bill to alter the method of working upon the roads in the Counties therein mentioned.

On motion the Bill for continuing and amending so much of an Act as is now in force intituled an Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein and for providing adequate salaries for the Chief Justice and the associate Justices of the said Superior Courts, was read the second time amended and passed.

Received from the Assembly A Bill to indemnify such persons as have acted in defence of government and for the preservation of the public Peace of this Province during the late insurrection from vexatious suits and prosecutions.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday December 12th 1771.

The House met according to adjournment.

Present as before.

On motion the Bill for granting to his Majesty the sum of one hundred and thirty thousand pounds proc. money to be applied as here directed and for directing the duty of Sheriffs in the execution of their Office, was read the second time amended and passed.

Received from the Assembly by Mr Campbell and Mr Dickson the following Resolve, viz^t

This House herewith send you the affidavit of Edw^d Dunfield to whom we have Resolved that the sum of fourteen pounds proclamation money be paid by the Treasurers out of the sinking fund, and allowed them in their accounts with the Public to which we desire your Honors Concurrence.

R^d CASWELL Speaker.

12th Dec. 1771. In the Assembly.

In the upper House 12th Dec. 1771. Concurred with.

JA^s HASELL, P. C.

Received from the Assembly a Bill for laying out a public road from the frontiers of this Province thro' the Counties of Mecklenburgh, Rowan, Anson and Cumberland to Campbelton. Read the second time and passed.

A Bill to amend an Act intituled an Act for regulating the pilotage of Cape Fear River and other purposes. Read the second time amended and passed.

A Bill to amend an Act intituled an Act for founding, establishing and endowing of Queens College in the Town of Charlotte in Mecklenburgh County. Read the third time and passed. Ordered to be engrossed.

A Bill to continue an Act Intituled an Act to encourage the destroying of vermin in the several counties therein mentioned. Read the third time and passed. Ordered to be engrossed.

Friday 13th December 1771.

The House met according to adjournment.

Present as before.

On motion ordered the following Message be sent to the Assembly.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading a third time the Wilmington Bill, we would propose a small amendment in the clauses to prevent building piazzas and

platforms, which to make more clear to you we send the changes as we wish to have them stand.

We observe that you have *deled* that clause relative to persons dealing with negroes when the *onus probandi* shall lie upon the defendant. We need not enter into the necessity of such a clause, the late unhappy fire at Wilmington is a striking instance. And as it is the duty of the legislature to adopt a remedy for every evil We conceive that the spirit of that clause is absolutely necessary in some degree to be preserved in order to discourage the pernicious practice of dealing with negroes. We would therefore propose to restore that clause with the difference that instead of the *onus probandi*, that the person charged with the offence shall be required to answer upon oath and shall be thereon convicted or discharged accordingly.

We would also propose that the Act shall continue in force six years, and to the end of the next Session of Assembly.

If you agree to these amendments please send two of your Members to see the same made.

In the upper House 13th Dec 1771.

By order

J. BURGWIN Clk.

Received from the Assembly by Mr Knox and Mr Hare the following Bills— Viz^t

A Bill for rating the several species of Foreign coin and making the same a lawful tender in all payments therein mentioned. Read the first time and rejected.

A Bill for laying out a Town on the Land of Richard Evans in Pitt County by the name of Martinborough.

On motion a Bill for granting to his Majesty the sum of £130,000 proc money to be applied as herein directed and for directing the duty of sheriffs in the execution of their Office was read a third time and rejected.

Received from the Assembly a Bill to enlarge the time for several Sheriffs to settle their accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions of the Counties therein mentioned. Read the second time and passed.

On motion the Bill to indemnify such persons as have acted in defence of Government and for the preservation of the public peace of this Province during the late insurrection from vexatious suits and prosecutions was read the second time and passed.

Received from the Assembly by Mr Harnett and Mr James Moore the following Message to wit —

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

This House agree to the amendments by you proposed respecting the Wilmington Bill and send Mr Harnett and Mr James Moore two of the Members of this House to see the same inserted in the Bill.

R^d CASWELL Speaker.

Then the clause referred to and the alterations proposed were inserted in the said Bill in presence of the Members sent for that purpose And then the Bill passed the third time. Ordered to be engrossed.

Then the House adjourned till 10 °Clock tomorrow morning.

Saturday Morning 14th December 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly the following Bills, Viz^t.

A Bill to enable the freeholders of the Parish of St. John's in the County of Pasquotank to elect a vestry and provide for their poor. Read the second time, amended and passed.

A Bill to empower the freeholders of the Parish of Unity in Guilford County and the Parish of St. Margaret's in Wake County to elect vestrymen in the room of those heretofore elected for the said Parishes.

A Bill to amend and continue an Act to amend an Act intituled an Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province, passed at Wilmington in the 4th year of the Reign of his present Majesty. Read the second time, amended and passed.

A Bill for building a Court House in the Town of Salisbury for the District of Salisbury. Read the third time and passed. Ordered to be engrossed.

A Bill for laying out a public road from the frontiers of this Province through the Counties of Mecklenburg, Rowan, Anson and Cumberland to Campbelton. Read the third time and passed. Ordered to be engrossed.

A Bill to empower the Officers therein mentioned in certain cases to take the poll at the election of members to serve in the General

Assembly. Read the third time and passed. Ordered to be engrossed.

A Bill to enlarge the time for several Sheriffs to settle their accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions of the Counties therein mentioned.

A Bill to alter the method of working upon the roads in the Counties therein mentioned. Read the third time and passed. Ordered to be engrossed.

A Bill for altering the dividing lines between the Counties of Beaufort and Pitt. Read the second time and passed.

Then the House adjourned till 10 o'clock on Monday morning.

Monday Morning 16th December 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly the following Bills, Viz^t.

A Bill to indemnify such persons as have acted in defence of Government, and for the preservation of the public peace of this Province during the late insurrection from vexatious suits and prosecutions. Read the third time and passed. Ordered to be engrossed.

A Bill for the further enabling Francis Lock, Andrew Allison, Griffith Rutherford and W^m Temple Cole former Sheriffs of Rowan County to collect the arrearages of taxes. Read the third time and passed. Ordered to be engrossed.

A Bill for erecting in the Town of Hillsborough a public goal and goalers house for the District of Hillsborough in this Province. Read the second time amended and passed.

Received from the Assembly by Col^o Davis and Mr Gray the following Resolve viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have resolved that the present establishment at Fort Johnston be continued twelve months and from then to the end of the next session of Assembly and desire your Honours Concurrence.

R^d CASWELL, Speaker.

In the Assembly 16th December 1771.

By order

J. GREEN, JUN^r. Clk.

In the upper House 16th December 1771, read and concurred with.

JAS. HASELL, P. C.

By order

J. BERGWIN, Clk.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning 17th December 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Col Ashe and Col Vail the following Bills viz^t.

A Bill for imposing a Tax of one shilling proclamation money p. poll on all Taxable persons within this Province and for granting the money arising from such tax to his Majesty his Heirs and successors to be applied as hereinafter directed and for directing Sheriffs in the execution of their Office. Read the first time and passed.

A Bill to amend an Act entitled an Act for regulating the pilotage of Cape Fear River and other purposes.

A Bill to discontinue the Poll Tax of one shilling and duty of four pence p. gallon on rum, wine and other spiritous liquors. Read the second time and passed.

A Bill to empower the Freeholders of the several Parishes therein mentioned to elect for vestries for their respective parishes. Read the third time and passed. Ordered to be engrossed.

A Bill for erecting in the Town of Hillsborough a public goal and goalers house for the District of Hillsborough in this Province. Read the third time and passed. Ordered to be engrossed.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 18th December 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly a Bill for imposing a Tax of one shilling proclamation money p. poll on all taxable persons within this Province and for granting the money arising from such tax to His Majesty his heirs and successors to be applied as hereinafter directed. Read the second time and passed.

Received from the Assembly by Mr Evans and Mr McKennie the following Bills.

A Bill for striking Debenture Bills on Bank paper to the amount of ----- thousand pounds proclamation money to be exchanged for all such debenture and tender bills as may be in circulation in this Province. Read the first time amended and passed

A Bill to amend an Act intitled an Act what fences are sufficient. Read the second time amended and passed.

A Bill to appoint collectors of the tax imposed by an Act Intitled an Act for imposing a tax of one shilling proclamation money p. poll on all taxable persons within this Province and for granting the money arising from such Tax to his Majesty his heirs and successors to be applied as hereinafter directed. Read the first time and passed

A Bill for granting to His Majesty a duty on spirits for the purpose of amending the navigation of this Province and other purposes. Read the second time amended and passed.

A Bill to enable the freeholders of the Parish of St John in the County of Pasquotank to elect a vestry and provide for the poor. Read the third time and passed. Ordered to be engrossed.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 19th December 1771

The House met according to adjournment.

Received from the Assembly the Bill for the more easy and effectual method of collecting the taxes in the Counties therein mentioned. Rejected.

A Bill for the further amending an Act intitled 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 Towns.

Received from the Assembly by Mr. Cray and Mr. Blount the Reports of the special Committee for adjusting &c the accounts on the late Expedition &c, which were read in this House approved of and concurred with

Received from the Assembly by Mr Gray and Campbell the Reports of the Committee of the Public Claims and which were read approved of and concurred with

Then the House adjourned till 10 o'clock tomorrow morning

Friday Morning 20th December 1771.

The House met according to adjournment

Present as before.

Received from the Assembly A Bill for imposing a tax of two shillings proclamation money p. poll on all taxable persons within this Province and for granting the money arising from such tax to His Majesty his heirs and successors to be applied as herein after directed. Read the third time and passed. Ordered to be engrossed.

A Bill for striking Debenture Bills on bank paper to the amount of one hundred and twenty thousand pounds proclamation money to be exchanged for all such debenture and tender bills as may be in circulation in this Province. Read the second time and passed.

A Bill for further amending 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. Read the second time and passed.

A Bill to direct Sheriffs in the execution of their Office Read the second time and passed.

Received from the Assembly the following Resolve—

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

This House taking into consideration the conduct of Mr Corn^{ls} Harnett in the late Expedition against the Insurgents; and fully convinced of the great service rendered his Country by his zeal and activity therein.

Resolved that he be allowed one hundred pounds to defray the extraordinary expence he was at in that service.

R^d CASWELL, Speaker.

In the Assembly 19th Dec. 1771.

In the upper House. Concurred with.

J. HASELL, P. C.

By order J. B. Clk.

Received from the Assembly the following Resolve, Viz.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that six hundred copys of each of the Public Accounts as stated by Mr Burgwin be printed and distributed in equal proportions to every County in this Province by Adam Boyd. That he perform this service in six months from the rising of this present Assembly and that he be allowed one hundred and seventy five pounds, that the Treasurers or either of them pay him seventy five pounds immediately in order to enable him to carry on the same and the residue when he shall produce receipts for each Inferior Court Clerk that the service is fully performed.

R^d CASWELL, Speaker.

By order J. GREEN Jun^r Clk.
In the Assembly 18th Dec 1771.

In the upper House 20th Dec 1771. Concurred with.
J. HASELL, President.
By order J. B. Clk.

Received from the Assembly the following Resolves, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that John Kennedy be allowed the sum of four pounds four shillings for the ferriage of the Carteret detachment across Trent River and that the Treasurers or either of them pay him the same and be allowed in their Accounts with the Public, to which we desire your Honors Concurrence.

In the Assembly 19th Dec. 1771. R^d CASWELL Speaker.

In the upper House 20th Dec. 1771. Concurred with.
By order J. BURGWIN Clk.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

This House have resolved that Adam Boyd be allowed the sum of twenty shillings proclamation money for printing and distributing two hundred hand Bills by order of His Excellency Gov. Tryon respecting the counterfeit Debenture Bills and that the Treasurers or either of them pay the same and be allowed in their Accounts with the Public to which we desire your Honors Concurrence.

In the Assembly 19th Dec. 1771. R^d CASWELL Speaker

In the upper House 20th Dec. 1771. Concurred with.
By order J. B. Clk.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

This House have Resolved that Philemon Hawkins be allowed the sum of three pounds fifteen shillings for his expenses in travelling to and attendance at the last Session of Assembly as an evidence against George Martin and others who were suspected of counterfeiting the Debenture Bills and that the Treasurers or either of

them pay him the same and be allowed in their account with the Public to which we desire your Honours Concurrence.

R^d CASWELL Speaker.

In the Assembly 19th Dec. 1771.

In the upper House 20th Dec. 1771. Concurred with.

By order J. B. Clk.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

This House have Resolved that William Bourk, Adjutant of the Craven detachment, be allowed twenty one pounds eleven shillings for a tent furnished himself and Ensign Robert Fenner and also a Bought Horse on the late expedition against the insurgents And that the Treasurers or either of them pay him the same and be allowed in their Accounts with the Public to which we desire your Honors Concurrence.

R^d CASWELL Speaker.

In the Assembly 19th Dec. 1771.

In the upper House 20th Dec. 1771 — Concurred with.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

This House has observed with pleasure the attention which you have shewn to the merit and service of Mr Harnett on the late expedition against the Insurgents; the same sentiments operate with equal vigor in our minds in favor of the Honble Sam^l Cornell Esq who not only distinguished himself by his personal behaviour, but by a very active and useful conduct at a very considerable expence and by advancing very large sums of money has greatly contributed to the progress and success of that expedition. We therefore propose to your consideration the making some adequate allowance to that Gentleman.

In the upper House 20th Dec. 1771.

On motion ordered that the following Message be sent to the Assembly Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill to amend an Act intituled an Act for regulating the Pilotage of Cape Fear River and other purposes We observe you have *stated* those Clauses giving power to

the Capt of Fort Johnston or his Deputy to swear Masters of Vessels relative to throwing out their Ballast this power is already vested by Law in the Collector of Port Brunswick. If you are of opinion the former oath is insufficient We will as an amendment to that Law insert in the Bill before us the following Oath to be administered by the Collector or his Deputy. If you agree to such amendments please send two of your Members to see the alterations made.

In the upper House 20th Dec. 1771.

By order

J. B. Clk.

Received from the Assembly the following Bills— Viz^t

A Bill to amend an Act intitled an Act for regulating the several Officers fees within this Province and ascertaining the method of paying the same. Read the third time and passed. Ordered to be engrossed.

A Bill to discontinue the Poll Tax of one shilling and duty of four pence p^r gallon on rum wine and other spiritous Liquors.

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 amend an Act intitled an Act what fences are sufficient We would observe to you that it is necessary the title of the said Bill should Correspond with the substance of the Amendment. And we would also propose that the County of Duplin be struck out of the Bill—to which if you agree please send some of your members to see the same done.

In the upper House 20th Dec. 1771.

By order

J. B. Clk.

A Bill for striking Debenture Bills on bank paper to the amount of one hundred and twenty thousand pounds proc money to be exchanged for all such debenture and tender Bills as may be in circulation in this Province. Read the third time and passed. Ordered to be engrossed.

A Bill to direct Sheriffs in the execution of their office. Read the third time and rejected.

Received from the Assembly by Mr Neal and Mr Gray the following Bills viz^t.

A Bill for appointing an Agent to solicit the affairs of this Province at the several Boards in England. Read the third time and passed. Ordered to be engrossed.

A Bill for further amending 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. Read the third time and passed. Ordered to be engrossed.

Then the House adjourned till 10 o'clock tomorrow morning.

· Saturday Morning 21st December 1771.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Neal and Mr Gray the following Message.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

On reading your Message relative to the fence Bill, We agree to the alteration of the title of the Bill so as to make it correspond with the amendment but cannot consent to striking Duplin County out of the said Bill and send Mr Neal and Mr Gray two of the Members of this House to see the same made.

R^d CASWELL, Speaker.

In the Assembly 20th Dec. 1771.

Then the said amendments was made and the Bill read the third time and passed. Ordered to be engrossed.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

This House adheres to the propriety of altering the Pilotage Bill in respect to the Master of the Vessels being sworn only at the Custom House. The mere possibility of throwing out ballast below the Custom House is so far removed from probability that this House cannot agree to the Oath being administered by only a deputy to the Capt of the Fort. The passing the Bill in this House depends on the alteration proposed

In the upper House 21st Dec. 1771.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

In answer to your Message of this day regarding the Pilotage Bill, this House do concur with the alteration by you proposed and send Mr Harnett and Mr Hewes to see the same made.

R^d CASWELL, Speaker.

Then the alteration was made in the presence of the Members sent for that purpose. The bill was read the third time and passed with amendments. Ordered to be engrossed.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that John Rutherford Esq advocate General be allowed the same sum that Lewis Henry DeRosset Esq^r was p^r report of the Committee of Accounts including the sum allowed him by the said Committee, and desire your Honours concurrence thereto.

R^d CASWELL, Speaker.

In the upper House 21st Dec 1771 the above Resolve was read and concurred that the Honble John Rutherford Esq late Judge advocate be allowed as above.

By order J. B. Clk.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that Chris^b Grant of Orange County be allowed two pounds eleven shillings for provisions furnished Capt Harris's Company called in to protect the Court at Hillsborough in 1768 and desire your Honours Concurrence thereto.

R^d CASWELL, Speaker.

In the Assembly 21st Dec 1771.

In the upper House 21st Dec 1771. Concurred with.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that Enoch Bradley and John Paine who attended as witnesses last Session of Assembly against Thomas Persons one of the Members of this House who was accused of perjury extortion &c, the sum of five pounds each and that the Treasurers or either of them pay the same and be allowed in their accounts with the Public, and desire your Honours Concurrence thereto.

R^d CASWELL, Speaker.

In the Assembly 21st Dec 1771.

In the upper House 21st Dec 1771. Concurred with.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that Fearnought Beaseley whose son was killed in the battle of Allamance and upon whose industry she had subsisted, being too old and infirm to get her living, be allowed ten pounds p^r year and that the Treasurers or either of them pay her

the same yearly and be allowed in their Accounts with the Public and desire your Honours Concurrence thereto.

R^d CASWELL, Speaker.

In the Assembly 20th Dec 1771.

In the upper House 21st Dec 1771. Concurred with.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that the Honble James Hasell Esq. be allowed the sum of two hundred pounds to defray his expence during the time he was in the Service of this Province to which we desire your Honours Concurrence.

R^d CASWELL, Speaker.

In the Assembly 21st Dec 1771.

In the upper House. Concurred with.

J. RUTHERFORD, P. C.

By order

J. B. Clk.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

Ensign W^m Peyton exhibited his petition to the House setting forth that by the wounds he received in the battle of Allamance he was reduced to a very distressed situation. The House taking the same into consideration, Resolved that the said Ensign W^m Peyton be allowed one hundred pounds and that the Treasurers or either of them pay him the same and be allowed in their accounts with the Public to which we desire your Honours Concurrence.

R^d CASWELL, Speaker.

In the Assembly 20th Dec 1771.

In the upper House 21st Dec. Concurred with.

J. H., P. C.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

Ann Bryan, Ann Ferguson, Eliz. Harper and Faithy Smith, exhibited petitions to the House setting forth that each of their Husbands went out in the service of Government against the Insurgents and were killed in the late battle of Allamance; That they were in very distressed circumstances with a number of small children who by the loss of their Fathers must without the assistance of the Public be reduced to extreme want, which fact having been made appear to the satisfaction of the House they do therefore, Resolve that one hundred and fifty pounds be allowed to Ann Bryan

Widow of Ensign Bryan, killed in the late battle. That Eliz. Harper, Ann Ferguson and Faithy Smith whose Husbands were also killed in the battle be allowed one hundred pounds each which money shall be paid into the hands of a Trustee and be by him applied to the purchase of slaves for the use of the said Widows and their children and to no other purpose whatever. And the House do further Resolve that Richard Caswell Esq. be appointed Trustee to execute the purpose of this Resolve and that he do Report to the House his proceeding thereon, to which we desire your Honours Concurrence.

R^d CASWELL, Speaker.

In the Assembly 20th December 1771.

In the upper House 21st Dec 1771. Read and concurred with.

J. HASELL, P. C.

By order

J. B. CLK.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House having taken into consideration the distressed situation of Thomas Garnish, Moses Griffin, Daniel Pegram, Isaac Reed, James Hall, Thomas Kilpatrick, Charles Harrington, Christ^o Acklin, Sweeting Bond, W^m Fullerton, Charles Yates, Thos. Turtle, James Nelson, John Strange, Thomas Bryan, Benja. Clash, John Nevil, William Lunsdale, Thomas Kersley, William Gilbert, Thos. Clark, Will^m Hiscock, Soldiers who were wounded in the late battle with the Insurgents and in all probability will be cripples for life, Do therefore Resolve that Thomas Garnish, Moses Griffin, Dan^l Pegram, Isaac Reed, Jas. Hall, Thos. Kilpatrick, Charles Harrington, Christ^o Acklin, Sweeting Bond, W^m Fullerton and Charles Yates be allowed twenty pounds p. annum each. And that Thos. Turtle, James Nelson, John Strange, Thos. Bryan, Benj^a Clash, John Nevil, W^m Lunsdale and Thos. Kersley be allowed fifteen pounds p. year each. And that W^m Gilbert, Thomas Clash and W^m Hiscock be allowed ten pounds p. year each during the time they shall continue disabled and that the Public Treasurers for the time being or either of them do pay to the said persons annually the said sums above specified provided they once a year produce Certificates from the Inferior Court of the County where they reside that they still continue disabled and are proper objects of Public Bounty.

R. CASWELL, Speaker.

In the Assembly 20th Dec 1771.

In the upper House 21st Dec. Concurred with.

J. HASELL, P. C.

By order

J. B., Clk.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that the Honble Rich^d Henderson be allowed forty one pounds thirteen shillings and four pence in lieu of the sum he would have been intitled to by law for holding the Edenton Superior Court in Oct 1770 being prevented by orders from Gov Tryon and desire your Honours Concurrence thereto.

R. CASWELL, Speaker.

In the Assembly 20th Dec 1771.

In the upper House 21st Dec 1771. Concurred with.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that the Committee of Correspondence instruct the Agent to solicit permission to import Portugal and Spanish Salt into this Province. That the Speaker write to the Speaker of the House of Burgesses of Virginia to desire that they would direct their Agent to use his interests for the same purpose. And that His Excellency the Governor be addressed to use his interest in support of the Agent of this Province and desire your Honours Concurrence thereto.

R. CASWELL, Speaker.

In the Assembly 21st Dec 1771.

In the upper House. Concurred with.

J. HASELL, P. C.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House cannot agree to the allowance proposed to be made to the Honble Sam^l Cornell though thoroughly convinced of his merit and activity in the late expedition. The allowance to Mr Harnett was made not only because his Services entitled him to the notice of this House but in consideration of his not having been in any office or employment from which he could possibly derive compensation for the great expence he was at in that Expedition.

R. CASWELL, Speaker.

In the Assembly 20th Dec 1771.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have Resolved that Daniel Pegram and Thomas Garish be allowed twenty four pounds each for the payment of sundry expences incurred by them while they lay disabled by wounds received in the Battle of Alamance and desire your Honours Concurrence thereto

R. CASWELL Speaker.

In the Assembly 21st Dec 1771

In the upper House Concurred with

Then the House adjourned till Monday Morning 10 o'clock.

Monday Morning 23^d December 1771.

The House met according to adjournment

Present as before.

Received from the Assembly the following Resolve Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have Resolved that the Rev^d James Reid be requested to publish the sermon he preached yesterday at the Church in New Bern. That he be allowed ten pounds to defray the expence of printing the same and that the Treasurers or either of them pay him the same and be allowed in their Accounts with the Public to which we desire your Honours Concurrence thereto

R. CASWELL Speaker

In the Assembly 23rd Dec 1771.

In the upper House 23rd Dec 1771—Concurred with

Received from the Assembly the following Resolve

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that James Bazzie be allowed the sum of twenty five pounds for preparing and firing the Artillery for the Army and making cartridges & bags of grape shot for the swivel guns and field pieces. That the Treasurers or either of them pay him the same and be allowed in their Accounts with the Public to which we desire your Honours Concurrence

R. CASWELL Speaker

In the Assembly 23^d Dec 1771.

By order J. GREEN Jun^r Clk

In the upper House 23^d Dec 1771. Concurred with

Received from the Assembly the following Resolve Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that Robert Campbell Deputy Adjutant General be allowed fifteen pounds for extra services in the late expedition against the Insurgents and desire your Honours Concurrence thereto.

R. CASWELL Speaker.

In the Assembly 23rd Dec. 1771. By order.

In the upper House 23rd Dec. 1771. Concurred with.

Received from the Assembly the estimate of that House which was on motion read and concurred with and sent back.

Then on Motion the estimate of this House was taken under consideration approved of and sent to the Assembly for their concurrence.

Received from the Assembly the estimate of this House. Concurred with.

Then His Excellency the Governor was pleased by a verbal Message to both Houses of Assembly to command their attendance in the Council Chamber at 5 o'clock this afternoon. At which time they accordingly attended, and the Speaker presented to His Excellency the following Acts for his Assent which he passed viz^t.

1st. An Act for imposing a Tax of two shillings proc. money p^r poll on all taxable persons within this Province and for granting the money arising from such tax to His Majesty his heirs and successors to be applied as hereinafter directed.

An Act for amending an Act entitled "An Act for erecting in the Town of Salisbury a public gaol, pillory and stocks for the district of Salisbury in this Province."

An Act for appointing and empowering Thomas Moore of Anson County, and James McCoy of Rowan County, to collect and receive the Taxes which are due from the Inhabitants of the said County, for the year 1770.

An Act to empower the Church Wardens and vestrymen of the Parish of St Gabriel in the County of Duplin to sell the Glebe in the said Parish and County.

An Act to amend an Act intituled "An Act to encourage the destroying of vermin in the several Counties therein mentioned."

An Act to amend an Act intituled "An Act for founding, establishing and endowing Queens College in Mecklenburgh County."

An Act to empower the Officers therein mentioned in certain cases to take the poll at the election of Members to serve in the General Assembly.

An Act for laying out a public road from the Frontiers of this Province thro the Counties of Mecklenburg, Rowan, Anson and Cumberland to Campbelton.

An Act to enlarge the time for several Sheriffs to settle their accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions of the Counties therein mentioned.

An Act to amend an Act intituled An Act for the regulation of the Town of Wilmington.

An Act to alter the method of working upon the roads in the Counties therein mentioned.

An Act for the further enabling Francis Lock, Andrew Allison, Griffith Rutherford and W^m Temple Cole former Sheriffs of Rowan County to collect the arrearages of Taxes.

An Act to indemnify such Persons who have acted in defence of Government and for the Preservation of the Public Peace of this Province during the late Insurrection from vexatious suits and Prosecutions.

An Act for building a Court House in the Town of Salisbury for the District of Salisbury.

An Act to empower the Freeholders of the several Parishes therein mentioned to elect vestries for their respective Parishes.

An Act for laying out a Town on the Land of Richard Evans in Pitt County by the name of Martinborough.

An Act for erecting in the Town of Hillsborough a public gaol and gaolers house for the district of Hillsborough in this Province.

An Act to enable the Freeholders of the Parish of Saint John in the County of Pasquotank, to elect a Vestry, and provide for their poor.

An Act to amend an Act for regulating the several Officers fees within this Province, and ascertaining the method of paying the same.

An Act to amend an Act, Intituled an Act, what fences are sufficient, and to amend and continue an Act, relating to taking up stray horses.

An Act for appointing an Agent to solicit the affairs of this Province at the several Boards in England.

An Act for further amending 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.

An Act for the better regulating the Pilotage of Cape Fear River and other purposes.

Then His Excellency was pleased to dissolve the Assembly, and it was dissolved accordingly.

House of Assembly.

NORTH CAROLINA—

At an Assembly began and held at New Bern the Nineteenth Day of November in the Twelfth 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 One Thousand Seven Hundred and Seventy one, being the Second Session of this Present Assembly.

Mr Speaker and Thirty three Members appeared.

Mr Maurice Moore	Mr Cornelius Harnett
Mr John Ashe	Mr Thomas Gray
Mr William Dickson	Mr Aquilla Sugg
Mr William Thomson	Mr Edward McSwain
Mr Jacob Shepard	Mr Rotheas Latham
Mr Robert Howe	Mr Thomas Polk
Mr William Davis	Mr William Cray
Mr James Bonner	Mr Richard Ward
Mr Moses Hare	Mr Richard Evans
Mr Wyriot Ormond	Mr Thomas Neill
Mr Jacob Blount	Mr William Moore
Mr Christopher Neale	Mr Willie Jones
Mr James Blount	Mr William McRee
Mr Samuel Johnston	Mr Edward Hare
Mr John Woodhouse	Mr William Slade
Mr Henry White	

On motion, Ordered, that Mr Willie Jones and Mr Thomson wait on His Excellency the Governor, and acquaint him the House is met, and desire to know when they shall wait on him, being returned brought for answer, that His Excellency would send a Message when he would receive them.

The Clerk of the Crown having Certified that Hugh Waddell Esquire is duly elected a Member for Bladen County, in the room of Mr. John Gibbs deceased, the said Hugh Waddell appeared.

Received from his Excellency the Governor a verbal message by Mr. Burgwin requiring the immediate attendance of the House at the Palace

The House waited on His Excellency the Governor in the Palace when His Excellency was pleased to make a speech to His Majestys Hon^{ble} Council and this House.

Mr Speaker with the members being returned, Mr Speaker reported that His Excellency the Governor had made a speech to the 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 said Speech be read. Read the same and it is as follows to wit—

[For Governor's Speech see Journal of the Upper House, page 101, *ante*.]

On Motion Resolved, the House take into Consideration His Excellency the Governors Speech tomorrow.

Then the House adjourned 'till Tomorrow Morning 10 o'Clock.

Wednesday November 20th 1771.

The House met according to Adjournment.

Mr John Dunn the Member of Salisbury, Mr Matthew Locke and Mr Griffith Rutherford, Members for Rowan County, Mr Ferquard Campbell one of the Members of Cumberland County, and Mr James Picket, one of the Members of Anson County appeared

Mr William Field and Mr John Kimbrough, the two Elected Members for Guilford County appeared.

Received from His Excellency the Governor the following Message, to wit

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

His Majesty, by his Royal Instructions having Commanded me to Administer, or cause to be administered, to the Members and Officers of His Majestys Council, and to the Members of the Assembly, and to all Officers whatsoever throughout this Province the

Several Oaths appointed by Acts of Parliament to be taken to Government; and it appearing that the Oath of Abjuration, as altered by an Act of the 6th year of His Majestys Reign hath never yet been in use in this Province, I have thought proper to accompany this Message with a Copy thereof to the end that it may be Administered Accordingly

JO. MARTIN

November 20th 1771.

On Motion Ordered that the following Message be sent to his Excellency the Governor

TO HIS EXCELLENCY, JOSIAH MARTIN ESQUIRE CAPTAIN GENERAL,
GOVERNOR &c*

SIR,

This House ever Willing to Testify their Allegiance to their Sovereign, and inviolable Attachment to His Royal Person and Government, are ready to take the Oath of Abjuration prescribed by an act of the 6th year of His Majesty's Reign whenever your Excellency shall appoint some of the Members of His Majestys Council to see the same Administered

R. CASWELL Sp.

Sent by Mr Cray and Mr Davis

Then the House Adjourned 'till 4 o'clock in the afternoon

The House met according to adjournment.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I have issued a Commission to His Majestys Council, empowering that Board or any two of its Members to Administer the Oaths of Government, and they will attend your House for that purpose on your Application.

JO. MARTIN.

On Motion ordered Mr Ashe and Mr James Blount wait on the Council and desire them to send some of their Members to see the Members of this House qualified.

The Hon^{ble} John Rutherford and Samuel Cornell Esq^r two of His Majesty's Council came to the House, when Mr Maurice Moore, Mr Harnett, Mr Ashe, Mr Thomas, Mr Shepard, Mr Howe, Mr Davis,

Mr Bonner, Mr Edward Hare, Mr Moses Hare, Mr Jacob Blount, Mr Christopher Neale, Mr James Blount, Mr Johnston, Mr Woodhouse, Mr White, Mr Dickson, Mr Gray, Mr Sugg, Mr Nash, Mr McSwain, Mr Latham, Mr Polk, Mr Cray, Mr Ward, Mr Evans, Mr Tho^s Neill, Mr William Moore, Mr Willie Jones, Mr McRee, Mr Slade, Mr Locke, Mr Dunn, Mr Rutherford, Mr Picket and Mr Ferquard Campbell, took the Oath of Abjuration as altered by the late Act of Parliament, and Mr John Harvey, Mr James Moore, Mr Hugh Waddell, Mr Isaac Brooks, Mr William Field, and Mr John Kimbrough, were qualified by taking the Several Oaths by Law appointed for qualification of Public Officers, and repeating and Subscribing the Test.

The order of the day being read, on Motion ordered, That Mr Maurice Moore, Mr Samuel Johnston, and Mr Abner Nash, be a Committee to prepare an Address, in Answer to His Excellency the Governor's Speech, and report the same to the House for approbation.

Then the House Adjourned 'till Tomorrow Morning 10 o'Clock.

Thursday November 21st 1771.

The House met according to Adjournment.

Mr Thomas Person one of the Members of Granville, and Mr Joseph Montfort the Member for the Town of Halifax appeared.

The House being informed that Mr Richard Brownrigg one of the Members of Chowan County, Mr Lillington Lockhart one of the Members for Bertie, Mr Benjamin Person, one of the Members for Bute County, Mr John Pryor one of the Members for Orange County, and Mr John Skinner, one of the Members for Perquimans County are Dead.

On motion Resolved, that His Excellency the Governor be addressed to direct the Clerk of the Crown to issue Writs to the said Respective Counties for Electing Members to sit and vote in the Present Assembly, in the room and stead of the said Richard Brownrigg, Lillington Lockhart, Benjamin Person, John Pryor, and John Skinner.

Ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a

SIR,

This House being informed that Mr Richard Brownrigg one of the Members for Chowan County, Mr Lillington Lockhart, one of the Members for Bertie County, Mr Benjamin Person, one of the Members for Bute County, Mr John Pryor one of the Members for Orange County, and Mr John Skinner, one of the Members for Perquimans County, are dead, therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue writs to the said respective Counties, for electing Members to sit and vote in the present Assembly in the room and stead of the said Richard Brownrigg, Lillington Lockhart, Benjamin Person, John Pryor and John Skinner.

Sent by Mr James Blount and Mr Shepard.

The Clerk of the Crown having Certified that Mr Robert Lanier and Mr Richard Gorde, were duly Elected and returned representatives for the County of Surry, pursuant to which Mr Robert Lanier Appeared.

Then the House Adjourned till 3 °Clock this Afternoon.

The House met according to adjournment.

Mr Francis Mackilwean and Mr William M°Kinnie, the Members for Dobbs County, and Mr John Campbell, one of the Members for Bertie County appeared.

Then the House adjourned till tomorrow morning 10 °Clock.

Friday November 22^d 1771.

The House met according to adjournment.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Pursuant to the desire of your House, by its message of yesterday, I have directed the Clerk of the Crown to issue writs for the Election of a Representative in each of the Several Counties of Chowan, Bertie, Bute, Orange and Perquimans in the room of the Deceased Members.

JO. MARTIN.

The Hon^{ble} Alexander McCulloch and Samuel Cornell Esquire two of the Members of Council, came to the House; and Mr Joseph Montfort, Mr Thomas Person, Mr William McKinnie, Mr Francis Mackilwean, Mr John Campbell, and Charles Robinson took the Oath of Abjuration, as directed by the Act of the 6th of George the third Chap: 53; and Mr Robert Lanier was qualified by taking the Several Oaths by Law appointed for the qualification of Public Officers, and repeating and Subscribing the Test.

On Motion ordered, that Mr Cornelius Harnett, Mr Samuel Johnston, Mr Abner Nash, Mr Christopher Neale, Mr William Thomson, Mr William Cray, Mr Jacob Shepard, Mr John Harvey and Mr James Moore be appointed a Committee of Public Accounts, And That Mr Jacob Blount, Mr Ja^s Blount, Mr William Davis, Mr Ferquard Campbell, Mr Thomas Polk, Fran^s Mackilwean, Mr John Dunn, Mr Thomas Gray, Mr Thomas Neill, Mr Griffith Rutherford, and Mr William Dickson be appointed a Committee of Public Claims in Conjunction with such of the Members of His Majesty's Hon^{ble} Council, as they shall think fit to appoint.

And the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House has appointed Mr Harnett, Mr Johnston, Mr Nash, Mr Christopher Neale, Mr Thomson, Mr Cray, Mr Shepard, Mr John Harvey, and Mr James Moore a Committee of this House, to state and settle the Public Accounts of this Province.

And Mr Jacob Blount, Mr James Blount, Mr Davis, Mr Ferquard Campbell, Mr Polk, Mr Mackilwean, Mr Dunn, Mr Gray, Mr Thomas Neill, Mr Rutherford, and Mr Dickson a Committee of this House, to settle and allow Public Claims, in Conjunction with such of your Honors as you shall think fit to appoint. R. CASWELL, Sp.

Sent by Mr Jacob Blount and Mr Shepard.

Mr. Maurice Moore, from the Committee appointed to prepare an Address, in Answer to his Excellency the Governors Speech, informed the House, that the said Committee had prepared the same, which he read in his place and delivered in at the Table where the same was again read.

Ordered, the same stand the Address of this House, and be entered on the Journal, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE HIS MAJESTY'S CAPTAIN GENERAL, GOVERNOR, AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA,

May it please your Excellency,

We His Majesty's most dutiful and Loyal Subjects the Representatives of the province of North Carolina, return your Excellency our Thanks for your Speech at the opening of this Session.

Permit us Sir, to Congratulate you on your appointment to the Government of this Province. This mark of Royal Approbation truly Honorable to you, affords every pleasing Prospect of future Felicity to us. The Administration of a Gentleman Distinguished by a King, who ever wishes to promote the Happiness of his Subjects, we assure your Excellency, is extremely acceptable to this Country.

Public Measures pointing to the Honor of the Crown, or the prosperity of this Colony, have always met with Public Approbation; and we are persuaded that your administration will merit every support which may be in the power of this, or any future Assembly, to give it.

We are happy in the Assurances your Excellency has given us, that our Conduct, in a time full of Danger and Difficulty, has been well pleasing to the King; and we thank you for the kind Congratulatory with which you have been pleased to Honor us, on the Restoration of peace, and Good order to this Province.

The Spirited Conduct of Governor Tryon, and the Bravery of the Officers and Troops who Served under him in the Expedition against the Insurgents, deserve the Acknowledgements of the whole Country; And it shall be our Care to make as Ample provision for defraying the Expences of that Important Service as the Exhausted state of the Public funds will admit of.

Prohibited as we are by Act of Parliament from the use of Paper Money, the Inconveniences Arising from a want of Specie to serve as a Medium of Trade, (Common in all young Countries,) are Changed into real Distress; Equally felt, and equally to be Lamented by Individuals and by the Public.

We earnestly wish Sir, that the only mode for Paying the Public Debts, which the Circumstances of this Colony will permit us to adopt, may prove just and satisfactory to the Public Creditors.

We shall cheerfully provide for the Maintenance of the Garrison of Fort Johnston; such a measure we consider as being necessary to

the safety of one of the Principal Trading ports in this Province. Every other thing your Excellency has been pleased to recommend, shall meet with that attention their Importance require.

R. CASWELL, Speaker.

Mr Maurice Moore moved that a Committee be appointed to prepare and bring in a Bill for Granting to His Majesty the sum of ---- Thousand pounds proclamation money, to be applied as herein directed, and for directing the duty of Sheriffs in the Execution of their Office, and Mr Moore, Col Harvey, Mr Harnett, Mr Willie Jones, Mr Howe and Mr Montfort, were Accordingly Appointed.

Then the House Adjourned till Tomorrow Morning 10 °Clock.

Saturday November 23^d 1771.

The House met according to Adjournment.

On Motion ordered, That Mr. Dunn, and Mr Gray wait on His Excellency the Governor, and inform him, that the House has prepared an Address, in answer to his Speech, and desire to know when they shall wait on him to present the same; who being returned, brought for answer, that His Excellency would receive the same on Tuesday next at Twelve °Clock.

Then the House Adjourned 'till Monday next 12 °Clock.

Monday November 25th 1771.

The House met according to Adjournment.

The Clerk of the Crown having certified, that Mr Thomas Hines, and Mr Benjamin Hardy, were duly Elected and returned Representatives for the County of Wake, pursuant to which they appeared.

Mr Joseph Hewes, one of the Members of Chowan County, Mr William Alston one of the Members for Chowan County, and Mr Thomas Eaton one of the Members of Bute County appeared.

The Clerk of the Crown having certified that Mr John Wilcox, and Mr Isaac Brooks were duly Elected and returned Representatives for the County of Chatham; pursuant to which the said Mr Wilcox and Mr Brooks appeared.

Then the House adjourned till Tomorrow morning 10 °Clock.

Tuesday November 26th 1771.

The House met according to adjournment.

Mr Mackilwean presented a Certificate from the Inferior Court of Dobbs County, therein recommending William Curlu to be Exempt

from paying public Taxes, and doing Public duties. Ordered to be exempt Accordingly.

Rec^d from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your Message relative to the Committees this House have appointed the Hon^{ble} John Rutherford, Alexander McCulloch, William Dry, Samuel Cornell, and Marmaduke Jones Esquires a Committee of this House, to Examine, state and settle the Public Accounts; and the Hon^{ble} Lewis Henry DeRosset, John Sampson, Martin Howard, Esquires, and Sir Nathaniel Dukenfield Baronet, a Committee of this House to settle and allow the Public Claims.

The Hon^{ble} Sir Nathaniel Dukenfield, Baronet, and Marmaduke Jones Esquire, two of His Majestys Council, came to the House, and Mr William Alston and Joseph Hewes took the Oath of Abjuration as altered by the late Act of Parliament, and Mr John Wilcox, Mr Isaac Brooks, Mr Benjamin Hardy and Mr Thomas Hines, were qualified, by taking the several Oaths by Law appointed for the qualification of Public Officers and repeating and subscribing the test.

Mr James Moore having moved that Mr Justice Moore have leave to absent himself from the service of this House, in order to attend the Superior Court of Wilmington, which being objected to, and being detained in the service of the House; Whereupon it is

Resolved, That the Treasurer be directed to pay the said Mr Justice Moore the sum of ----- in Lieu of the Sum he would have been by law intitled to, had he attended the said Court.

On Motion, ordered, the Nays be taken down on the said question, and are as follows, to wit, Messrs. Thos. Person, Griffith Rutherford, William Moore, Thos. Neill, James Picket, Robert Lanier and Isaac Brooks.

Mr John Wilcox moved for leave to absent himself from the service of the House.

Mr Ferquard Campbell moved for leave to absent himself from the Service of this House.

Ordered they have leave accordingly.

Mr Speaker with the House waited on His Excellency the Governor in the palace and presented him with the Address of this House; and being returned, Mr Speaker reported that he with the House had waited on His Excellency the Governor, and presented

him with the Address, to which his Excellency was pleased to return an answer, a copy of which, to prevent mistakes he had obtained, and laid the same before the House.

Ordered the same be read. Read the same; and is as follows:

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return you my Hearty thanks for this Address. My best acknowledgements are due to you Gentlemen, for your Congratulations on my appointment to this Government, and of your assurances that it is acceptable to this province; than which nothing can be more grateful to me.

Devoted to his Majesty's Service, I shall uniformly endeavour to promote the Honour and Prosperity of this Country, heartily wishing to Justify your Obliging Expectations of my Administration.

Your readiness to provide for the public Exigencies, does you Credit, and gives me real pleasure. I trust Gentlemen, you will adopt such Expedients in that Business, as shall be agreeable to the Legislature, and Satisfactory to the Public Credit.

JO. MARTIN.

New Bern Nov. 26th 1771.

Mr Thomas Gray Presented Sundry Certificates from the Inferior Court of Duplin County, therein recommending Edward Ward, William Duff, John Bishop, and Alexander Downey, to be exempt from the payment of Public Taxes, and doing Public Duties.

Mr Thomas Neill presented two Certificates from the Inferior Court of Tryon County, therein recommending William Logan and Robert Davis to be exempt from the payment of Public Taxes, and doing Public duties.

Mr James Picket presented Sundry Certificates from the Inferior Court of Anson County therein recommending William Morris, Charles Smith, John Hornbeck, John Seago, and George Sweating, to be exempt from the payment of Public Taxes and doing Public Duties. Ordered they be Exempt accordingly.

Then the House adjourned till tomorrow morning 10 o'clock.

Wednesday November 27th 1771.

The House met according to adjournment.

Mr Lanier presented two Certificates from the Inferior Court of Surry County, therein recommending Jo^s Philips and Thomas

Hugan Dunton, to be exempt from paying Public Taxes and doing Public duties. Ordered they be exempt accordingly.

The Hon^{ble} Sir Nathaniel Dukenfield Baronet, and Marmaduke Jones Esquire, two of His Majesty's Council came to the House, and Mr Tho^s Eaton took the Oath of Abjuration as prescribed by the late Act of Parliament.

Mr Harnett moved for leave to present a Bill to amend an Act Intituled an Act for the Regulation of the Town of Wilmington.

Ordered he have Accordingly.

Mr Harnett presented the said 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 Hewes and Mr Montfort.

On Motion ordered, That Mr Joseph Hewes be added to the Committee of Public Accounts, and that Mr Thomas Eaton be added to the Committee of Public Claims.

Mr Montfort presented Sundry Certificates from the Inferior Court of Halifax County therein recommending John Daniel, Richard Nail and John Wiggins, to be exempt from the payment of Public Taxes and doing Public duties.

Mr Thomas Eaton presented two Certificates from the Inferior Court of Bute County, therein recommending Waugh Darnal, his son Waugh, and Moses Kennit to be exempt from the payment of Public Taxes, and doing Public duties.

Ordered they be exempt Accordingly.

Mr Person presented a petition from Sundry Inhabitants of Granville County, setting forth, that they Labour under a heavy and burthensome Tax, which the Exigences of Government has hitherto made necessary, and that the Vestry of their parish, without duly considering the present circumstances of Government, and the heavy Taxes that shortly must be assessed, having engaged with the workmen to Build two Churches; praying that the said Vestry, and such Workmen may be discharged from their Engagement.

On motion ordered that Mr Person have leave to prepare and bring in a Bill pursuant to the Prayer of the said Petition.

Mr Person presented a Petition from Sundry of the Inhabitants of Granville County, praying an Act may pass for Exempting the Wives and Daughters of free Negroes and Mulattoes from paying Taxes.

On Motion, Ordered, That Mr Person have leave to prepare and bring in a Bill pursuant to the Prayer of the said Petition.

Mr. Robertson moved for leave to present a Bill for appointing and empowering-----of Anson County to collect and receive the Taxes which are due from the Inhabitants of the said County for the year 1770.

Ordered he have leave accordingly.

Mr Robertson presented the said 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 Robertson and Mr Slade.

Mr Slade moved for leave to present a Bill for erecting part of the Counties of Halifax and Tyrrel into a County and Parish.

Ordered he have leave accordingly.

Mr Slade presented the said 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 Robinson and Mr Slade.

Mr Person presented a petition from Sundry of the Inhabitants of the North part of Orange County, praying a Division of the said County &c

On motion ordered Mr Person have leave to prepare and bring in a Bill pursuant to the prayer of the said petition.

Mr Person pursuant to order presented the said 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 Robinson and Mr Slade.

Mr William Moore moved for leave to present a Bill to Impower Thomas Neill and Isaac Price to keep a Public Ferry across the Catawba River.

Ordered he have leave accordingly.

Mr Wm. Moore presented the said 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. Robinson and Mr Slade.

Mr Rutherford presented a Petition from the Inhabitants of the Western part of Rowan County, praying a Division of the said County

On motion ordered Mr Rutherford have leave to prepare and bring in a Bill pursuant to the prayer of the said Petition.

Mr Rutherford pursuant to order presented the said 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 Robinson and Mr Slade

Then the House adjourned 'till tomorrow morning 10 o'Clock.

Thursday November 28th 1771.

The House met according to adjournment.

Mr Howell Edmunds, one of the members for the County of Northampton appeared

Mr Montfort, from the Committee to prepare and bring in a Bill for Granting to His Majesty the Sum of ----- Thousand Pounds proclamation money, to be applied as herein directed, and for directing the duty of Sheriffs in the Execution of their office, presented the Same; 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 Gen^l Waddell and Col Ashe.

Rec^d from the Council the Bill for appointing and Impowering ----- of Anson County, to Collect and receive the Taxes which are due from the Inhabitants of the said County for the year 1770. In the upper House, read the first time and passed.

Mr Ashe moved for leave to prepare and bring in a Bill for Granting to His Majesty a duty on Spirits, for the purpose of amending the Navigation of this Province, and other purposes

Ordered he have leave accordingly.

Mr Justice Moore Moved for leave to prepare and bring in a Bill to Indemnify such persons who have acted in Defence of the Government, and for the preservation of the Public peace of this Province, during the late Insurrection, from Vexatious Suits and prosecutions, and to pardon the Misguided offenders, Concerned in the said Insurrection in the Frontier parts of this Province.

Ordered he have leave accordingly.

Mr Nash moved for leave to present a Bill for Continuing and Amending so much of an Act, as is now in force, Intituled an Act for dividing this Province into Six Several Districts, and for Establishing a Superior Court of Justice in each of the said Districts, and regulating the proceedings therein; and for providing Adequate Salaries for the Chief Justice and the Associate Justices of the said Superior Court.

Ordered he have leave Accordingly.

Mr Nash Presented the said 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 Ormond and Mr Gray.

Rec^d from the Council the Bill to amend an Act, Intitled an Act, for the regulation of the Town of Wilmington.

Endorsed, In the upper House, read the first time and passed.

Mr Rutherford moved for leave to present a Bill to amend an act, Intitled, an Act for the Regulating the Several Officers Fees within this Province, and ascertaining the method of paying the same.

Ordered he have leave accordingly.

Mr Rutherford presented the said 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 Rutherford and Mr Evans.

Mr Evans moved for leave to present a Bill to amend an Act, Intitled an Act what Fences are Sufficient.

Ordered he have leave accordingly.

Mr Evans Presented the said 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 Rutherford and Mr Evans.

Mr Nash moved for leave to present a Bill to amend an Act, Intitled, an Act for Establishing a New County between Campbelton and Hillsborough, by taking the Southern part of the Inhabitants of Orange County, by the name of Chatham County, and Saint Bartholomews Parish. .

Ordered he have leave accordingly.

Mr Nash presented the said 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 Hardy and Mr Brooks.

Rec^d from the Council the Bill for Granting to his Majesty the Sum of ----- Thousand pounds proclamation money, to be applied as herein directed, and for directing the duty of Sheriffs in the Execution of their Office.

Endorsed, In the upper House, read the first time and passed.

Mr Hardy presented the Petition and Affidavit of James Alford of Wake County Setting forth that on the 28th day of April last the

Dwelling House of the said James Alford was Consumed by fire, in which was Twenty eight pounds five shillings Proc. Money, of this Province, which was Totally destroyed, Praying to be allowed the same.

On motion, Resolved, That the said James Alford be allowed the said sum of Twenty eight Pounds five Shillings proc Money and that the same be paid out of the Sinking fund, by the Public Treasurers or either of them who shall be allowed the same in the Settlement of their Accounts with the Public.

On Motion Ordered, the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that James Alford of Wake County be allowed £28 5s. 0d. out of the Sinking fund, he having made it appear, that on the 28th of April last a Sum equal to that in Proclamation Money was in his Dwelling House totally destroyed, to which we desire your Honors Concurrence.

R^d CASWELL, Speaker.

Sent by Mr Hardy and Mr Brooks.

Mr Justice Moore presented the Petition and affidavit of Robert Howe, of Brunswick County setting forth that on the Ninth day of the present Month (November) he lost the Sum of Three Hundred and Forty eight pounds proc money of this Province, which was entirely destroyed, and can never again come into Circulation; praying to be allowed &c.

On motion, Resolved, That the said Robert Howe be allowed the said sum of three hundred and forty eight pounds proc. money, and that the same be paid out of the sinking fund by the Public Treasurers, or either of them, who shall be allowed the same in the Settlement of their Accounts with the Public.

On motion Ordered the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have Resolved, That Robert Howe Esquire be allowed the sum of three hundred and forty eight pounds out of the Sinking fund, he having made it appear that on the ninth day of this present month (November) he lost a sum equal to that in Proclamation money, which was entirely destroyed, and can never again come into circulation; and desire your Honors concurrence thereto.

R. CASWELL, Sp.

Sent by Mr Howe and Mr Blount

Rec^d from the Council the following Bills:

The Bill for Erecting the North part of Orange County, into a distinct County and Parish by the name of ----- County and parish of -----.

The Bill for dividing the Western part of Rowan County, and Erecting a new County and Parish by the name of ----- County and ----- Parish

The Bill for Erecting part of the Counties of Halifax and Tyrrel into a County and Parish.

The Bill to amend an Act, Intitled an Act what Fences are sufficient

The Bill to amend an Act, Intitled an Act for regulating the Several Officers Fees, within this Province, and Ascertaining the Method of paying the same. Endorsed, in the upper House, read the first time and passed.

Then the House adjourned till tomorrow morning 10 o'clock.

Friday Morning November 29th 1771

The House met according to adjournment.

Mr McRee moved for leave to absent himself from the Service of the House

Mr. Willie Jones moved for leave to absent himself from the Service of the House

Then the House adjourned till tomorrow morning 10 o'clock

Saturday November 30th 1771.

The House met according to adjournment.

Mr Gray moved for leave to present a Bill to impower the Church Wardens and Vestrymen in the Parish of St. Gabriels in the County of Duplin to sell the Glebe.

Ordered he have leave accordingly.

Mr Gray presented the said 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 Gray and Mr Dickson.

On motion of Mr Cray, ordered, That Mr Cray, Mr Thomson, Mr James Moore, and Mr. Christopher Neale be discharged from their attendance on the Committee of Public Accounts, while the accounts of the late Expedition are adjusting, they having been Officers in

the Service of the Country in that Expedition; and that Mr Harnett, Col Harvey, Mr Johnston, Mr Hewes, Mr Nash, Mr Shepard, and Mr Davis, be a select Committee for Adjusting, Settling and allowing the same.

On motion Ordered the Bill for erecting part of the counties of Halifax and Tyrrel into a County and Parish, be read the second time. Read the same a second time, amended passed, and ordered to be sent to the Council.

Sent by Mr Gray and Mr Dickson.

On motion, Ordered the Bill for appointing and empowering Francis Moseley of Anson County to collect and receive the Taxes which are due from the Inhabitants of the said County for the year 1770, be read the second time. Read the same the second time, Amended passed and ordered to be sent to the Council.

Sent by Mr Gray and Mr Dickson.

Mr Ormond moved for leave to present a Bill for laying out a Town on the Land of Richard Evans, in Pitt County by the name of -----

Ordered he have leave Accordingly.

Mr Ormond presented the said 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 Ormond and Mr Lanier.

Mr Ormond moved for leave to present a Bill to amend and continue an Act, Intituled an Act, to Establish Inferior Courts of pleas and Quarter sessions in the several Counties in this Province, passed at Wilmington in the 4th year of the Reign of his present Majesty.

Ordered he have leave Accordingly.

Mr Ormond presented the said 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 Ormond and Mr Lanier.

Mr James Bonner presented the Petition of Sundry of the Inhabitants of the Counties of Beaufort and Pitt, for altering the Dividing Lines between said Counties, and praying a Town may be Erected at the head of Pamlico, on the Plantation of Major James Bonner, and William Boyd, a Minor.

On Motion, Ordered, Mr Bonner have leave to prepare and bring in a Bill pursuant to the prayer of the said Petition.

Mr Bonner presented the said 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.

Mr Howe presented the Petition of Sundry Inhabitants of Surry County praying that there may be an Alteration in running the dividing line between Rowan and Surry Counties, which Alteration will greatly facilitate the Inhabitants of the North part of Rowan County, Enable the Inhabitants of Surry County to Erect their Public Buildings and the same pass into a Law.

On Motion Ordered, That Mr Howe have leave to prepare and bring in a Bill pursuant to the prayer of the said petition.

Mr Howe presented the said 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 Bonner and Mr Stewart.

Mr Dunn moved for leave to present a Bill for amending an Act Intituled, an Act for Erecting in the Town of Salisbury, a Public Gaol, Pillory and Stocks, for the District of Salisbury in this Province.

Ordered he have leave accordingly.

Mr Dunn presented the said 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 Bonner and Mr Stewart.

Mr Justice Moore moved for leave to bring in a Bill for Establishing a Court of Chancery, Consisting of the Governor and Council for the time being, or any five of them, with allowance as Salaries to such of the Members as attend the Same; and for Establishing Rules of the said Court, with fees to the Register and other Officers thereof.

Ordered, That Mr Justice Moore have leave to prepare and bring in the said Bill Accordingly.

Rec^d from the Council the Bill to amend an Act for Establishing a new County between Campbelton and Hillsborough by taking the Southern part of the Inhabitants of Orange County, by the name of Chatham County and St Bartholomews Parish. Endorsed, In the upper House, read the first time and passed.

Mr Andrew Knox, one of the Members for Perquimans County; Mr Alexander Stewart, one of the Members for Pitt County, Mr

William Haywood, one of the Members for Edgecombe County appeared.

The Hon^{ble} Sir Nathaniel Dukenfield Baronet, and Marmaduke Jones Esquire two of his Majestys Council came to the House, and Mr Howell Edmunds, Mr Knox, Mr Stewart and Mr Haywood took the Oath of Abjuration, as prescribed by the late Act of Parliament.

On motion ordered that Mr Knox and Mr Stewart be added to the Committee of Public Accounts, and on the Select Committee for adjusting, settling and allowing the accounts on the late Expedition.

Rec^d from the Council the two Resolves of this House of the 28th Instant, for allowing the sum of £348, to Robert Howe Esqr and the Sum of Twenty eight pounds five Shillings to James Alford.

Endorsed, In the upper House Concurred with.

JA^s HASELL, P.

Mr Ashe presented the petition and affidavit of David Pollock praying an allowance may be made to him for so much paid the Doctors for curing a wound he received by one of the Criminals in Wilmington Gaol.

On Motion Resolved, That David Pollock be allowed the sum of Twenty five pounds for so much paid the Doctors for Curing a wound given him by one of the Criminals, in attempting to prevent the said Criminals Escape, to be paid by the public Treasurer out of the Contingent fund.

On Motion, Ordered the following Message be sent to the Council, to wit,

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

This House have Resolved that David Pollock keeper of the Wilmington Gaol be allowed the Sum of Twenty five pounds for so much paid the Doctors for Curing a wound given him by one of the Criminals in attempting to prevent the said Criminals Escape, to be paid by the Treasurer, out of the Contingent fund, and Desire your Honors Concurrence thereto.

R. CASWELL, Speaker.

Sent by Mr Moore and Col Thomson.

On Motion Ordered the following Message be sent to His Excellency the Governor viz^t

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a,

SIR,

This House have Resolved that the sum of Three Hundred and Forty eight pounds be allowed to Robert Howe Esquire, and also the sum of Twenty eight pounds five shillings, to James Alford, a Copy of which, concurred with by His Majesty's Hon^{ble} Council we herewith send, and request your Excellencys assent thereto.

R. CASWELL, Speaker.

On Motion Ordered, That Mr Ormond, and Mr McSwain have leave to absent themselves from the service of the House till Wednesday next.

Mr Howe moved for leave to present a Bill for the further enabling Francis Locke, Andrew Allison, Griffith Rutherford, and William Temple Coles, former Sheriffs of Rowan County to Collect the Arrearages of Taxes.

Ordered he have leave accordingly.

Mr Howe presented the said 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 Rutherford and Mr Locke.

Rec^d from the Council the following Bills, to wit,

The Bill to amend and continue an Act Intituled an Act, to Establish Inferior Courts of Pleas and quarter Sessions in the several Counties in this province &c^a.

The Bill for amending an Act, Intituled an Act, for erecting in the Town of Salisbury a public Gaol, pillory, and stocks, for the District of Salisbury, in this Province.

A Bill for altering the Dividing Lines between the Counties of Beaufort and Pitt.

The Bill to Impower the Church Wardens and Vestrymen of the Parish of St Gabriels in Duplin County, to sell the Glebe in the said Parish and County.

The Bill for annexing part of the County of Rowan to the County of Surry. Endorsed, In the upper House, read the first time and passed.

Then the House adjourned till Monday Morning 10 o'Clock.

Monday December 2^d 1771.

The House met according to adjournment.

Mr Edmunds presented two Certificates from the Inferior Court of Northampton County therein recommending Anne Wells, a free Negro Woman, and Benjamin Person to be Exempt from the payment of Public Taxes.

Ordered they be exempt accordingly.

Mr Hardy moved for leave to present a Bill to amend an Act Intituled 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 to 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.

Ordered he have leave accordingly.

Mr Hardy presented the said 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 Hardy and Mr Kimbrough.

Mr Kimbrough moved for leave to present a Bill for altering the place fixed upon by the Commissioners for Building a Court House, prison and stocks, in the County of Guilford.

Ordered he have leave accordingly.

Mr. Kimbrough presented the said 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 Hardy and Mr Kimbrough.

Mr John Hooker, one of the Members for the County of Tyrrell appeared.

The Hon^{ble} John Sampson and Samuel Cornell Esq^{rs} two of His Majesty's Council came to the House, and Mr John Hooker was qualified by taking the several Oaths by Law appointed for the qualification of Public Officers, and repeating and Subscribing the Test.

Rec^d from the Council the Bill for Continuing and Amending so much of an Act as is now in force, Intituled an Act for dividing this Province into six several districts, and for Establishing a Superior Court of Justice in each of the said Districts, and Regulating the proceedings therein; and for providing Adequate Salaries for the Chief Justice, and the Associate Justices of the said Superior Courts. Endorsed, In the upper House, read the first time and passed.

Also the Resolve of this House, for allowing David Pollock the sum of Twenty five pounds. Endorsed, In the upper House, read considered and concurred with. JAMES HASELL, P.

Mr. Harvey moved for leave to present a Bill for appointing an Agent to Solicit the Affairs of this Province at the several Boards in England.

Ordered he have leave accordingly.

Mr Harvey presented the said 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 Blount and Mr Haywood.

Rec^d from the Council the following Bills, towit,

The Bill to amend an Act, Intitled an Act to regulate Elections &c^a

The Bill for altering the place fixed upon by the Commissioners for Building a Court House, prison and stocks, for the County of Guilford. Endorsed, In the upper House, read the first time and passed.

The Bill for appointing and empowering Francis Moseley of Anson County to Collect and receive the Taxes which are due from the Inhabitants of the said County for the year 1770. Endorsed, In the upper House, read the second time and passed.

On motion, Ordered the Bill to Impower the Church Wardens and Vestrymen of the Parish of Saint Gabriels, in the County of Duplin to sell the Glebe in the said Parish and County, be read the second time. Read the same a second time, passed, and ordered to be sent to the Council.

Sent by Mr Locke and Mr Dickson.

On motion ordered, that Mr Slade have leave to absent himself from the service of the House

On motion ordered, the Bill to amend an Act Intitled an Act for erecting in the Town of Salisbury a public Gaol, pillory and Stocks, for the district of Salisbury in this Province be read the second time. Read the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Locke and Mr Dickson

Rec^d from His Excellency the Governor the two Resolves of this House the one for allowing the sum of £348. to Robert Howe

Esquire the other for allowing the sum of £28:5:0, to James Alford. Assented to.

Also the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY.

I return the Resolves of your House, allowing Robert Howe Esquire the sum of £348. and James Alford the sum of £28:5:0, With my assent thereto. JO. MARTIN.

On motion, Ordered the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a,

SIR,

We herewith send your Excellency a Resolve of this House, for allowing the sum of £25. to David Pollock, Concurred with by His Majesty's Council, and requests your Excellency's assent thereto.

R. CASWELL, Sp.

Sent by Col. Cray and Col. Davis.

Then the House adjourned till tomorrow morning 10 o'clock.

Tuesday December 3^d 1771.

The House met according to adjournment

On motion ordered, the Bill to amend an Act, Intituled an Act, for the Régulation of the Town of Wilmington be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Blount and Mr Haywood.

Mr Kimbrough moved for leave to present a Bill to impower the freeholders of the Parish of Unity, in Guilford County, and the Parish of St Margarets, in Wake County, to elect Vestrymen in the room of those heretofore Elected for the said Parishes.

Ordered he have leave accordingly.

Mr Kimbrough presented the said 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 Blount and Mr Haywood.

Rec^d from His Excellency the Governor the Resolve of this House of the 30th of November, for allowing the sum of £25. to David Pollock.

Also the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the resolve of your House, for allowing the sum of £25 to David Pollock, with my assent thereto.

December 3^d 1771.

JO. MARTIN.

On motion, ordered, the Bill continuing and amending so much of an Act, as is now in force, Intitled an Act, for dividing this Province into Six Several Districts, and for Establishing a Superior Court of Justice in each of the said Districts, and regulating the Proceedings therein, and for providing adequate Salaries for the Chief Justice and the Associate Justices of the said Superior Courts, be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Rec^d from the Council the following Bills, to wit,

The Bill to Impower the Freeholders in the Parish of Unity in Guilford County and the Parish of Saint Margarets, in Wake County, to elect Vestrymen in the room of those heretofore Elected for the said Parishes.

The Bill for appointing an Agent to Solicit the affairs of this Province at the several Boards in England.

The Bill for further enabling Francis Locke, Andrew Allison, and Griffith Rutherford, and William Temple Coles, former Sheriffs, of Rowan County, to Collect Arrearages of Taxes. Endorsed, In the upper House, read the first time and passed.

The Bill to amend an Act, Intitled an Act, for the Regulation of the Town of Wilmington.

The Bill to Impower the Church Wardens and Vestrymen of the Parish of St Gabriels, in the County of Duplin to sell the Glebe in the said Parish and County.

The Bill for amending an Act, Intitled an Act, for erecting in the Town of Salisbury, a Public Gaol, pillory and stocks, for the District of Salisbury in this Province. Endorsed, In the upper House, read the second time and passed.

Mr Macknight, one of the Members for the County of Currituck appeared.

Then the House adjourned 'till tomorrow morning 10 o'Clock.

Wednesday 4th December 1771.

The House met according to adjournment.

Mr Polk moved for leave to present a Bill to continue an Act, Intituled an Act, to encourage the Destroying of Vermin in the several Counties therein mentioned.

Ordered he have leave accordingly.

Mr Polk presented the said 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 Polk and Mr Kimbrough.

Mr Dunn moved for leave to present a Bill for the more easy and effectual method of Collecting the Taxes in the Counties therein mentioned.

Ordered he have leave Accordingly.

Mr Dunn presented the said 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 Polk and Mr Kimbrough.

On motion, Ordered the Bill to Impower the Church Wardens and Vestrymen of the Parish of St Gabriels, in the County of Duplin, to sell the Glebe in the said County and Parish, be read the third time, read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Kimbrough.

Mr Dunn moved for leave to present a Bill for Building a Court House in the Town of Salisbury, for the District of Salisbury.

Ordered he have leave accordingly.

Mr Dunn presented the said Bill which he read in his place and delivered in at the Table, where the same was again read and passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Kimbrough.

Rec^d from the Council the Bill for Eleeting part of the Counties of Halifax and Tyrrel, into a County and parish. Endorsed, In the upper House, read the second time, amended and passed.

This House being informed that on the 7th day of March last, the Dwelling House of John Fulford was Consumed by fire in which he had the sum of Thirty Shillings proc. money, burnt and totally destroyed,

On motion, Resolved, That the said John Fulford be allowed the sum of Thirty Shillings to be paid out of the Sinking fund, by

either of the Public Treasurers, who shall be allowed the same in the settlement of their accounts with the Public.

On motion, Ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

This House have Resolved that John Fulford be allowed the sum of Thirty Shillings, he having made it appear that he had a sum equal to that in Proclamation Money burnt in his House, on the 7th day of March last, which we have directed to be paid out of the Sinking fund, and Desire your Honors Concurrence thereto.

R^d CASWELL Speaker.

Sent by Mr Neale and Mr McKinnie.

The Hon^{ble} Sir Nathaniel Dukenfield Baronet, and Marmaduke Jones Esq^r two of His Majestys Council came to the House and Mr Thomas Macknight one of the Members for Currituck County, took the Oath of Abjuration as prescribed by the late Act of Parliament.

Rec^d from the Council the following Bills, towit

The Bill for Building a Court House in the Town of Salisbury, for the District of Salisbury.

The Bill to Continue an Act, Intituled an Act, to encourage the destroying of Vermin in the several Counties therein mentioned.

The Bill for the more easy and effectual method of collecting the Taxes in the Counties therein mentioned. Endorsed, In the upper House, read the first time and passed.

Also the Resolve of this House, for allowing thirty shillings to John Fulford.

Endorsed, in the upper House. Concurred with.

JAMES HASELL, P. C.

Mr Justice Moore pursuant to order presented the Bill to Indemnify such persons who have Acted in defence of Government, and for the preservation of the public peace of this Province, during the late Insurrection from vexatious suits and prosecutions; which he read in his place, and then delivered in at the Table, where the same was again read, passed, and ordered to be sent to the Council.

Sent by Col. Moore and Col. Eaton.

On motion ordered the following message be sent to His Excellency the Governor, towit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a

SIR,

We herewith send your Excellency a Resolve of this House for allowing John Fulford the sum of thirty shillings to which His Majesty's Council have concurred, and request your Excellency's assent thereto.

R. CASWELL, Sp.

On motion, ordered the Bill for erecting the North part of Orange County into a distinct County and Parish, by the name of Warwick County, and Parish of St Stephens, be read the second time. Read the same a second time and Rejected.

On motion, Ordered the Bill for annexing a part of the County of Rowan to the County of Surry, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Lanier and Mr Field.

Then the House adjourned till tomorrow morning 10 o'clock.

Thursday December 5th 1771.

The House met according to adjournment.

On motion Ordered, the Bill to Continue an Act Intituled an Act to encourage the destroying the Vermin in the several Counties therein mentioned, be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council

Sent by Mr Lanier and Mr Field.

On motion Ordered, the Bill for altering the place fixed upon by the Commissioners, for Building a Court House, prison and stocks in the County of Guilford, be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Lanier and Mr Field.

Mr Brooks presented a Petition from Sundry of the Inhabitants of Cumberland County bordering on Chatham County praying that a New County may be laid out, or that ten miles of Cumberland County, bordering on Chatham County may be added to Chatham County.

Ordered, Mr Brooks have leave to prepare and bring in a Bill pursuant to the prayer of the said Petition

Mr Brooks presented the said 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 Lanier and Mr Field.

Gen^l Waddell moved for leave to present a Bill to alter the method of working upon the Roads in the counties therein mentioned

Ordered he have leave accordingly.

Gen^l Waddell presented the said 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 Lanier and Mr Field.

Then the House adjourned till tomorrow morning 10 o'clock.

• Friday 6th December 1771.

The House met according to adjournment.

Mr Polk moved for leave to present a Bill to amend an Act, Intituled an Act, for founding, establishing, and endowing of Queen's College, in the Town of Charlotte in Mecklenburg County.

Ordered that he have leave accordingly.

Mr Polk presented the said 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 Polk and Mr Dickson.

On motion Ordered the Bill to amend an Act, Intituled an Act, for establishing a new County between Campbelton and Hillsborough by taking the Southern part of the Inhabitants of Orange County by the name of Chatham County, and Saint Bartholomew's Parish, be read the second time. Read the same the second time, amended passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Dickson.

On motion ordered the Bill for erecting part of the Counties of Halifax and Tyrrill into a County and Parish be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Dickson.

Mr Howe moved for leave to prepare a paper and bring in a Bill for the more certain and easy collection of His Majestys Quit rents.

Ordered he have leave accordingly.

Mr Harnett, moved for leave to prepare and bring in a Bill to amend an Act, Intituled an Act, for regulating the Pilotage of Cape Fear River, and other purposes.

Ordered he have leave accordingly.

Mr Macknight moved for leave to prepare and bring in a Bill for electing a Vestry for the Parish of St John, in the County of Pasquotank.

Ordered he have leave accordingly.

Mr Howe moved for leave to present a Bill to Impower the Officers therein mentioned in certain cases, to take the poll at the Election of Members to serve in the General Assembly.

Ordered he have leave accordingly.

Mr Howe presented the said 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 Polk and Mr Dickson.

Mr Justice Moore pursuant to order presented the Bill for establishing the Court of Chancery, consisting of the Governor and Council for the time being, or any five of them with allowance as salaries to such of the Members as attend the same, and for the establishing Rules of the said Court, with fees to the Register and the other officers thereof, 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 Polk and Mr Dickson.

Mr Ashe moved for leave to present a Bill to enlarge the time for several sheriffs to settle their Accounts with the Justices of the Inferior Courts of pleas and quarter sessions of the Counties therein mentioned.

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, passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Dickson.

On motion ordered, the Bill to Impower the Freeholders of the Parish of Unity, in Guilford County, and the Parish of St Margarets, in Wake County, to elect Vestrymen in the room of those heretofore Elected for the said Parishes, be read the second time. Read the same a second time amended, passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Dickson.

Mr Ashe Pursuant to order presented the Bill for granting to His Majesty a duty on Spirits, for the purpose of amending the Navigation of this Province; and 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.

Sent by Mr Polk and Mr Dickson.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

As I find the Business of my department in many cases unprovided for by Law, in which I have therefore no Guide, but the various practices of my Predecessors; and as I am desirous to walk exactly by Legal Prescription, I take this earliest occasion to recommend to your Consideration to Ascertain by Law, the fees to be received by me upon all occasions.

I have no doubt you will settle them upon such a footing as shall be just, reasonable, and honorable, and consistent with the Dignity of my office.

JO. MARTIN

December 6th 1771.

On motion, Ordered the Bill for dividing the Western part of Rowan County, and erecting a new County and Parish by the name of York County and St James Parish be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Dunn and Mr Rutherford.

Mr Howe moved for leave to present a Bill to confirm the Titles of such persons as have purchased Lands sold by Execution under the Statute of the 5th George II, Intitled an Act for the more easy recovery of Debts in His Majestys Plantations and Colonies in America.

Ordered he have leave accordingly.

Mr Howe presented the said 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 Dunn and Mr Rutherford.

Mr Christopher Neale moved for leave to present a Bill for further Amending an Act Intitled 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.

Ordered he have leave accordingly.

Mr C. Neale presented the said 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 Dunn and Mr Rutherford.

Mr Burgwin Clerk of the Committee of Accounts, pursuant to order laid before the House, a state of the Public Funds, by which it appears that on Account of the one shilling Tax imposed by the Act passed on the sixth day of April, in the 22 year of the Reign of his late Majesty, Intituled an Act for granting to his Majesty the sum of £21,350 Public Bills of Credit of this Province, at the rate of Proclamation Money, to be applied towards Building Fortifications in the Province payment of Public Debts, Exchanging the present Bills of Credit, and for making proper provisions for defraying the contingent Charges of the Government, and for repealing the several Laws hereinafter mentioned; and continued by another Act the 19th day of February, in the 27 year of the said Reign, Intituled an Act for granting to His Majesty the sum of £40,000, in Public 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 on account of the duty on Rum, Wine, and other Spiritous Liquors, there has at different times, been burnt and destroyed, the Sum of £53,104: 2: 0. That there is in the hands of the Treasurers and Sheriffs the Sum of £10,156: 18: 0 on account of the one shilling Tax, and that there is Outstanding in the hands of the Receivers of the duty of Rum, Wine and other Spiritous Liquors the sum of £2429: 7: 6 by which it appears that there has been already collected from the Inhabitants of this Province a sum more than equal to the whole amount of the proclamation Bills of Credit emitted by the above Act of Assembly, and that there will be a Ballance in favour of the Country, after the payment of the Arrears, in the hands of the Several Collectors, for which Security hath [been] given to the Public of £4340: 7: 6, so that the said poll tax of one shilling, and duty of 4d p Gallon on Rum, Wine, and other Spiritous Liquors ought to cease and be discontinued.

On motion ordered that a Bill to discontinue the poll Tax of one shilling, and duty of 4d p Gallon on Rum, Wine, and other Spirit-

ous Liquors, be brought in, and that Mr Johnston prepare the same.

Mr Johnston pursuant to order prepared the Bill to discontinue the poll Tax of one shilling, and duty of 4d p Gallon on Rum, Wine and other Spiritous Liquors; 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 Gray and Mr Hynes.

Rec^d from the Council the following Bills, Viz'

The Bill to Indemnify such persons who have acted in defence of Government, and for the preservation of the Public peace of this Province, during the late Insurrection, from Vexatious suits and Prosecutions.

The Bill to amend an Act Intitled an Act, for founding, establishing, and endowing of Queen's College, in the Town of Charlotte, in Mecklenburgh County.

The Bill to enlarge the time for several Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and quarter sessions, in the Counties therein mentioned.

The Bill to empower the officers therein mentioned, in certain cases, to take the poll at the election of Members to serve in the General Assembly.

The Bill to alter the method of working upon the Roads in the Counties therein mentioned.

The Bill for establishing the Court of Chancery, consisting of the Governor and Council for the time being or any five of them with allowance as salaries to such of the members of Council as attend the same. Endorsed, In the upper House, read the first time and passed.

Also, the Bill for annexing part of Rowan to the County of Surry.

The Bill to continue an Act, Intitled an Act, to encourage the destroying of Vermin in the Several counties therein mentioned. Endorsed, In the upper House, read the second time, amended and passed.

Also the Bill for erecting part of the counties of Halifax and Tyrrel into a County and Parish. Endorsed, In the upper House, read the third time and passed. Ordered to be Engrossed.

On motion Ordered, that Mr Bouner and Mr Alston have leave to absent themselves from the Service of this House.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday December 7th 1771.

The House met according to adjournment.

On motion ordered the Bill to continue an Act Intitled an Act, to encourage the destroying of Vermin in the several counties therein mentioned, be read the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Gray and Mr Hynes.

On motion ordered, that Mr Sugg have leave to absent himself from the service of the House during this session.

On motion ordered the Bill to amend an Act, Intitled an Act, to regulate elections for members to serve in the General Assembly and Ascertain who shall be qualified to vote at the said Elections or to 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, be read the second time. Read the same a second time and Rejected.

Mr Person pursuant to order, presented a Bill to release the Inhabitants of the Parish of Granville in the county of Granville from certain Taxes, and other purposes therein mentioned, 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 Person and Mr Robinson.

On motion ordered the Bill for appointing and empowering Francis Moseley of Anson County, and James McCoy of Rowan County to collect and receive the Taxes which are due from the Inhabitants of the said County for the year 1770, be read the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Person and Mr Robinson.

Col Harvey moved for leave to present a Bill for erecting in the Town of Hillsborough a public Gaol and Gaolers House for the district of Hillsborough, in this Province.

Ordered he have leave accordingly.

Col Harvey presented the said 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 Person and Mr Robinson.

Rec^d from the Council the following Bills, towit,

The Bill for granting to His Majesty a duty on Spirits, for the purpose of Amending the Navigation of this province, and other purposes.

The Bill to confirm the Titles of such persons as have purchased Lands sold by execution under the statute of the 5th of George the Second, Intituled an Act for the more easy recovery of Debts in His Majesty's Plantations and Colonies in America.

The Bill to discontinue the poll Tax of one shilling, and duty of 4d. 3^d Gallon on Rum, Wine, and other Spiritous Liquors. Endorsed, In the upper House, read the first time, amended and passed.

Also, the Bill to empower the Freeholders of the Parish of Unity, in Guilford County, the Parish of St. Johns in Pasquotank County, and the Parish of St. Margaret's, in Wake County, to elect Vestrymen in the room of those heretofore elected for the said Parishes. Endorsed, In the upper House, read the second time, amended and passed.

On motion, Resolved, That His Excellency the Governor be addressed to grant a General Pardon to all Persons concerned in the late Insurrection, Except, Herman Husband, Rednap Howell, and William Butler, the House being of Opinion the Crimes of these men are too Atrocious to merit any degree of Lenity, and that the following message be sent to His Excellency the Governor, Viz^t,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a

SIR,

This House wishes to conciliate the minds of His Majesty's Subjects, and to establish Peace and Good Order in this Province, Humbly request that your Excellency will be pleased to grant a General Pardon to all persons concerned in the late Insurrection, except Hermon Husband, Rednap Howell and William Butler, the Crimes of those men we conceive are too atrocious to merit any degree of Lenity.

R. CASWELL, Sp.

Sent by Mr Gray and Mr Hynes.

On motion ordered the Bill for granting to His Majesty the sum of ----- Thousand pounds proc. money to be applied as herein directed and for directing the duty of Sheriffs in office be read. Read the same.

Then on motion Resolved, that the said Bill be, Committed to a Committee of the whole house.

The House resolved itself into a Committee of the whole House accordingly and chose Col^o Harvey Chairman, and after some time

spent, the Committee came to several Resolutions, which Mr Chairman was directed to report.

Then on motion Mr Speaker resumed the Chair, and Mr Chairman reported the said Committee had come to several Resolutions, which he read in his place, and delivered in at the Table, where the same was again severally read, and agreed to by the House.

Then on motion ordered the Bill be read with the amendments. Read the same with the amendments, passed, and ordered to be sent to the Council.

Sent by Col^o Cray and Col^o Rutherford.

Rec^d from the Council the Bill for dividing the Western part of Rowan County and erecting a new County and Parish by the name of York County and Saint James' Parish. Endorsed, In the upper House, read the second time and passed.

Mr Edward Vail, one of the members of Chowan County, and Mr Benjamin Wynns, one of the members of Hertford County, appeared.

Then the House adjourned till Monday morning 10 o'clock.

Monday 9th December 1771.

The House met according to adjournment,

On motion ordered, The Bill for further enabling Francis Locke, Andrew Allison, Griffith Rutherford, and William Temple Coles, former Sheriffs of Rowan County, to collect the arrearages of Taxes, be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Haywood and Mr Rutherford.

On motion ordered the Bill for Building a Court House in the Town of Salisbury for the District of Salisbury, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Counsel.

Sent by Mr Haywood and Mr Rutherford.

Mr Justice Moore moved for leave to present a Bill for laying out a Public Road from the Frontiers of this Province, through the Counties of Mecklenburg, Rowan, Anson, and Cumberland, to Campbellton.

Ordered he have leave accordingly.

Mr Justice Moore presented the said 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 Haywood and Mr Rutherford.

On motion ordered the Bill to amend an Act, Intituled, an Act for founding, establishing and endowing of Queens College in the Town of Charlotte in Mecklenburg County, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Haywood and Mr Rutherford.

Mr Howe moved for leave to present a Bill to amend an Act, Intituled an Act to prevent hunting for, and killing Deer in the manner therein mentioned.

Ordered he have leave accordingly.

Mr Howe presented the said 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 Haywood and Mr Rutherford.

Mr Haywood presented the Petition and affidavit of Abraham Evans, setting forth that on the 28th of November last, he had his House consumed by fire, in which he had the sum of twenty two pounds sixteen shillings eight pence burnt and totally destroyed.

On motion Resolved that the said Abraham Evans be allowed the sum of twenty two pounds sixteen shillings and eight pence out of the Sinking fund, as it is made appear to this House that the said Abraham Evans lost Proclamation Money to that amount on the 28th of November last, which was burnt and totally destroyed and that the Treasurers, or either of them, pay him the same, and be allowed in their Accounts with the Public.

Mr Montfort presented to this House the Petition of John Simpson Esqr of Pitt County, setting forth that in the month of July 1769 he was sole owner of a certain Schooner called the *John and Elizabeth*, Ebenezer Fuller Master, which sailed over Ocacock Bar the 6th of August 1769, bound for Barbadoes. by repeated misfortunes fell to leeward, and arrived at the Island of Jamaica, which said Schooner again sailed from the Island of Jamaica the 23^d of October 1769 for port Bath in this Province, but wind and weather not permitting was forced into a Spanish port, in the Bay of Mexico, called La Vera Cruz, where the said vessel was confiscated, and the Master and Crew made prisoners, praying relief &c^a.

On motion ordered, the Consideration of the said Petition be deferred till Tomorrow Morning.

On motion ordered the following Message be sent to his Majestys Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House send you the Petition and affidavit of Abraham Evans to whom we have Resolved that the sum of twenty two pounds, sixteen shillings and eight pence, be paid by the Treasurers or either of them, out of the Sinking fund, and be allowed them in their Accounts with the Public, and desire your Honors Concurrence thereto.

R. CASWELL, Sp.

Sent by Mr Haywood and Mr Rutherford.

On motion ordered the Bill for appointing 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.

Sent by Mr Haywood and Mr Rutherford.

Mr Harnett moved for leave to present a Bill to amend an Act, Intituled, an Act for regulating the Pilotage of Cape Fear River and other purposes.

Ordered he have leave accordingly.

Mr Harnett presented the said 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 Haywood and Mr Rutherford.

Mr Howe moved for leave to present a Bill for the more easy and certain Collection of His Majestys quit rents in this Province.

Ordered he have leave accordingly.

Mr Howe presented the said 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 Haywood and Mr Rutherford.

Mr Davis moved for leave to present a bill for removing the Superior Court of Hillsborough to Campbelton.

Ordered he have leave accordingly.

Mr Davis presented the said 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 Haywood and Mr Rutherford.

On motion ordered, the Bill for amending an Act, Intituled an Act for erecting in the Town of Salisbury a public Gaol, pillory, and stocks for the district of Salisbury in this Province, be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Haywood and Mr Rutherford.

Mr Evans moved for leave to present a Bill to annex part of Dobbs County to Pitt County.

Ordered he have leave accordingly

Mr Evans presented the said 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 Haywood and Mr Rutherford.

Then the House adjourned till tomorrow morning 10 o'clock.

Tuesday December 10th 1771.

The House met according to Adjournment.

Rec^d from His Excellency the Governor the following message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

My wishes correspond with the generous and humane disposition of your House, to Conciliate the minds of his Majesty's Subjects, and to establish peace and good order throughout this Province upon the firmest Basis; and as I consider my Powers not to Extend to granting a general pardon in the case you propose to me, and that I have already humbly offered such a measure to the Royal Consideration, I will forthwith lay your request before His Majesty, from whose Wisdom and Clemency, everything may be expected, that is consistent with humanity and sound policy. JO. MARTIN.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY.

I return herewith the Resolve of your House, for allowing John Fulford the sum of thirty shillings proc. money with my assent thereto. JO. MARTIN.

Also, the resolve of this House for allowing the sum of thirty shilling proc. money to John Fulford.

Mr Macknight pursuant to order, presented the Bill to Enable the freeholders of the parish of Saint John in the County of Pasquotank, to elect a vestry, and provide for their poor, 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 Jacob Blount and Mr Dunn.

Mr Montford presented a Certificate from the Inferior Court of Halifax County, therein recommending Andrew Grymes, to be

exempt from the payment of Public Taxes and doing Public duties. Granted.

Mr Montfort reported that in obedience to a resolve of the House last session of Assembly he had sold the lands formerly belonging to James Johnston who was Sheriff of Tyrril County, on Account of the Debt due by him to the Public, Viz^t,

		£	s	d
1	Tract 250 Acres on Davis Creek to John Stewart,----	60	5	0
1	do Joining Spears Line to James Johnston,-----	21	5	0
1	do 100 Acres on Tick Creek to John Stewart,-----	55	2	0
1	do 249 Acres Joining Wards Line to Ditto,-----	20	0	0
1	do 240 Acres called the folly ---- Holmes,-----	63	1	0
1	do Skewaky, where Johnson lives to John Stewart,--	320	0	0
		£539 13 0		

These sums by the terms of the Sale, are payable in two years with Interest thereon from the date; and after deducting for a Ballance payable from Johnstons Estate to the Vestry of the Parish of Saint John in Tyrril County, which payment was necessary to obtain proper titles to the Lands; and also after deducting the Public Debt, and for several suits and necessary expenses attending this Transaction, the Overplus, if any, will be payable by me to the said Johnston.

On motion ordered the Bill for dividing the Western part of Rowan County and erecting a new County and Parish by the name of York County, and Saint James Parish, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Jacob Blount and Mr Dunn.

The order of the Day being read, On Motion Resolved that the consideration of the Petition of John Simpson be deferred till tomorrow Morning.

On motion the Bill to amend an Act, Intituled, an Act for the regulation of the Town of Wilmington, be read the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Christopher Neale and Mr Clay.

The Hon^{ble} Sir Nathaniel Dukenfield Baronet, and Marmaduke Jones Esquire two of His Majestys Council came to the House and

Mr Edward Vail and Mr Benjamin Wynns, took the Oath of Abjuration, as prescribed by the late Act of Parliament.

Ree^d from the Council the following Bills Viz^t

The Bill for laying out a Public Road from the Frontiers of this Province through the counties of Mecklenburg, Rowan, Anson, and Cumberland, to Campbelton.

The Bill to impower Thomas Neale, and Isaae Price to keep a public ferry across the Catawba River.

The Bill for the more easy and certain collection of His Majesty's Quitrents in this Province.

The Bill to amend an Act Intituled an Act, for Regulating the Pilotage of Cape Fear River and other purposes.

The Bill for removing the Superior Court of Hillsborough to Campbelton. Endorsed, In the upper House, read the first time and passed.

And the Bill for appointing an agent to solicit the affairs of this Province at the several Boards in England. Endorsed, In the upper House, read the second time, amended and passed.

The Bill for amending an Act Intituled an Act, for erecting in the Town of Salisbury a public gaol, pillory and stocks, for the district of Salisbury in this Province.

The Bill for appointing and empowering Francis Moseley of Anson County, and James McCoy of Rowan County, to collect and receive the Taxes which are due from the Inhabitants of the said county for the year 1770.

The Bill to impower the Church Wardens and Vestrymen of the Parish of St. Gabriels in the County of Duplin, to sell the Glebe in the said Parish and County. Endorsed, In the upper House read the third time and passed and ordered to be Engrossed.

Also the following Bills, to wit,

The Bill to amend an Act Intituled an Act, for founding, establishing and endowing of Queens College in the Town of Charlotte, in Mecklenburg County.

The Bill for altering the place fixed upon by the Commissioners for Building a Court House, prison and stocks, in the county of Guilford.

The Bill for Building a Court House, in the Town of Salisbury, for the district of Salisbury. Endorsed, In the upper House, read the second time and passed.

Also the Bill for laying out a Town on the Land of Richard Evans in Pitt County by the name of -----

The Bill to annex part of Dobbs County to Pitt County.

The Bill for annexing part of Cumberland County to Chatham County.

The Bill to enable the Freeholders of the Parish of Saint John, in the County of Pasquotank, to elect a vestry, and provide for their poor.

The Bill for erecting in the Town of Hillsborough, a public gaol and gaolers house, for the District of Hillsborough in this Province.

Also the Resolve of this House, for allowing Abraham Evans the sum of twenty two pounds sixteen shillings and eight pence.

Endorsed, In the upper House. Concurd with.

JAMES HASELL, P. C.

On motion ordered the 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, be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Mr C. Neale and Mr Cray.

On motion, ordered the Bill to empower the officers therein mentioned, in certain cases to take the poll at the Elections of Members to serve in the General Assembly, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr C. Neal and Mr Cray.

Col Harvey presents the Humble Address of the people called Quakers. Ordered the same be read. Read the same, and is as follows, to wit,

TO THE GOVERNOR, COUNCIL, AND BURGESSES, OF NORTH CAROLINA,
NOW MET IN GENERAL ASSEMBLY, AT NEW BERN.

The Humble Address of the People called Quakers.

Gratitude at this time constraineth us, in behalf of ourselves and Friends, to return to you an Humble and dutiful acknowledgement for your great and unexpected Favour and Indulgence in passing an Act at the last session of Assembly, to exempt us from the sufferings we have been exposed to, on account of our Religious

and conscientious scruples with respect to the Militia or learning the Art of Fighting with the Carnal Sword.

And as our peaceful principle of Non-resistance leads us to a passive submission to our superiors, in cases that doth Interfere with our consciences We hope and believe that no disadvantage will ever arise to our fellow subjects from your favor to us therein. We shall think ourselves in duty bound to use our best endeavours, to detect Hypocritical pretenders who may be desirous to screen themselves under our profession, to enjoy the Indulgence you have been pleased to grant us, and by the Integrity and uprightness of our Intentions, having had through the tenderness of our Superiors several valuable privileges granted to us by Acts of Parliament, on account of our Tender Scruples of Conscience.

The same Religious Principle which produceth this dissent, we trust, through divine assistance, will continue to engage us, as it always hath done, since we were a people, to exert whatever Influence we may be possessed of, in promoting the Fear of God, the Honour of our King, and the Prosperity of his Subjects.

Signed by the appointment of our quarterly meeting held at Little River, in Perquimans County, the 23^d day of the 2^d month called February 1771 by

THOMAS NICHOLSON.

PHINEAS NIXON,

JOSHUA SKINNER,

THOMAS NEWBY,

FRANCIS NIXON,

WILLIAM WHITE,

JOHN PEEBLE,

MARK NEWBY,

and

THOMAS WHITE.

On motion Resolved, That the Speaker express to the People called Quakers the Satisfaction their Address has given this House, and assure them they shall not want the due protection of Assembly, while they continue to deserve it.

Mr Ralph McNair and Mr Francis Nash the two Elected Members for the County of Orange, appeared, the Clerk of the Crown having certified they were duly elected and returned Representatives for the said County.

On motion, Ordered, the following Message be sent to his Excellency the Governor Viz^t.

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE HIS MAJESTY'S CAPTAIN GENERAL, GOVERNOR, &c^a,

SIR,

We herewith send your Excellency a Resolve of this House for allowing the sum of twenty two pounds sixteen shillings and eight pence proclamation money, to Abraham Evans, concurred with by His Majestys Hon^{ble} Council, and request your Excellency's Assent thereto.

Sent by Col Haywood and Col Rutherford.

Then the House adjourned till To morrow Morning 10 °Clock.

Wednesday 11th December 1771.

The House met according to adjournment.

The Hon^{ble} William Dry Esquire, and Sir Nathaniel Dukenfield Baronet, two of His Majesty's Council, came to the House, and Mr Ralph McNair and Mr Francis Nash the two Elected Members for Orange County were qualified by taking the several oaths by Law appointed for the qualification of Public Officers, and repeating and subscribing the Test.

On motion ordered, the Bill to alter the method of working upon the roads in the Counties therein mentioned be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Col Neill and Major Evans.

On motion, ordered, The Bill for laying out a town on the Land of Richard Evans in Pitt County by the Name of Martinborough be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Col Neill and Major Evans.

On motion ordered the Bill to Impower Thos. Neill and Isaac Price to keep a public Ferry across the Catawba River, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Col Neill and Major Evans.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the Resolve of your House with the Concurrence of His Majestys Hon^{ble} Council for allowing the sum of

twenty two pounds sixteen shillings, and eight pence proclamation Money, to Abraham Evans with my assent thereto.

JO. MARTIN.

Also the resolve of this House, allowing Abraham Evans £22: 16: 8.

On motion ordered the Bill to indemnify such persons as have acted in Defence of Government, and for the preservation of the Public peace of this Province, during the late Insurrection from vexatious suits and prosecutions, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Col Cray and Capt Polk.

Rec^d from the Council the Bill for amending so much of an Act as is now in force, Intituled an Act for dividing this Province into six several districts, and regulating the Proceedings therein, and for providing adequate Salaries for the Chief Justice and the Associate Justices of the said Superior Court. Endorsed, In the upper House, read the second time amended and passed.

The order of the day being read, Resolved the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a

SIR,

This House have had laid before them a petition and sundry papers from Col John Simpson of Pitt County, by which it appears that a certain vessel of his called the *John and Elizabeth*, sailed from Jamaica in the Month of October 1769 having on board sundry commodities, the produce of that Island, being returns for a cargo sold there, and bound to port Bath in this Province, meeting with stormy and tempestuous weather, would not proceed on her intended voyage through the Gulf of Florida till the month of December; when their water and provisions were expended the master and Crew consulted to endeavour getting into some port for assistance, and supply of water and provisions, but were unfortunately forced to the westward of Pensacola, Mobile and Mississippi, and had no other resource but trying to get to La Vera Cruz which they did in great distress, and were immediately made Prisoners and their vessel seized and detained, Contrary to the Laws of Nature and Nations in such cases, while the Subjects of the King of Spain,

who were in distress, and forced into the ports of this Province received every assistance and protection to their Persons and properties with leave to depart, when and how they pleased.

This House therefore humbly recommend Mr Simpsons case to your Excellencys Consideration and Assistance, to provide a speedy release of the Unfortunate distressed Master and Mariners of the said vessel, and effects she had on Board when first seized at La Vera Cruz, as in your Excellencys Opinion may be Expedient.

R. CASWELL, Sp.

Sent by Capt Campbell and Col. Vail.

On motion ordered the Bill for altering the place fixed upon by the Commissioners for building a Court House, Prison and Stocks in the County of Guilford be read a third time. Read the same a third time, and rejected.

On motion ordered the Bill to amend an Act Intituled an Act, for founding, establishing and endowing of Queens College in the Town of Charlotte in Mecklenburg County be read the third time. Read the same a third time, passed, and ordered to be sent to the Council.

Sent by Capt Polk and Mr Rutherford.

On motion ordered the Bill to amend an Act Intituled an Act for regulating the pilotage of Cape Fear River 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 by Capt Polk and Mr Rutherford.

On motion ordered the Bill for laying out a public road, from the Frontiers of this Province, through the Counties of Mecklenburg, Rowan, Anson, and Cumberland to Campbelton, be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Capt Polk and Mr Rutherford.

On motion ordered, That Mr Stewart have leave to absent himself from the service of the House, for a few days.

Then the House adjourned till Tomorrow morning 10 oClock.

Thursday December 12th 1771.

The House met according to adjournment.

Mr Ormond presented a Certificate from the Inferior Court of Beaufort County, therein recommending Josiah Jones, to be exempt from paying Taxes and doing Public duties.

Ordered he be exempt accordingly.

On motion Resolved, That no claim for any Money lost by any person whatsoever shall be hereafter allowed by this House, unless the loss of such money be attested by the Oath of some indifferent person.

Mr Farquard Campbell presented the affidavit of Edward Dunfield of Cumberland County setting forth he lost out of his pocket book, in the North West Branch of Cape Fear River, in which was the sum of fourteen pounds proc. Money, which can never come into circulation again.

On motion Resolved, That the said Edward Dunfield be allowed the sum of fourteen pounds, to be paid out of the sinking fund, as it is made fully appear that the said Edward Dunfield lost proc. money to that amount in the North West Branch of Cape Fear River; and that the Treasurers pay him the same, and be allowed in their Accounts.

On motion, ordered, the following Message be sent to His Majesty's Council, to wit,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House herewith send you the affidavit of Edward Dunfield to whom we have resolved that the sum of fourteen pounds proc. money be paid by the Treasurers out of the sinking fund, and allowed them in their Accounts with the public, to which we desire your Honors concurrence.

R. CASWELL, Sp.

Sent by Mr F Campbell and Mr Dickson

Rec^d from the Council the Bill for granting to His Majesty the sum of one hundred and thirty thousand pounds proclamation money, to be applied as herein directed, and for directing the duty of Sheriffs in the execution of their office. Endorsed, in the upper House, read the second time and passed.

Rec^d from the Council the Resolve of this House, for allowing the sum of fourteen pounds to Edward Dunfield.

On motion ordered the following message be sent to His Excellency the Governor Viz^t

TO HIS EXCELLENCY, JOSIAH MARTIN ESQUIRE CAPTAIN GENERAL,
GOVERNOR &c^a

SIR,

We herewith send your Excellency a resolve of this House, for allowing Edward Dunfield the sum of fourteen pounds proclama-

tion money, concurred with by His Majesty's Hon^{ble} Council, and request your Excellency's assent thereto. R. CASWELL, Sp.

Rec^d from the Council the 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. Endorsed, In the upper House, read the second time, amended and passed.

The Bill to alter the method of working the roads, in the counties therein mentioned. Endorsed, in the upper House, read the second time and passed.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

In answer to your message of this day accompanying the Petition of Col John Simpson in Relation to his Vessel and Crew detained by the Spaniards at La Vera Cruz, contrary to the Law of Nations, and recommending his case to my Consideration; I am to assure you, that I will, as it becomes my indispensable duty, take every measure in my Power to procure him the amplest redress, in order to which I will immediately apply to the Admiral or Commander in Chief of His Majesty's Squadron at Jamaica, to demand the release of the Crew of the Schooner *John and Elizabeth*, and full restitution of the Vessel and Cargo. And I will also forthwith lay before the King, this violence done to his Subjects, which it cannot be doubted his Majesty will resent with all becoming Dignity.

JO. MARTIN.

Rec^d from the Council the following Bills, towit,

The Bill for laying out a public road, from the Frontiers of this Province through the Counties of Mecklenburgh, Rowan, Anson and Cumberland to Campbelton.

Also the Bill for laying out a Town on the Land of Richard Evans in Pitt County by the name of Martinborough.

The Bill to impower Thomas Neill and Isaac Price to keep a public ferry across the Catawba. Endorsed, In the upper House, read the second time and passed.

The Bill to Impower the officers therein mentioned in certain cases, to take the poll at the Election of Members to serve in the General Assembly.

The Bill to amend an Act Intitled an Act for regulating the pilotage of Cape Fear River and other purposes.

The Bill for further enabling Francis Locke, Andrew Allison, Griffith Rutherford and William Temple Coles, former Sheriffs of Rowan County to collect the arrearages of taxes. Endorsed, In the upper House, read the second time amended and passed.

The Bill to continue an Act Intitled an Act to encourage the destroying of Vermin in the several Counties therein mentioned.

The Bill to amend an Act Intitled an Act for founding establishing and endowing of Queens College, in the Town of Charlotte in Mecklenburgh County. Endorsed, In the upper House, read the third time and passed. Ordered to be Engrossed.

On motion ordered the Bill for granting to His Majesty the sum of one hundred and twenty thousand pounds proc. money, to be applied as herein directed, and for directing the duty of sheriffs in the Execution of their office, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Col. Harvey and Col. Ashe.

Then the House adjourned 'till Tomorrow Morning 10 o'Clock.

Friday December 13th 1771.

The House met according to adjournment.

On motion ordered the Bill for laying out a Town on the Land of Richard Evans in Pitt County, by the Name of Martinborough be read the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Knox and Mr Hare.

Mr Knox moved for leave to present a Bill for rating the several Species of Foreign Coin, and making the same a Legal Tender in all payments therein mentioned.

Ordered he have leave accordingly.

Mr Knox presented the said 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 Knox and Mr Hare.

On motion ordered the Bill to enlarge the time for several Sheriffs to settle their accounts with the Justices of the Inferior Courts of pleas and quarter sessions of the Counties therein mentioned, be read

the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Mr McNair and Mr Locke.

Rec^d from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY

On reading a third time the Wilmington Bill, we would propose a small amendment in the clauses to prevent building Piazzas and Platforms, which to make more clear to you, we send the clauses as we wish to have them stand.

We observe that you have *deled* that clause relative to persons dealing with Negroes where *Onus Probandi*, shall lie upon the Defendant. We need not enter into the necessity of such a clause. The late unhappy fire at Wilmington is a striking instance; and as it is the duty of the Legislature to adopt a remedy for every evil, We conceive that the spirit of that clause is absolutely necessary, in some degree, to be preserved, in order to discourage the pernicious practice of dealing with Negroes. We would therefore propose to restore that clause, with this difference, that instead of the *Onus Probandi*, that the person charged with the offence, shall be required to answer upon Oath, and shall be thereon Convicted or Discharged Accordingly.

We would also propose that the Act, shall continue in force six years, and to the end of the next session of Assembly. If you agree to these Amendments, please send two of your Members to see the same made.

On motion, Resolved, the House agree to the proposed Amendments, and that the following Message be sent to the Council Viz^t—

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House agree to the Amendments by you proposed, respecting the Wilmington Bill, and send Mr Harnett and Mr James Moore two of the Members of this House, to see the same inserted in the Bill.

R. CASWELL, Sp.

On motion ordered, the Bill to Impower the Freeholders of the Parish of Unity, in Guilford County and the Parish of Saint Margarets in Wake County, to elect Vestrymen, in the room of

those heretofore elected for the said Parishes, be read the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Hynes and Mr Kimbrough.

On motion ordered the Bill for amending so much of an Act, as is now in force, Intitled an Act for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein, and for providing Adequate salaries for the Chief Justice and the associate Justices of the said Superior Courts, be read the third time. Read the same the third time and Rejected.

On motion ordered the Bill to enable the Freeholders of the Parish of Saint John in Pasquotank County to Elect a Vestry, and provide for their poor, be read the second time. Read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr Hynes and Mr Kimbrough.

On motion ordered the Bill to amend and continue an Act, Intitled an Act 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 second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Hynes and Mr Kimbrough.

On motion ordered the Bill for Building a Court House in the Town of Salisbury for the District of Salisbury, be read the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Hynes and Mr Kimbrough.

Rec^d from the Council the following Bills, Viz^t

The Bill to enlarge the time for several Sheriffs to settle their Accounts, with the Justices of the Inferior Courts of pleas and quarter sessions of the Counties therein mentioned.

The Bill to indemnify such persons as have acted in Defence of Government, and for the preservation of the public peace of this Province, during the late Insurrection, from vexatious suits and prosecutions. Endorsed, In the upper House, read the second time, and passed.

On motion, ordered the Bill for establishing the Court of Chancery consisting of the Governor and Council for the time being &c be read the second time. Read the same a second time and rejected.

On motion ordered the Bill to empower Tho^s Neill and Isaac Price to keep a Public Ferry across the Catawba River be read the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr W^m Moore and Mr Fields.

On motion ordered Mr Gray have leave to absent himself from the service of this House during the session.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday December 14th 1771.

The House met according to Adjournment.

On motion ordered the Bill for laying out a public road from the Frontier of this Province, through the Counties of Mecklenburg, Rowan, Anson and Cumberland to Campbellton, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr W^m Moore and Mr Fields.

On motion ordered the Bill to empower the officers therein mentioned, in certain cases, to take the poll at the Election of members to serve in the General Assembly, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Moore and Mr Fields.

On motion, ordered, the Bill to alter the method of working upon the roads in the counties therein mentioned, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Moore and Mr Fields.

On motion, ordered, the Bill to enlarge the time for several Sheriffs to settle their accounts with the Justices of the Inferior Courts and Quarter Sessions of the counties therein mentioned be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr W^m Moore and Mr Fields,

On motion ordered, the Bill for altering the dividing lines between the counties of Beaufort and Pitt, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Ormond and Mr Hare.

Rec^d from the Council the following Bills, towit,

The Bill for laying out a public road from the Frontiers of this Province through the counties of Mecklenburg, Rowan, Anson and Cumberland to Campbelton.

The Bill to Impower the Officers therein mentioned in certain cases to take the poll at the election of members to serve in the General Assembly. Endorsed, In the upper House, read the third time and passed. Ordered to be Engrossed.

The Bill to enable the Freeholders of the Parish of Saint John in the county of Pasquotank to Elect a Vestry, and provide for their poor. Endorsed, In the upper House, read the second time amended and passed.

On motion ordered, Mr James Blount have leave to absent himself from the service of the House, during this Session.

On motion ordered, the Bill to Indemnify such persons as have acted in defence of Government, and for the preservation of the Public peace of this Province, during the late Insurrections from vexatious suits and Prosecutions, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Col Nash and Col Cray.

Rec^d from the Council the following Bills, towit,

The Bill to enlarge the time for several Sheriffs to settle their accounts with the Justices of the Inferior Courts of Pleas and quarter sessions in the Counties therein mentioned. Endorsed, In the upper House, read the third time and passed. Ordered to be engrossed.

The Bill to amend and continue an Act Intituled an Act, to Establish Inferior Courts of Pleas and quarter Sessions in the several Counties in this Province, passed at Wilmington in the 4th year of the Reign of his present Majesty, and,

The Bill for altering the dividing Lines between the Counties of Beaufort and Pitt. Endorsed, In the upper House, read the same a second time and passed.

On motion, ordered the Bill for removing the Superior Court of Hillsborough to Campbelton, be read the second time. Read the same a second time and rejected.

On motion ordered the Bill for erecting in the Town of Hillsborough, in this Province a public Gaol and Gaolers house, for the

District of Hillsborough, be read the second time. Read the same a second time, amended passed, and ordered to be sent to the Council.

Sent by Col Nash and Col Cray.

Then the House adjourned till tomorrow morning 10 o'clock.

Monday December 16th 1771.

The House met according to adjournment

On motion ordered, The Bill for further enabling Francis Locke, Andrew Allison, Griffith Rutherford and William Temple Coles former Sheriffs of Rowan County to collect the Arrearages of Taxes, be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Col Nash and Col Cray.

The Clerk of the Crown having Certified that Mr William Person was duly Elected and returned a Representative for the County of Bute, in the room and stead of Mr Benjamin Person, deceased. Pursuant to which the said William Person appeared.

John Burgwin Esquire, having laid before this House a State of the public Accounts, pursuant to a Resolve of the last session of Assembly,

Then on motion Resolved, that the said John Burgwin has done his duty therein, and that this House is satisfied therewith.

On motion Resolved, the present establishment of Fort Johnston be continued Twelve Months, and from thence to the end of the next session of Assembly.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have Resolved that the present establishment of Fort Johnston be continued twelve months, and from thence to the end of the next session of Assembly, and desire your honors concurrence thereto.

R. CASWELL, Speaker.

Sent by Mr Davis and Mr Gray.

Received from the Council the following Bills Viz^t

The Bill to alter the method of working upon the roads in the Counties therein mentioned. Endorsed, in the upper House, read the third time and passed. Ordered to be engrossed.

The Bill to amend an Act, Intituled an Act for the Regulation of the Town of Wilmington. Endorsed in the upper House, read the third time and passed. Ordered to be engrossed.

The Hon^{ble} Samuel Cornell and Marmaduke Jones Esquire, two of His Majesty's Council, came to the House, and Mr William Person, was qualified by taking the several Oaths by Law appointed for the qualification of Public Officers, and repeating and subscribing the Test.

Rec^d from the Council the following Bills.

The Bill to Indemnify such persons as have acted in defence of Government, and for the preservation of the public peace of this Province, during the late Insurrection from vexatious suits and prosecutions.

The Bill for enabling, Francis Locke, Andrew Allison, Griffith Rutherford and William Temple Coles former Sheriffs of Rowan County, to collect the Arrearages of Taxes. Endorsed, In the Upper House read the third time and passed. Ordered to be Engrossed,

Also the Bill for erecting in the Town of Hillsborough a public gaol, and gaolers house, for the District of Hillsborough in this Province. Endorsed, In the Upper House, read the second time and passed.

And the Resolve of this House for the establishment of Fort Johnston,

On motion ordered the Bill to amend an Act, Intituled an Act for regulating the pilotage of Cape Fear River, and other purposes, be read the third time. Read the same a third time, amended passed and sent to the Council.

On motion ordered the Bill to discontinue the poll Tax of one shilling, and duty of 4^d per Gallon on rum, wine and other spiritous Liquors 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 confirm the titles of such persons as have purchased Lands sold by Execution, under the Statute of the 5th of George II. Intituled an Act for the more easy recovery of Debts in His Majesty's plantations and Colonies in America, be read the second time. Read the same a second time and rejected.

On motion ordered the following Message be sent to His Excellency the Governor, Viz^t,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

We herewith send your Excellency a Resolve of this House, regarding the present establishment of Fort Johnston, concurred with by His Majesty's Hon^{ble} Council, and request your Excellency's assent thereto.

R. CASWELL, Sp.

Sent by Col Moore and Col Ormond.

Rec^d from the Council, the Bill for building a Court House in the Town of Salisbury, for the District of Salisbury. Endorsed, In the Upper House, read the third time and passed. Ordered to be Engrossed.

On motion ordered the Bill for annexing part of the County of Rowan, to the County of Surry, be read a third time. Read the same a third time and rejected.

Col Harvey moved for leave to present a Bill for imposing a Tax of one shilling proc. money & poll on Taxable persons within this Province, and for granting the money arising from such Tax to His Majesty, his Heirs and Successors, to be applied as herein after mentioned, and for directing Sheriffs in the execution of their Office.

Ordered he have leave accordingly.

Col Harvey presented the said 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 Col Ashe and Col Vail.

Then the House adjourned till tomorrow morning 10 o'clock.

Tuesday December 17th 1771.

The House met according to adjournment.

On motion ordered, the Bill for Annexing part of Cumberland County to Chatham County be read the second time. Read the same a second time, and rejected.

On motion ordered, the Bill for erecting in the Town of Hillsborough a public gaol, and gaolers house, for the District of Hillsborough in this Province, be read a third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr McNair and Mr Person.

On motion resolved that six hundred Copies of each of the Public Accounts, as settled by Mr Burgwin, be printed, and distributed

in equal proportions to every County in this Province, by Adam Boyd; that he perform this service in six months, from the rising of this present Assembly; and that he be allowed one hundred and seventy five pounds, and that the Treasurers or either of them pay him seventy five pounds immediately, in order to enable him to carry on the same; and the residue when he shall produce the Receipts, from each Inferior Court Clerk, that the service is fully performed.

Rec^d from the Council the Bill for Imposing a Tax of one shilling proc money $\frac{2}{3}$ poll, on all Taxable persons within this Province, and for granting the money raised from such Tax, to His Majesty, His Heirs and Successors, to be applied as hereinafter directed, and for directing Sheriffs in the Execution of their Office. Endorsed, In the upper House, read the first time and passed.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return the Resolves of your House with the Concurrence of his Majestys Council, for continuing the Establishment of Fort Johnston, and for allowing the sum of fourteen pounds proclamation Money, to Edward Dunfield, with my assent thereto.

December 17th 1771.

JO. MARTIN.

Also the Resolves of this House, the one for the present Establishment of Fort Johnston, the other for allowing the sum of £14 to Edward Dunfield.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I take this opportunity to inform you that I yesterday received His Majesty's Royal Instructions, directing me to appoint Commissioners, to proceed jointly with Commissioners to be appointed by the Governor of South Carolina, continuing the Boundary line, run in the year 1763, as far as the Salisbury road from the said Salisbury road, where it now ends, along the said road, to where it enters the Catawba Lands; from thence along the Southern, Eastern, and Northern Boundary of the said Lands, to where the Catawba River enters the said Lands, on the North; from thence to follow the Middle stream of that River, Northerly to the Confluence of the Northern

and Southern Branches thereof and from thence due West, until it reaches the line agreed upon with the Cherokee Indians as a Boundary between their Country and the Settlement of His Majesty's Subjects. And His Majesty declares it to be his Royal Will, and pleasure, that the line Beginning at the Sea thirty miles distant from the mouth of Cape Fear River, on the South West thereof, following the direction in which it hath been already run out, and marked, as far as the said Salisbury road, near the Catawba Lands; and as it is hereby directed to be continued from the station point on that road, to the Cherokee Line, in the manner above mentioned, shall be the final Boundary between the Provinces of North and South Carolina. In consequence hereof, I am to desire that you will enable me to defray the expense of this Service. JO. MARTIN.

On motion, ordered, the said Message lie on the Table for consideration.

On motion, ordered the Bill for imposing a Tax of one Shilling *pro*c. money p poll on all Taxable persons within this Province and for granting the money arising from such Tax to His Majesty, his Heirs and Successors, to be applied as hereinafter directed, be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

On motion ordered Mr Johnston have leave to absent himself from the service of this House.

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

The House met according to Adjournment.

On motion ordered, the Bill to amend an Act Intituled an Act, what Fences are sufficient, be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Evans and Mr McKinnie.

Mr Ashe moved for leave to present a Bill to appoint Collectors of the Tax imposed by an Act, Intituled an Act, for imposing a Tax of one shilling *pro*c. money p poll on all Taxable persons within this Province, and for granting the money arising from such Tax to His Majesty, his heirs and successors, to be applied as hereinafter directed.

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, passed and ordered to be sent to the Council.

Sent by Evans and Mr M^eKinnie.

Mr Dunn presented two Certificates from the Inferior Court of Guilford County, therein recommending Randall Miller and Walter Matthis, to be exempted from the payment of Public Taxes and doing public duties.

Ordered they be exempt accordingly.

Then the House Adjourned till Tomorrow Morning 10 oClock.

Wednesday December 18th 1771.

The House met according to adjournment.

Mr Justice Moore moved for leave to present a Bill for striking Debenture Bills on Bank paper, to the amount of ----- thousand pounds, proc. money, to be exchanged for all such Debenture and Tender Bills as may be in circulation in this Province.

Ordered he have leave Accordingly.

Mr Justice Moore presented the said 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 Evans and Mr M^eKinnie.

Rec^d from the Council the following Bills, Viz^t,

The Bill for further amending an Act, Intituled an Act, for the better regulation of the Town of New Bern, and securing the Title of persons who hold lots in the said town. Endorsed, in the upper House, read the first time and passed.

The Bill to empower the Freeholders of the several Parishes therein mentioned to elect Vestries for their respective Parishes. Endorsed, In the upper House, read the third time and passed. Ordered to be engrossed.

Rec^d from the Council the Bill to amend an Act, Intituled an Act, what Fences are sufficient. Endorsed, In the upper House, read the second time, and passed with Amendments.

On motion ordered, the Bill for granting to His Majesty a duty on spirits for the purpose of amending the navigation of this Province 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 by Mr Thomson and Mr W^m Person.

On motion ordered the Bill to enable the Freeholders of the Parish of St John in the County of Pasquotank, to elect a Vestry, and provide for their poor, be read the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Macknight and Mr Woodhouse.

Rec^d from the Council the Bill for striking Debenture Bills, on Bank paper to the amount of ----- thousand pounds proc. money, to be exchanged for all such debenture and Tender Bills as may be in circulation in this Province. Endorsed, In the upper House, read the first time, amended, and passed.

Rec^d from the Council, the Bill to direct Sheriffs in the execution of their office. Endorsed, In the upper House, read the first time and passed.

Rec^d from the Council the Bill for imposing a Tax of one shilling proc. money, on all Taxable persons within this Province, and for granting the money arising from such Tax to His Majesty, his Heirs and Successors, to be applied as herein after directed. Endorsed, In the upper House. Read the second time and passed.

Mr Harnett from the Committee appointed for Adjusting, settling and allowing the accounts on the late expedition, reported that the said Committee had examined and allowed, sundry Claims, which he laid before the House.

Ordered the same be read. Read the same.

Then on motion ordered, the said Reports be concurred with by this House except the claims of sundry Persons for requisitions, which are laid over till next session of Assembly.

Mr Dunn Chairman from the Committee of Public Claims, reported they had met and allowed sundry Claims which he laid before the House. Ordered the same be read. Read the same.

Then on motion ordered that the House do concur with the said reports

On motion ordered, that Mr Howell Edmunds and Mr Robert Lanier have leave to absent themselves from the service of this House, during the session.

Then the House adjourned till tomorrow morning 10 o'clock.

Thursday December 19th 1771

The House met according to adjournment.

On motion ordered, that Mr Thomas Hynes have leave to absent himself from the service of this House.

On motion ordered, the Bill for further Amending an Act Intituled an Act, for the better regulation of the Town of New Bern, and for securing the Title of Persons who hold Lots in the said Town, be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Neale and Mr Shepard.

On motion ordered the Bill for the more easy and effectual method of collecting the taxes, in the Counties therein mentioned, be read the second time. Read the same a second time, passed, and ordered to be sent to the Council.

Sent by Mr Gray and Mr Campbell.

On motion ordered, the Bill for the more easy and certain collection of His Majestys Quitrents in this Province, be read the second time. Read the same a second time and rejected.

On motion ordered the Bill to annex part of Dobbs County to Pitt County, be read the second time. Read the same a second time and rejected.

The House taking into consideration the [account] of Mr Cornelius Harnett in the late Expedition against the Insurgents, and fully convinced of the great service rendered his Country by his zeal and activity therein,

Resolved, That he be allowed one hundred pounds to defray the extraordinary expences he was at in that service.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House taking into Consideration the conduct of Mr Cornelius Harnett, in the late Expedition against the Insurgents, and fully convinced of the great service rendered his Country, by his zeal and activity therein,

Resolved, That he be allowed one hundred pounds to defray the extraordinary expences he was at in that service.

R. CASWELL, Sp.

Sent by Col. Moore and Mr Davis.

Rec^d from the Council the following Bills, to wit,

The Bill for laying out a Town on the land of Richard Evans, in Pitt County, by the name of Martinborough. Endorsed, In the upper House, read the third time and passed. Ordered to be engrossed.

The Bill for granting to His Majesty a duty on spirits, for the purpose of Amending the Navigation of this Province. Endorsed, In the upper House, read the second time, amended and passed.

On motion ordered the Bill to amend and continue an Act, Intituled an Act, to amend and continue an Act, Intituled an Act to establish Inferior Courts of pleas and quarter sessions in the several Counties in this Province, passed at Wilmington in the 4th year of the Reign of his present Majesty, be read the third time. Read the same a third time and rejected.

Rec^d from the Council the following Bills.

The Bill to enable the Freeholders of the Parish of Saint John, in the County of Pasquotank to elect a Vestry and provide for their poor.

The Bill for erecting in the Town of Hillsborough, a public gaol, and gaolers house, for the District of Hillsborough in this Province. Endorsed, In the upper House read the third time and passed. Ordered to be Engrossed.

And the Bill to discontinue the poll Tax of one shilling and 4d $\frac{3}{4}$ gallon on rum, wine and other spiritous Liquors. Endorsed, In the upper House, read the second time and passed.

Mr Ashe informed the House that in December last two Warrants drawn by Governor Tryon in favour of Robert Howe Esq^r for disbursements, and pay for the Garrison of Fort Johnston, Dated in November and December last for fifty seven pounds thirteen shillings and four pence each, were presented to, and fully paid by him at that time, and that by some Accident, during his illness, were actually lost, which being fully proved to the House, Therefore on motion ordered the said sums be by any future Committee of Public Accounts allowed to Mr Ashe, in his accounts with the public.

On motion Resolved, That the Resolve of the last session of Assembly, held at New Bern on the 5th day of December 1770, directing Richard Henderson Esquire, to pay the expense of the attendance of several Witnesses, who were called to the Bar of this House to give evidence against Thos. Person one of the Members thereof, on several charges of perjury and extortion, be rescinded, and expunged from the Journals of the House.

On motion ordered, the Bill for imposing a Tax of one shilling proc. money $\frac{3}{4}$ poll, on all Taxable persons within the Province, and for granting all money arising from such Tax to His Majesty, his Heirs and Successors, to be applied as herein after directed, be read

the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Col. Harvey and Col Ashe.

On motion ordered, the Bill for striking Debenture Bills, in Bank paper to the amount of one hundred and twenty thousand pounds proc. money, to be exchanged for all such Debenture and Tender Bills as may be in circulation in this Province, be read the second time. Read the same a second time, amended passed, and ordered to be sent to the Council.

Sent by Col Harvey and Col Ashe.

On motion ordered the Bill to direct Sheriffs in the execution of their office, be read the second time. Read the same a second time, passed, and ordered to be sent to the Council.

Sent by Col Harvey and Col Ashe.

On motion Resolved, That William Bourke, Adjutant of the Craven Detachment, be allowed the sum of twenty one pounds eleven shillings for a tent furnished himself and Ensign Robert Fenner, and a Bau't Horse, on the late expedition against the Insurgents; and that the Treasurers, or either of them, pay him the same, and be allowed in their accounts with the public.

On motion ordered, the following message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved, that William Bourke, Adjutant of the Craven Detachment be allowed the sum of twenty one pounds eleven shillings for a Tent furnished himself and Ensign, Robert Fenner, and also a Bau't Horse, on the late Expedition against the Insurgents; and that the Treasurers or either of them, pay him the same, and be allowed in their accounts with the Public; and desire your Honors concurrence thereto.

R. CASWELL, Sp.

Sent by Col Thomson and Major Blount.

On motion, ordered, That Adam Boyd be allowed the sum of twenty shillings proc. money for printing and distributing 200 hand Bills, by order of His Excellency Governor Tryon, respecting the Counterfeit Debenture Bills, and that the Treasurers or either of them pay him the same, and be allowed in their Accounts with the Public.

On Motion Ordered, the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that Adam Boyd be allowed the sum of twenty shillings proc. money for printing and distributing two hundred hand bills, by order of His Excellency Governor Tryon, respecting the Counterfeit Debenture Bills; and that the Treasurers or either of them pay him the same, and be allowed in their accounts with the public, to which we desire your Honors concurrence.

R. CASWELL, Sp.

Sent by Col Thomson and Major Blount.

On motion Resolved, That John Kennedy be allowed the sum of four pounds four shillings proc. money, for the Ferriage of the Carteret Detachment across Trent River; and that the Treasurers, or either of them pay him the same, and be allowed in their accounts with the public.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved, that John Kennedy be allowed the sum of four pounds four shillings, for the Ferriage of the Carteret Detachment across Trent River; and that the Treasurers, or either of them pay him the same, and be allowed in their Account with the public; and desire your Honors Concurrence thereto.

R. CASWELL, Sp.

Sent by Col Thomson and Major Blount.

On motion Resolved, That Philemon Hawkins be allowed the sum of three pounds fifteen shillings for his expenses in traveling to and attendance at, the last session of Assembly, as an evidence against George Martin, and others, who were suspected of counterfeiting the Debenture Bills, and that the Treasurers, or either of them pay him the same, and be allowed in their Accounts with the public.

On motion, Ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved, That Philemon Hawkins be allowed the sum of three pounds fifteen shillings for his expenses in Traveling to and attendance at, the last session of Assembly, as an evidence against George Martin and others, who were suspected of Counterfeiting the Debenture Bills; and that the Treasurers or

either of them, pay him the same and be allowed in their accounts with the Public, to which we desire your Honors Concurrence.

R. CASWELL Sp.

Sent by Col Thomson and Major Blount.

Mr Joseph Jones, one of the Members for the County of Pasquotank appeared.

Then the House adjourned till tomorrow morning 10 o'clock.

Friday December 20th 1771.

The House met according to adjournment,

On motion, ordered Mr Robinson have leave to absent himself from the service of this House during this session.

On motion ordered the Bill to amend an Act, Intituled an Act, what fences are sufficient, be read the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr W^m Person and Mr William Moore.

On motion ordered the Bill for altering the dividing Lines between the Counties of Beaufort and Pitt, be read the third time. Read the same a third time and rejected.

On motion ordered, Mr M^sSwain have leave to absent himself from the service of the House.

Anne Bryan, Anne Ferguson, Elizabeth Harper, and Faithy Smith exhibited Petitions to the House, setting forth that each of their Husbands went out in the service of Government against the Insurgents and were killed in the late Battle of Alamance; that they were in very distressed circumstances with a number of small children, who by the loss of their Fathers, must without the Assistance of the Public, be reduced to extreme want, which fact having been made appear to the satisfaction of the House, they therefore Resolve that one hundred and fifty pounds be allowed to Anne Bryan, widow of Ensign Bryan, killed in the late battle, that Elizabeth Harper, Anne Ferguson, and Faithy Smith whose Husbands were also killed in the Battle be allowed one hundred pounds each; which money shall be paid into the Hands of a Trustee, and be by him applied to the purchase of Slaves for the use of the said widows and children, and to no other purpose whatsoever: And this House do further Resolve that Richard Caswell Esquire be appointed Trustee to execute the purpose of this Resolve, and that he do report to the House his proceedings thereon.

Ensign William Peyton exhibited his Petition to the House, setting forth that by the Wounds he received in the Battle of Alamance, he was reduced to a very distressed situation; the House taking the same into consideration, Resolve, that the said Ensign William Peyton be allowed one hundred pounds and that the Treasurers or either of them, pay him the same, and be Allowed in their Accounts with the Public.

On motion ordered the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

Anne Bryan, Anne Ferguson, Elizabeth Harper, and Faithy Smith, exhibited Petitions to the House, setting forth that each of their Husbands went out in the service of Government against the Insurgents, and were killed in the late Battle of Alamance; that they were in very distressed circumstances, with a number of small Children, who by the loss of their Fathers must, without assistance of the Public be reduced to extreme want. Which facts having been made appear to the satisfaction of the House, they do therefore Resolve, that one hundred and fifty pounds be allowed to Anne Bryan, widow of Ensign Bryan killed in the late Battle, that Elizabeth Harper, Anne Ferguson and Faithy Smith, whose Husbands were also killed in the Battle be allowed one hundred pounds each, which money shall be paid into the Hands of a Trustee, and be by him applied to the purchase of slaves for the use of the said Widows and Children, and to no other purpose whatsoever. And the House do further Resolve, that Richard Caswell Esquire be appointed Trustee to Execute the purpose of this Resolve, and that he do report to the House his proceedings thereon; to which we desire your Honors Concurrence.

R. CASWELL, Sp. .

On Motion, Ordered the following Message be sent to the Council,

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

Ensign William Peyton, exhibited his Petition to the House, setting forth that by the Wounds he received in the Battle of Alamance, he was reduced to a very distressed situation. The House taking the same into consideration, Resolve, that the said Ensign William Peyton be allowed one hundred pounds, and that the Treasurers or

either of them, pay him the same, and be allowed in their Accounts with the Public; to which we desire your Honors Concurrence.

R. CASWELL, Sp.

On motion Resolved, that the officers on the late Expedition against the Insurgents who have any Arms, Ammunition, Tents, or other stores in their possession, do sell and dispose, of the same at public vendue, and account for the monies arising from such sale with the Treasurers of their respective Districts to be applied to the contingent fund.

On motion ordered the 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, be read the third time. Read the same a third time, passed, and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Hardy.

On motion, ordered the Bill for granting to His Majesty a duty on Spirits for the purpose of amending the Navigation of this Province and other purposes, be read the third time. Read the same a third time, and ordered to lie on the Table till next Session of Assembly.

On motion ordered the Bill to discontinue the poll Tax of one shilling and duty of 4d. $\frac{7}{8}$ gallon on wine, rum, and other spiritous Liquors be read the third time. Read the same a third time, passed, and ordered to be sent to the Council.

Sent by Mr Ormond and Mr Dickson.

Rec^d from His Excellency the Governor the following Messages, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

It appearing by the state of the public Accounts, now lying before your House, that there is now in the hands of the Collectors of Public Taxes, a vast Arrearage, due to the several funds, and that the proclamation money now in circulation ought before this time to have been sunk, I most earnestly recommend to you, to consider of effectual means to enforce immediate payment thereof, as essential to the preservation of the public Credit of this Colony.

JO. MARTIN

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I am commanded by his Majesty to communicate to you, his royal Instruction thereto subjoined, and to desire that it may be entered on your Journals.

"Whereas several Inconveniences have arisen to our Government in the plantations by gifts and presents made to the Governors by the General Assemblies: for prevention thereof, for the future, it is our express will and pleasure that neither you, our Governor, nor any Governor, Lieutenant Governor, Commander in Chief, or President of the Council, of our said Province of North Carolina, for the time being, do give your or their Consent to the passing any Law, or Act, for any Gift, or Present, to be made to you or them, by the Assembly; and that neither you nor they do receive any gift or present from the Assembly, or others, on any Account or in any manner whatsoever, upon pain of our highest displeasure, and of being recalled from that our Government."

JO. MARTIN.

December 19th 1771.

Rec^d from the Council the following Message.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

This House has observed with pleasure the attention which you have shewn to the merit and good services of Mr Harnett, on the late Expedition against the Insurgents. The same sentiments operate with equal vigour on our minds, in favour of the Hon^{ble} Samuel Cornell Esquire, who not only distinguished himself by his personal behaviour, but by a very active and useful conduct, at a very considerable expence, and by advancing very large sums of monies, has greatly contributed to the progress and success of that Expedition. We therefore propose to your consideration the making some adequate allowance to that Gentleman.

Also the following Message.

On reading a third time the Bill to amend an Act, Intituled an Act for regulating the Pilotage of Cape Fear River, and other Purposes, We observe you have *steted* those clauses giving power to the Captain of Fort Johnston, or his deputy, to swear Masters of Vessels relative to throwing out their Ballast. This power is already vested by Law in the collector of port Brunswick. If you are of opinion the former Oath is insufficient, we will, as an amendment, to that Law, insert in

the Bill before us the following Oath, to be administered by Collector or his Deputy. If you agree to such amendment please send two of your Members to see the Alteration made.

Form of Oath.

I, A B, do solemnly swear that I have not, nor will I, directly or indirectly, cause or suffer any kind of Ballast brought in my Vessel to be thrown into any part of the Channel of Cape Fear River, but that the same shall be landed, or thrown entirely above low water mark. So help me God.

Rec^d from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

As a Bill, Intituled, "A Bill for imposing a Tax of two shillings *proc. money* 7^d poll, on all Taxable persons within this Province" has for its declared object the payment of the Expence incurred in the late necessary expedition against the Insurgents, this House conceives that the sum to be issued by this Act, should nearly square with the amount of that expence, and that such amount should appear in the preamble, as the justification of passing such a Bill. It seems also necessary that the form of the Debenture Bill should be prescribed in the Bill. We propose it thus.

The Province of North Carolina is Indebted to the possessor hereof ----- *proc. money*, to be paid out of the Public Treasury according to Act of Assembly, passed December 1771. To which alterations if your House agree, please send some of your members to see them inserted in the Bill.

Rec^d from the Council the following Resolves of this House, towit,

For allowing Cornelius Harnett Esquire one hundred pounds, Adam Boyd one hundred and seventy five pounds, William Bourke twenty one pounds eleven shillings, Philemon Hawkins three pounds fifteen shillings, John Kennedy four pounds four shillings, and Adam Boyd twenty shillings.

On Motion Ordered the following Message be sent to his Excellency the Governor, towit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL GOVERNOR &c^a

SIR,

This House send you their Resolves for allowing Cornelius Har-

nett Esq^r the sum of one hundred pounds, Adam Boyd one hundred and seventy-five pounds, John Kennedy four pounds four shillings, Philemon Hawkins three pounds fifteen shillings, William Bourke twenty one pounds eleven shillings, and Adam Boyd twenty shillings. Concurred with by His Majesty's Hon^{ble} Council, and request your Excellency's assent thereto.

R. CASWELL, Sp.

Sent by Col Nash and Col Ormond.

Rec^d from the Council the following message,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time, The Bill to amend an Act, Intituled an Act, what fences are sufficient, We would observe to you that it is necessary the Title of the said Bill should correspond with the substance of the Amendment, and we would also propose that the County of Duplin be struck out of the Bill; to which if you agree, please send some of your Members to see the same done.

On motion ordered the following message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House cannot agree to the alterations proposed by you in the Pilotage Bill, because the Master of the Vessel may possibly commit the offence, endeavoured to be guarded against by that Law, before his arrival at the Custom House; therefore you will pass the Bill as it went from this House.

R. CASWELL, Sp.

On motion Resolved that Fearnaught Beasley, whose son was killed in the Battle of Alamance, and upon whose Industry she had subsisted, being too old and infirm to get her living be allowed ten pounds £ year, and that the Treasurers, or either of them, pay her the sum yearly, and be allowed in their Accounts with the Public.

On motion ordered the following message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that Fearnaught Beasley, whose son was killed in the Battle of Alamance, and upon whose Industry she had subsisted, being too old and infirm to get her living, be allowed ten pounds £ year; and that the Treasurers, or either of them pay

her the same yearly, and be allowed in their Accounts with the Public; And desire your Honors Concurrence thereto.

R. CASWELL Speaker

On motion Resolved, That the Hon^{ble} John Rutherford Esquire Advocate General be allowed the same sum that Lewis Henry DeRosset was, per Report of the Committee of Accounts, including the sum allowed him by said Committee.

On motion, Ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that John Rutherford Esquire Advocate General, be allowed the same sum that Lewis Henry DeRosset was, & report of the Committee of Accounts including the Sum allowed him by the said Committee, and desire your Honors Concurrence thereto.

R. CASWELL, Speaker.

On motion, ordered, the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House cannot agree to the allowance proposed to be made to the Hon^{ble} Samuel Cornell Esquire, though thoroughly convinced of his merit and activity in the late Expedition. The allowance to Mr Harnett, was made, not only because his services entitled him to the notice of this House, but in consideration of his not having been in any office or employment from which he could possibly derive any Compensation for the great expence he was at in that Expedition.

On motion, the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

On reading your Message relative to the Fence Bill, We agree to the Alteration of the Title of the Bill so as to make it correspond to the Amendments, but cannot Consent to striking Duplin County out of the said Bill; and send Mr Neale and Mr Gray, two of the Members of this House, to see the same made.

R. CASWELL, Speaker.

On Motion Ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House having taken into consideration the distressed situation of Thomas Garish, Moses Griffin, Daniel Pegram, Isaac Reed, James Hall, Thomas Kilpatrick, Charles Harrington, Christopher Acklin, Sweeting Bond, William Fullerton, Charles Yeates, Thomas Turtle, James Nelson, John Strange, Thomas Bryan, Benjamin Clash, John Nevil, William Lunsdale, Thomas Carsely, William Gilbert, Thomas Clark, William Hescock, Soldiers who were wounded in the late Battle with the Insurgents, and in all probability will be cripples for life, do therefore, Resolve, That Thomas Garish, Moses Griffin, Daniel Pegram, Isaac Reed, James Hall, Thomas Kilpatrick, Charles Harrington, Christopher Acklin, Sweeting Bond, William Fullerton and Charles Yeates, be allowed twenty pounds £ annum each, and that Thomas Turtle, James Nelson, John Strange, Thomas Bryan, Benjamin Clash, John Nevil, William Lunsdale, and Thomas Carsley, be allowed fifteen pounds £ year each, and that William Gilbert, Thomas Clark, and William Hescock, be allowed ten pounds £ year each, during the time they shall continue disabled, and that the Public Treasurers for the time being, or either of them, do pay to the said persons annually the said sums above specified, provided they once a year produce Certificates from the Inferior Court of the County where they reside, that they still continue disabled, and are proper objects of Public Bounty; and desire your Honors Concurrence thereto.

R. CASWELL, Speaker.

On motion Resolved, That the Committee of Correspondence, write to Henry Eustace McCulloh Esquire agent for this Province and express their approbation of his good Conduct, Zeal and Activity, in the service of this Colony.

Rec^d from the Council the following Bills, towit,

The Bill to direct Sheriffs in the Execution of their Office,

The Bill for striking Debenture Bills, to the amount of £120,000 proclamation money to be exchanged for all such Debenture and Tender Bills as may be in circulation in this Province.

The Bill for further amending 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. Endorsed, In the upper House, read the second time and passed.

On motion ordered the Bill for striking Debenture Bills, on Bank Paper to the amount of £120,000 &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 direct Sheriffs in the Execution of their office, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent the said two Bills by Col Harvey and Col Ashe.

Rec^d from the Council the Bill to amend an Act, Intituled an Act, for Regulating the several officers fees, within this province, and Ascertainning the Method of paying the same. Endorsed, In the upper House, read the third time and passed. Ordered to be Engrossed.

On motion, ordered The Bill for further amending an Act Intituled an Act for the better Regulation of the Town of New Bern &c^a be read the third time. Read the same a third time, passed, and ordered to be sent to the Council.

Sent by Mr Neale and Mr Gray.

On motion, ordered the Bill for appointing an agent &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 Neale and Mr Gray.

Rec^d from the Council the Bill for imposing a Tax of two shillings proc. money ꝑ poll, on all taxable persons within this Province, and for granting the money arising from such Tax to His Majesty &c^a. Endorsed, In the upper House, read the third time, and passed. Ordered to be Engrossed.

On motion, Resolved, That Christopher Grants of Orange County, be allowed two pounds eleven shillings for provisions furnished Cap^t Harris's Company, Called in to protect the Court at Hillsborough in 1768.

On Motion ordered the following Message be sent to the Council, to wit.

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This 'House have Resolved that Christopher Grants, of Orange County be allowed two pounds eleven shillings for provisions furnished Captain Harris's Company, Called in to protect the Court at Hillsborough in 1768, and desire your Honor's Concurrence thereto.

R. CASWELL, Sp.

Then the House adjourned 'till tomorrow morning 10 'Clock.

Saturday December 21st 1771.

The House met according to adjournment.

On motion Resolved, that Enoch Bradley and John Pain, who attended as Witnesses last Session of Assembly against Thomas Person, one of the Members of this House, who was accused of perjury, extortion &c^a be allowed the sum of five pounds each, and that the Treasurers or either of them, pay them the same, and be allowed in their Accounts with the Public.

On motion ordered the following Message be sent to the Council.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that Enoch Bradley and John Pain, who attended as Witnesses last session of Assembly, against Thomas Person, one of the Members of this House, who was accused of perjury, extortion &c^a be allowed the sum of five pounds each, and that the Treasurers or either of them pay the same, and be allowed in their Accounts with the Public; and desire your Honors Concurrence thereto.

R. CASWELL, Sp.

Rec^d from the Council the following Bills, to wit

A Bill to amend an Act, Intituled an Act, what fences are sufficient and to amend and continue an Act, relating to taking up stray horses.

A Bill, for appointing an agent, to solicit the affairs of this province at the several Boards in England.

A Bill further amending 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.

A Bill for striking Debenture Bills, on Bank paper to the amount of £120,000 proc Money, to be exchanged for all such Debenture and Tender Bills as may be in Circulation in this Province. Endorsed, In the upper House, read the third time and passed. Ordered to be engrossed.

Rec^d from the Council the Bill to Discontinue the poll Tax of one shilling and duty of 4d ^{per} gallon on rum, wine, and other spiritous Liquors. Endorsed, In the upper House read the third time and passed.

On motion Resolved, that the Committee of Correspondence instruct the Agent to solicit permission to import Portugal and Spanish Salt into this Province; that the Speaker write to the

Speaker of the House of Burgesses of Virginia, to desire that they will direct their agent to use his Interest for the same purpose; and that his Excellency the Governor be requested to use his interest in support of the agent of this Province.

On motion ordered the following message be sent to the Council,

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

This House have Resolved that the Committee of Correspondance Instruct the Agent to solicit permission to import Portugal and Spanish Salt, into this Province; That the Speaker write to the Speaker of the House of Burgesses of Virginia, to desire they would direct their Agent to use his Interest for the same purpose, and that his Excellency the Governor be requested to use his Interest in support of the Agent of this Province; and desire your Honors concurrence thereto.

R. CASWELL, Sp.

Sent by Mr Macknight and Mr Hewes.

Rec^d from the Council the following message,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House adheres to the propriety of altering the Pilotage Bill, in respect to the Master of the vessels being Sworn only at the Custom House The mere possibility of throwing out Ballast below the Custom House, is so far removed from probability, that this House cannot agree to the Oath being administered by only a Deputy to the Captain of the Fort. The passing the Bill in this House depends on the Alteration proposed.

On motion Resolved, the following message be sent to the Council,

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

In answer to your message regarding the Pilotage Bill, this House do concur with the alteration by you proposed, and send Mr Harnett and Mr Hewes to see the same made.

R. CASWELL, Sp.

This House being informed that the Hon^{ble} Richard Henderson Esquire, did actually set out on his journey to attend the Superior Court at Edenton, in October 1770, as one of the Associate Justices of that Court; but receiving orders from Governor Tryon to raise

the Militia, to oppose the Insurgents, in compliance with which he was prevented from attending the said Court.

On motion Resolved, that Richard Henderson be allowed forty one pounds thirteen shillings and four pence, in Lieu of the sum he would have been intitled to by Law, had he attended the said Court.

On motion ordered the following message be sent to the Council,

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

This House being informed that the Hon^{ble} Richard Henderson Esq^r did actually set out on his journey to attend the Superior Court at Edenton in October 1770, as one of the Associate Justices of that Court, but receiving orders from Governor Tryon to raise the Militia to oppose the Insurgents, in compliance with which he was prevented from attending the said Court, Therefore this House have Resolved, That the said Richard Henderson be allowed forty one pounds thirteen shillings and four pence in Lieu of the sum he would have been entitled to, by Law, had he attended the said Court; and desire your Honors concurrence thereto.

R. CASWELL, Sp.

On motion Resolved, that the Hon^{ble} James Hasell Esquire be allowed the sum of Two hundred pounds to defray his expences during the time he was in the service of this Province.

On motion, ordered, the following Message be sent to the Council,

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

This House have Resolved that the Hon^{ble} James Hasell Esquire be allowed the sum of two hundred pounds to defray his expences during the time he was in the service of this Province, to which we desire your Honors concurrence.

R. CASWELL, Sp.

Rec^d from the Council the Bill to amend an Act, Intituled an Act, for regulating the Pilotage of Cape Fear River, and other purposes. Endorsed, In the upper House, read the third time and passed. Ordered to be engrossed.

Rec^d from the Council the reports of the Committee of Claims and also the Reports of the select Committee for Adjusting, settling, and allowing the Accounts on the late Expedition. Both concurred with.

On motion Resolved, that the Commissioners for emitting the sum of sixty thousand pounds, shall pay into the hands of the Southern Treasurer, or his order the sum of thirty five thousand pounds, and to the Northern Treasurer or his order, the sum of twenty five thousand pounds, and their receipts for the said respective sums shall be sufficient to discharge the said Commissioners of the same.

On motion, Ordered the following Message be sent to His Excellency the Governor Viz^t

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a,

SIR,

This House having taken into consideration your Excellency's Message relative to His Majestys royal Instructions, to appoint Commissioners to proceed jointly with those appointed by the Governor of South Carolina, to run the Boundary line, between the two Provinces, in manner therein discribed, and under great concern at the injury that the line, when so run must do this Province. Lord Charles Greville Montague laid before Governor Tryon the plan which he wished to have adopted. It met with his approbation and when laid before the Assembly, was by them thought so highly injurious to this Colony, that they addressed Governor Tryon to use his uttermost Influence against it; but before application could be made, in consequence of that address, Lord Charles had got to England, and by the Advantages of personal application and influence, obtained his purpose. We have now Sir, no redress, but by application to our most Gracious Sovereign, who, equally attentive to the Interest of all his Colonies, will extend to us, that relief which the Justice of our complaint, we are persuaded, intitles us to.

Permit us through you Sir, to make it known to his Majesty that should this line be carried into execution it would do the highest injury to this Province; as it would deprive us of a great many useful Inhabitants, by Law and Custom ingrafted into its Constitution, counteract a number of its established Laws, and take from us a great Tract of Valuable Land, now possessed under patents, issued by his Majesty's Governors of North Carolina.

It would likewise eat off all Communication and Commerce between the people of this Country and the Western Indians, by leaving nothing but a Tract of barren and impassable Mountains between them, defraud this Province of several thousand pounds

laid out in running the Western line, which will by this plan be taken into South Carolina. In short, should this plan take place, such numberless injuries, and such great injustice would accrue to this Province, that we cannot but think it our indispensable duty to take the most effectual means to obtain of our most Gracious Sovereign that this line may not be made a permanent one, but that he would be graciously pleased to permit the Line already run, at so great an expence to this Colony remain the dividing line between the two Provinces, And as we conceive your Excellency's exerting your Influence in behalf of this Province one of the most effectual methods to obtain this desirable end, permit us Sir to solicit you to lay this matter, in its proper light, before our most Gracious Sovereign; while we also strenuously endeavour by every other method in our Power to obtain this favour of our Gracious Sovereign. This Province Sir, having already paid several thousand pounds, which however we cheerfully bestowed, in hopes of establishing a line so equitable in our opinions as that already run, cannot in the distressed situation of this Country, burthen our Constituents with any further expence to establish a line which, we conceive, would be highly injurious to the Colony. We hope your Excellency will do us the Justice to believe that this alone prevents our Complying with your request, which we otherwise should take pleasure in doing.

On motion, ordered that Mr Howe, Mr Harnett, and Mr Maurice Moore, be appointed a Committee to prepare an Address to his Majesty on the subject of the said boundary line.

On motion, Resolved that Daniel Pegram and Thomas Garrish be allowed twenty four pounds each for payment of sundry expences incurred by them while they were disabled by wounds received in the Battle of Alamance.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL,

This House have Resolved that Daniel Pegram and Tho^s Garrish be allowed twenty four pounds each, for payment of sundry expences incurred by them while they were disabled by wounds received in the Battle of Alamance, and desire your Honors concurrence thereto.

R. CASWELL, Sp.

Sent by Col Eaton and Col Thomson.

On motion Resolved, that a Committee be appointed to draw up an Address to his Majesty, the Lords and Commons of Great Britain, setting forth that this House, ever ready to support his Majestys Honour and dignity, have with spirit and liberality, fallen upon a method to pay the great expence of the late Expedition against the Insurgents, in support of His Majesty's Government, but being restricted from emitting a paper currency, so as to be a Legal Tender in payment of Debts, the only Method they could in the distressed situation of the country fall upon, was by stamping Debenture Bills, as a Temporary expedient chargeable on the Public Treasury of this Province.

But as this Expedient is attended with great Inconvenience to the Public, and those Individuals who are to receive them may Suffer injury from their Depreciation, and as such Individuals are those who have, at the Hazard of their lives stood forth in support of his Majesty's Government and the Constitution of this Colony, to pray that in consideration of these People, as well as of the situation of this Province labouring under the greatest distress for want of a Currency, the Act of Parliament against issuing a paper Currency may be repealed, as far at least as respects this Colony; and that in the address the Committee set forth that the House will frame this Law, so as to prevent British creditors from suffering, should such currency depreciate in value. And Mr Howe, Mr Harnett and Mr Maurice Moore, are appointed a Committee accordingly.

Rec^d from the Council the follow Resolves.

	£	s.	d.
For allowing James Hasell Esquire -----	200	0	0
Richard Henderson Esquire -----	41	13	4
William Peyton £100. Fearnought Beasley -----	10	0	0
Enoch Bradley and John Pain each -----	5	0	0
And Christopher Grants -----	2	11	0

The Resolve of this House allowing Thomas Garish, Moses Griffin, Daniel Pegram, Isaac Reed, James Hall, Tho^s Kilpatrick, Charles Harrington, Christopher Acklin, Sweeting Bond, William Fullerton, and Charles Yeates, twenty pounds $\text{£}20$ annum, and Thomas Turtle, James Nelson, John Strange, Thomas Bryan, Benjamin Clash, John Nevil, William Lunsdale, and Thomas Carsely, be allowed fifteen

pounds ʒ year each, and that William Gilbert, Thomas Clarke, and William Heseock, be allowed ten pounds ʒ year each.

The Resolve of this House for allowing Anne Bryan, £150, Elizabeth Harper, Anne Ferguson and Faithy Smith £100 each.

The Resolve of this House respecting the Committee of Correspondence directing the Agent to solicit permission to import Portugal and Spanish Salt.

The Resolve allowing John Rutherford Esquire, the same sum that Lewis Henry DeRosset was ʒ report of the select Committee of Accounts, including the sum allowed him by the said Committee.

On motion ordered, the following Message be sent to His Excellency Governor, &c.

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN CENERAL,
GOVERNOR &c,

SIR,

We herewith send your Excellency Resolves of this House for allowing the Hon^{ble} James Hasell Esquire two hundred pounds, Richard Henderson Esquire forty one pounds, thirteen shillings and four pence, William Peyton one hundred pounds, Enoch Bradley and John Pain five pounds each, Christopher Grants two pounds eleven shillings, Thomes Garish, Moses Griffin, Daniel Pegram, Isaac Reed, James Hall, Thomas Kilpatrick, Charles Harrington, Christopher Acklin, Sweeting Bond, William Fullerton and Charles Yeates wounded soldiers in the late Battle twenty pounds ʒ annum each, Thomas Turtle, James Nelson, John Strange, Thomas Bryan, Benjamin Clash, John Nevil, William Lunsdale, and Thomas Carsely, wounded soldiers, fifteen pounds ʒ year each, William Gilbert, Thomas Clarke and William Heseock wounded soldiers ten pounds ʒ year each, Anne Bryan one hundred and fifty pounds Elizabeth Harper, Anne Ferguson and Faithy Smith one hundred pounds each, Fearnought Beasley ten pounds ʒ year, and John Rutherford Esquire the same sum that Lewis Henry DeRosset Esq^r was allowed ʒ report of the Committee of Accounts including the sum allowed him by the said Committee; to which his Majesty's Honorable Council have concurred with and request your Excellency's assent thereto.

R. CASWELL, Sp.

Then the House adjourned till Monday morning 10 °Clock.

Monday December 23rd 1771.

The House met according to adjournment

Rec^d from the Council the Resolve of this House, allowing Daniel Pegram and Thomas Garish twenty four pounds each.

On motion ordered the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY, JOSIAH MARTIN ESQUIRE CAPTAIN GENERAL,
GOVERNOR &c^a

SIR,

We herewith send your Excellency a Resolve of this House allowing Daniel Pegram and Thomas Garish twenty four pounds each concurred with by His Majesty's Hon^{ble} Council and request your Excellency's assent thereto.

R. CASWELL, Sp.

On motion Resolved, that the Reverent James Reed be requested to publish the Sermon he preached yesterday, and that he be allowed ten pounds to defray the expenses of printing the same.

On motion, ordered, the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved, that the Rev^d James Reed be requested to publish the Sermon he preached yesterday at the Church in New Bern, that he be allowed ten pounds to defray the expense of printing the same, and that the Treasurers, or either of them, pay him the same, and be allowed in their accounts with the public; to which we desire your Honors Concurrence.

R. CASWELL, Sp.

On motion ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

This House have Resolved that the Committee of Correspondance instruct the Agent to solicit permission to import Portugal and Spanish Salt into this Province; and that the Speaker write to the Speaker of the House of Burgesses of Virginia, to desire they would direct their Agent to use his Interest for the same purpose, to which

the Council have concurred. This House therefore request your Excellency's assent thereto, and that you will use your Interest in support of the Agent for this Province therein.

R. CASWELL, Sp.

Sent by Mr Macknight and Mr Shepard.

Rec^d from the Council the Resolve of this House, allowing Reverend James Reed ten pounds.

On motion ordered, the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

We herewith send your Excellency a Resolve of this House, for allowing the Reverend James Reed ten pounds, Concurred with by His Majesty's Hon^{ble} Council, and request your Excellency's Assent thereto.

R. CASWELL, Sp.

Sent by Mr Macknight and Mr Shepard.

On motion Resolved, that James Barzie be allowed the sum of Twenty five pounds for repairing and fixing the Artillery for the Army, making Cartridges, Bags of grape shot for the swivel guns, and field pieces; and that the Treasurers, or either of them pay him the same, and be allowed in their accounts with the Public.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have Resolved that James Barzie be allowed the sum of twenty five pounds for repairing and fixing the Artillery for the Army, making Cartridges, bags of grape shot for the swivel guns and field pieces; and that the Treasurers, or either of them pay him the same, and be allowed in their Accounts with the Public; and desire your Honors Concurrence thereto.

R. CASWELL, Sp.

On motion ordered the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a

SIR,

In answer to your Excellency's Message relative to the Arrearages in the hands of the Collectors of Public Taxes, we are to inform you the strictest orders have been given to the Treasurers to sue for such sums as are due, and to use their utmost endeavors to recover the same; so that we have not the least doubt but such Arrears will be immediately paid in.

R. CASWELL, Sp.

On motion Resolved that Robert Campbell, Deputy Adjutant General, be allowed fifteen pounds for extra services in the late Expedition against the Insurgents.

On motion ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that Robert Campbell, Deputy Adjutant General, be allowed fifteen pounds for extra services in the late Expedition against the Insurgents, and desire your Honors Concurrence thereto.

R. CASWELL, Sp.

Sent by Capt Neale and Mr McKinnie.

Rec^d from the Council the estimate of the expence of that House which was read and Concurred with.

Rec^d from the Council the estimate of this House Concurred with.

Also the Resolve of this House for allowing James Barzie twenty five pounds. Concurred with.

On motion Ordered the following Message be sent to his Excellency the Governor to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a

SIR,

We herewith send your Excellency a Resolve of this House for allowing James Barzie the sum of twenty five pounds. Concurred with by His Majesty's Honble Council, and request your Excellency's assent thereto.

R. CASWELL Sp.

Rec^d from the Council the Resolve allowing Robert Campbell £15.

On motion, ordered the following Message be sent to His Excellency the Governor.

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a.

SIR,

We herewith send your Excellency the Resolve of this House for allowing Robert Campbell Deputy Adjutant General, the sum of Fifteen pounds. Concurred with by his Majesty's Honble Council, and desire your Excellency's Assent thereto.

R. CASWELL, Sp.

Sent by Capt Neale and Capt McKinnie.

On motion ordered the following message be sent to His Excellency the Governor, Viz^t

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a

SIR,

We herewith send your Excellency the Estimate of the allowanees of this House, concurred with by his Majesty's Hon^{ble} Council, and request your Excellency's assent thereto.

R. CASWELL, Sp.

Sent by Capt Neale and Capt McKinnie.

On motion Resolved that the Clerk of the Assembly take into his possession the Accounts and vouchers of the expenses incurred in the late Expedition, and also the Accounts and vouchers laid before the Committee of Accounts the two last years past.

On motion Resolved that the Treasurers or either of them, furnish the mace bearer, and door keeper of this House, with proper gowns, and be allowed in their accounts with the Public.

Rec^d from His Excellency the Governor the following Message, Viz^t

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I herewith return your estimate of Allowances, and the Resolves of your House, with the concurrence of His Majesty's Hon^{ble} Council, in favour of Mr Robert Campbell and James Barzie, with my assent thereto.

JO. MARTIN.

Also the estimate and two Resolves of this House allowing Robert Campbell fifteen pounds, and James Barzie twenty five pounds.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the Resolves of your House with the Concurrence of His Majestys Hon^{ble} Council, in favour of Corn^s Harnett Esq^r, Adam Boyd, John Kennedy, Philemon Hawkins, William Bourke, and Adam Boyd, with my assent thereto.

December 21st 1771.

JO. MARTIN.

Received at the same time the Resolves referred to in the above message, for allowing Cornelius Harnett Esq^r £100, Adam Boyd £175, John Kennedy £4.4, Philemon Hawkins £3.15, William Bourke £21.11, and Adam Boyd £1.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

In answer to your message, of this day, requesting my Interest in support of your Agents application for permission to import Portugal and Spanish Salt into this Province, I do assure you I will humbly recommend to his Majesty, in the strongest manner, that such allowance be granted to this Province.

JO. MARTIN.

Also the Resolve of this House, respecting the importation of Portugal and Spanish Salt.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I herewith return your Resolve, with the concurrence of His Majesty's Hon^{ble} Council in favor of the Reverend Mr James Reed with my assent thereto.

December 23rd 1771.

JO. MARTIN.

Also the Resolve regarding the allowance to the Rev^d Jas. Reed for £10.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I herewith send your several Resolves, with the Concurrence of His Majestys Hon^{ble} Council bearing date 20th and 21st Instant, and your Resolve of this day, in favor of Daniel Pegram and Thomas Garish with my assent thereto.

December 23rd 1771.

JO. MARTIN

Also the Resolves of this House, for allowing the Hon^{ble} James Hasell Esq^r two hundred pounds, Richard Henderson Esq^r forty one pounds thirteen shillings and four pence, William Peyton one hundred pounds, Enoch Bradley and John Paine five pounds each, Anne Bryan one hundred and fifty pounds, Elizabeth Harper, Anne Ferguson, and Faithy Smith, one hundred pounds each, Fearnought Beasley ten pounds p year, Thomas Garish, Moses Griffin, Daniel Pegram, Isaac Reed, James Hall, Thomas Kilpatrick, Charles Harrington, Christopher Acklin, Sweeting Bond, William Fullerton, and Charles Yeates twenty Pounds p annum, Thomas Turtle, James Nelson, John Strange, Thomas Bryan, Benjamin Clash, John Nevil, William Lunsdale, and Thomas Carsley fifteen pounds p pear, William Gilbert, Thomas Clarke and William Hescok ten pounds p year, Christopher Grants two pounds eleven shillings, Daniel Pegram and Thomas Garish twenty four pounds each.

And the Resolve of this House for allowing John Rutherford Esq^r the same sum that Lewis Henry DeRosset Esq^r was p report of the Committee of Accounts, including the sum allowed him by the said Committee.

Rec^d from His Excellency the Governor the following Message, towit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have received your message of the 21st Instant, and am much concerned at your refusal to enable me to defray the charge of running the boundary Line between this Province and that of South Carolina, pursuant to His Majesty's Royal Instructions Communicated to you, which has been always done on former like occasions.

I will not fail faithfully to lay before His Majesty your Representations on this subject, at the same time, that I greatly fear it will be displeasing to the King to find that the Customary provision has not been made for carrying into present execution His Majesty's Royal and solemn determination.

JO. MARTIN.

New Bern December 23rd 1771.

Rec^d from His Excellency the Governor a verbal message requiring the attendance of the House at 5 o'clock this afternoon at the palace.

Mr Speaker with the House waited on His Excellency the Governor in the Palace with what Bills they had ready for his assent when he was pleased to pass the following, viz^t

The Bill for imposing a Tax of two shillings proc. money & poll, on all taxable persons within this Province, and for granting the money arising from such Tax, to His Majesty, his Heirs and successors, to be applied as herein after directed.

The Bill for amending an Act, Intituled an Act, for erecting in the Town of Salisbury, a public gaol, pillory and stocks for the district of Salisbury, in this Province.

The Bill for appointing and empowering Thomas Moore, of Anson County, and James McCoy of Rowan County to collect and receive the Taxes which are due from the Inhabitants of the said County for the year 1770.

The bill to empower the Church Wardens and Vestrymen of the Parish of Saint Gabriels, in the County of Duplin, to sell the Glebe in the said Parish and County.

The Bill to continue an Act, Intituled an Act, encouraging the destroying of Vermin in the several counties therein mentioned.

The Bill to amend an Act, Intituled an Act, for founding, establishing and endowing of Queens College, in Mecklenburg County.

The Bill to Impower the Officers therein mentioned in certain cases, to take the poll at the election of Members to serve in the general Assembly.

The Bill for laying out a public road from the Frontiers of this Province through the Counties of Mecklenburg, Rowan, Anson, and Cumberland to Campbellton.

The Bill to enlarge the time for several Sheriffs to settle their Accounts with the Justices of Inferior Courts of pleas, and quarter sessions, of the Counties therein mentioned.

The Bill to amend an Act, Intituled an Act, for the Regulation of the Town of Wilmington.

The Bill to alter the Method of working upon the roads in the Counties therein mentioned.

The Bill for the further enabling, Francis Locke, Andrew Allison, Griffith Rutherford, W^m Temple Coles, former Sheriffs of Rowan County to collect the Arrearages of Taxes.

The Bill to indemnify such persons who have acted in defence of Government, and for the preservation of the public peace of this Province, during the late Insurrection, from vexatious suits and prosecution.

The Bill for building a Court House in the Town of Salisbury, for the District of Salisbury.

The Bill to Impower the Freeholders of the several Parishes therein mentioned, to elect Vestries for their respective Parishes.

The Bill for laying out a Town on the Land of Richard Evans in Pitt County, by the name of Martinborough.

The Bill for erecting in the Town of Hillsborough a public gaol and gaolers house, for the District of Hillsborough, in this Province.

The Bill to enable the Freeholders of the Parish of Saint John in the County of Pasquotank, to elect a vestry, and provide for their poor.

The Bill to amend an Act for Regulating the several officers fees within this Province, and Ascertaining the Method of paying the same.

The Bill to amend an Act, Intituled an Act what fences are sufficient and to amend and continue an Act, relating to taking up stray Horses.

The Bill for appointing an Agent to solicit the affairs of this Province at the several Boards in England.

The Bill for further amending 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.

The Bill for the better Regulating the Pilotage of Cape Fear river, and other purposes.

Among the Bills presented to His Excellency the Governor, for his assent thereto, as before mentioned, were the following, viz^t

The Bill for erecting part of the County of Halifax and Tyrrel into a County and Parish.

The Bill to discontinue the poll Tax of one shilling, and duty of four pence per gallon, on rum, wine, and other spiritous Liquors.

The Bill for striking Debenture Bills on Bank paper to the amount of one hundred and twenty thousand pounds proc. money, to be exchanged for all such Debenture and Tender Bills as may be in circulation in this Province.

Which Bills his Excellency was pleased to reject, and they were rejected Accordingly.

Estimate of the allowances due and payable to the Members of Assembly at New Bern, Clerk, Officers and others, this present Session, towit,

£	s.	d.	£	s.	d.
Mr Richard Caswell Sp-15	17	6	Mr Edward Hare -----18	10	2
Mr Mau Moore -----19	4	10	Mr William Slade-----	8	18 10
Mr Cornelius Harnett--18	7	2	Mr John Dunn -----20	10	4
Mr John Ashe-----18	7	2	Mr Matthew Locke----20	7	8
Mr William Thomson--16	6	6	Mr Griffith Rutherford--20	7	8
Mr Jacob Shepard ----16	6	6	Mr Fer ^d Campbell-----16	10	8
Mr Robert Howe-----18	17	4	Mr James Picket-----18	4	10
Mr William Davis ----18	17	4	Mr James Moore-----18	7	2
Mr James Bonner-----13	13	2	Mr Hugh Waddell-----17	19	2
Mr Moses Hare-----17		10	Mr John Harvey-----21	15	8
Mr Wyriot Ormond---18	18	2	Mr William Tisdale---18	1	4
Mr Jacob Blount-----15	18	2	Mr John Kimbrough--18	1	4
Mr Christopher Neale..15	7	6	Mr Joseph Montfort ---15	7	6
Mr James Blount ----18	8	2	Mr Thomas Person----16	10	00
Mr Samuel Johnston ..18	8	2	Mr Robert Lanier-----17	7	8
Mr John Woodhouse ..19	19	6	Mr William M ^c Kinnie-13	18	2
Mr Henry White -----20	11	6	Mr Franc ^s Mackilwean-13	18	2
Mr William Dickson ..15	15	0	Mr John Campbell-----18	4	2
Mr Thomas Gray -----15	15	0	Mr Charles Robinson--16	10	8
Mr Aquilla Sugg -----9	15	8	Mr William Alston----10	6	6
Mr Abner Nash-----14	5	6	Mr Howell Edwards---12	8	10
Mr Edward M ^c Swain ..15	18	2	Mr Andrew Knox-----16	3	4
Mr Thomas Polk-----21	14	8	Mr William Haywood-12	6	6
Mr William Cray-----15	17	8	Mr Alexander Stewart-11	1	2
Mr Richard Ward ----15	17	8	Mr John Hooker-----10	18	10
Mr Joseph Hewes -----18	15	8	Mr Thomas Macknight-18	2	6
Mr John Wilcox-----18	8	10	Mr Edward Vail-----12	15	8
Mr Thomas Eaton ----15	2	8	Mr Benj ^a Wynns -----9	17	00
Mr Isaac Brooks-----18	8	10	Mr Francis Nash-----10	00	4
Mr Benjamin Hardy ..14	13	10	Mr Ralph M ^c Naire ----9	12	10
Mr Thomas Hynes----14	13	10	Mr William Person-----6	8	10
Mr Richard Evans----15	10	10	Mr Joseph Jones-----9	11	6
Mr Thomas Neill ----22	6	6	James Green Jun ^r Clk-21	17	4
Mr William Moore----22	6	6	Benj ^a Fordham M. B --10	18	10
Mr Willie Jones -----18	15	6	Francis Lynaugh D.K.-10	18	10
Mr William M ^c Ree----7	13	4			

	£	s.	d.
James Green Jun ^r Clk. three transcripts of the Journals ..	15	0	0
James Green for stationary	5	0	0
James Green for extra services	120	0	0
James Glasgow Assistant Clerk	25	0	0
Benj ^a Fordham, M. Beam for extra services	25	0	0
Francis Lynaugh door keeper for extra services	25	0	0
W ^m Brimage for copying and engrossing	5	0	0
James Parratt for ditto	5	0	0
Francis Brice for ditto	6	0	0
John Gray Blount for ditto	5	0	0
John Burgwin for ditto 8 bills and cash paid on express	12	10	0
Samuel Budd, for copying and engrossing Bills	8	0	0
James Glasgow for ditto	51	0	0
Francis Lynaugh for firewood and Attending your Com- mittee	12	0	0
Trustees for the use of the school in New-Bern	40	0	0

Report of the Committee of Claims, Viz^t

	£	s.	d.
Thomas Sitreaves	18	14	8
Felix Kenan	2	0	0
John Ramsey	80	0	0
Isaac Edwards ³ Secretary	60	0	0
James Coor	80	0	0
John Simpson	80	0	0
Roger Ormond	70	0	0
Wyriot Ormopd	5	0	0
William Bryan	18	10	8
Christopher Neale	1	0	0
His Excellency the Governor	49	8	10
James Harris	80	0	0
Memucan Hunt	3	9	0
Moses Alexander	2	3	4
Robert Palmer Esquire	552	11	7
Francis Lynaugh	8	10	0
Dempsey Sawyer	11	3	4
John Burroughs	9	13	4
John Nickles	39	1	6
Montfort Elbeck	10	12	4

	£	s.	d.
Mial Scurlock-----	15	0	0
Duncan McNeil-----	20	0	0
James Glasgow-----	21	13	0
William Nichols-----	3	16	0
John Stevens-----	8	1	4
James Biggleston ³ Secretary-----	152	0	8
Nathan Bateman-----	22	1	10
Robert Salter-----	2	0	0
Edward Salter-----	1	0	0
Jesse Benton-----	10	14	8
Abraham Tyson-----	7	18	0
Mauj Wyre-----	4	10	0
James Glasgow-----	10	0	0
Samuel Frazier-----	8	0	0
James White-----	8	17	4
Thomas Sitgreaves-----	2	9	0
James Glasgow-----	25	0	0

[B. P. R. O. AM. & W. IND: NO. CAROLINA. VOL. 219.]

Estimate of the Expenses Incurred at an Assembly held at New Bern in November and December 1771, viz:

	£	s.	d.
To Members of the Assembly, Clerk, Mace-Bearer and Door-Keeper-----	1732	7	10
To James Green for 3 Transcripts of the Journal-----	15	0	0
To Ditto for Stationary-----	5	0	0
To Ditto for extra Services-----	120	0	0
To James Glasgow Assistant Clerk-----	25	0	0
To Benj ^a Fordham Mace Bearer extra services-----	25	0	0
To Francis Linaugh door-keeper extra services-----	25	0	0
To W ^m Brimage for copying and engrossing Bills-----	5	0	0
To James Parratt for ditto-----	5	0	0
To Francis Brice for ditto-----	6	0	0
To John Gray Blount for ditto-----	5	0	0
To John Burgwin for ditto & p ^d an Express-----	12	10	0
To Samuel Budd for copying and engrossing Bills-----	8	0	0

	£	s.	d.
To James Glasgow for ditto	51	0	0
To Francis Linaugh for Fire wood and attending the Committee of Claims &c	12	0	0
To the Trustees for the use of the School-House	40	0	0
To the amount of the report on the Committee of Claims	1505	19	6
	£2997	17	4

The foregoing Estimate is a true Copy taken from the proper
Voucher, concurred with by the Governor Council and Assembly.

J. GREEN jun^r Clk.

1772.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

[ADVERTISEMENT.]

CRAVEN COUNTY Jan: 2. 1772.

Public notice is hereby given, that the Tax in this County for the
year 1771, is eleven shillings and eight pence.

WILLIAM BRYAN.

PUBLIC TAX FOR 1771.

Contingent Tax	£0	3	0
For sinking the debentures granted 1768	0	2	0
For sinking d ^o granted 1771	0	2	0
For Printing	0	0	4
§ Poll	£0	7	4
Parish Tax	0	3	4
County D ^o	0	1	0
	£0	11	8

N. B. There is one shilling Tax which by a Resolve of the House
of Assembly is not to be collected as the Law imposing that Tax
appears to have had its effect.

W. B.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Letter from Secretary Hillsborough to Governor Martin.

WHITEHALL Jan^{ry} 11th 1772.

I have rec^d your Dispatches N^o 2 and 3, and have laid them before the King.

The Prorogation of the Assembly to the 15th Nov^r appears from the Reasons you assign for it to have been a proper measure and I trust that the General Assembly will meet at that time in a Disposition to carry on the public Business conformable to your Wishes.

Your attention to what passed upon the arrival of the Spanish Snow at Cape Lookout Bay is very much approved by the King, and the steps you took in consequence of that Event appear to have been very proper.

It is certain that the conduct of the Deputy Naval Officer at Beaufort as well as the Behaviour of the Spanish Officers gave room to suspect some unfair and improper Proceedings; but the Result of the whole seems to justify the Belief, that what at first might have the appearance of Disrespect and Irregularity, arose from the Ignorance of the Naval Officer of what might be proper to be done in a Case of so new and extraordinary a Nature.

I sincerely condole with you upon the Losses you have sustained in your Family from the Malignity of the Climate, and shall be very happy to hear that Time enables you to resist its Influence.

I am &c

HILLSBOROUGH.

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

NORTH CAROLINA.

By His Excellency Josiah Martin Esquire, His Majesty's Captain-General, and Governor in Chief, in and over the said Province.

It being certified unto Me, That Samuel Green late of New-Hanover County, in this Province, is dead, and hath made his last Will & testament in writing & therein nominated & appointed George Moore, Cornelius Harnett & Alexander Lillington to be Executors thereof, & the said George Moore, Cornelius Harnett & Alexander Lillington having Proved the said Will & qualified agreeable to Law,

These are therefore to empower the said George Moore, Cornelius Harnett & Alex^r Lillington Esq^{rs} to enter into, and upon, all and singular the Goods and Chattels, Rights and Credits, of the said Deceased, and the same into their Possession take, wheresoever in this Province to be found, and an Inventory thereof, on Oath, to return into the Secretary's Office, within Ninety Days from the Date hereof: and all the just Debts of the Deceased to pay, so far as the said Estate will extend or amount to.

Given at Newbern, under my Hand, and the Seal of the Colony, the Twenty second Day January *Anno Dom.* 1772.

JO. MARTIN.

By His Excellency's Command
W^m. PALMER, D. Sec^{ry}.

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

COUNCIL JOURNALS.

At a Council held at New Bern 25th Jany 1772.

Present

His Excellency the Governor

The Honble	{	John Rutherford	Martin Howard	} Esquires
		Lewis Henry DeRosset	and	
		Samuel Strudwick	Samuel Cornell	

His Excellency informed the Board that under the suggestion of the Lower House of Assembly that the 1s. poll tax, and the duty of 4d. $\frac{3}{4}$ Gallon on spirituous liquors had already produced their effect and that therefore those taxes should no longer be collected, the public Treasurers had been induced to omit the said poll tax in their lists delivered to the Sheriffs to regulate their collections, and these being the only remaining funds appropriated to their sinking the large sum of proclamation money now in circulation, His Excellency desired the Opinion of the Board what measures were proper to be taken to prevent the ill consequences that might attend a Procedure so inconsistent and contrary to the public faith.

The Council were of opinion that it is expedient for the Governor to issue a proclamation strictly requiring the Sheriffs to collect the said Poll Tax as the Law directs, and in case of failure that they

should be sued upon their Bonds, and that the collectors of the four penny duty be likewise enjoined to continue the collection of the same until the Act for imposing the said Taxes be formally repealed.

NORTH CAROLINA—Ss.

By His Excellency Josiah Martin Esq^r Captain General, &c. &c.
A Proclamation.

Whereas by an Act of Assembly of this Province in the 22^d year of His late Majesty, intituled "An Act for granting to his Majesty the sum of £21,350 Public Bills of Credit of this province at the rate of proclamation money, to be applied toward building of fortifications in this Province, payments of Public Debts, exchanging the then present Bills of Credit and for making provision for defraying the contingent charges of Government," and continued by a subsequent Act passed in the 27th year of the reign of his said late Majesty intituled "An Act for granting to His Majesty the sum of £40,000 in Public Bills of Credit at the rate of Proclamation Money, to be applied towards defraying the expence of raising and subsisting the forces for His Majestys service in this Province to be sent to the assistance of His Majestys Colony of Virginia and other purposes therein mentioned," A Poll Tax of one shilling per head, on all taxable persons, and a duty of four pence $\frac{7}{8}$ gallon on all wine, rum, or other spiritous liquors imported or brought into this province either by Land or water, was then imposed or laid (And whereas it has been not only suggested but industriously reported, that the said herein before recited Laws have produced the intended effect, by raising from the People the whole sum emitted upon the Credit of those funds, and consequently that the said Taxes ought to cease and be no longer collected, which suggestion contains a fallacy and very gross misrepresentation of the fact, the money arising from the said Poll Tax and duty having been partly diverted to other services, and great part thereof being still remaining in the Hands of the Sheriffs and Collectors, who have not yet accounted with the Treasurer for the same, by means whereof there is still extant and in circulation a considerable sum in the said publick Bills of Credit, for the sinking of which the said Poll Tax and duty are the only remaining appropriated Funds, and which the Public Faith stands engaged to continue until other Funds are established for its extinction, or until by these the same

be sunk and destroyed according to Law: Wherefore I have thought fit, by and with the advice and consent of His Majesty's Council, to issue this Proclamation, strictly requiring and commanding the Sheriffs of the several and respective Counties within this Province, and other Receivers of the said Poll Tax, and likewise the Collectors of the said duty of 4d ⁷/₈ gallon on wine, rum or other spiritous liquors, imported into this Province, either by land or water, to continue the Collection of the same until the Act for imposing the said Poll Tax and levying the duty, shall be legally repealed, In default hereof his Majestys Attorney General will be directed to put their Bonds in suit.

Given under my hand, and the Great seal of the said Province, at New Bern, the 29th day of January in the twelfth year of his Majestys Reign Anno Dom 1772.

JO. MARTIN.

By His Excellencys Command

SAMUEL STRUDWICK Secy.

God save the King.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Letter from Governor Martin to Secretary Hillsborough.

NORTH CAROLINA NEW BERN 30th January 1772.

Since I had the honor of writing to your Lordship my letter of the 26th of last month signifying the dissolution of the Assembly of this Province three days before that date I am become acquainted with a most unwarrantable proceeding of that house concerning which I was held in doubt by a contrariety of Reports made to me at that time and I think it my duty to give your Lordship the earliest Information of it as a circumstance of dangerous tendency to this Epitome of the British Constitution and to submit to your consideration the measures I have taken thereupon.

It appears by the Journals of that House of which I now transmit a Copy to your Lordship that upon a state of the Public Funds being laid before it on Friday December the 6th the House was of opinion that because £53104 2d. had been burnt and destroyed and that there was in the hands of the Treasurers and Sheriffs and

Receivers of duties two sums making together £12536 5s. arising from the Tax of one shilling $\frac{3}{4}$ poll and duty of four pence $\frac{3}{4}$ Gallon on Rum, Wines and other Spiritous liquors for which security had been given and which being paid will give a balance or surplusage of £4340 7s. 6d. the said Taxes ought to cease and be discontinued; than which state of the matter and conclusion nothing was ever more false and sophistical; or more artfully and wickedly contrived to beget in the people suspicions that they are unduly loaded with Taxes.

Your Lordship will readily perceive that the amount of the paper burnt is here made a relative to the sums which these Taxes were designed to raise being £61,350 and that the arrearages of the Poll Tax of one shilling and duty of fourpence amounting to £12586 5s. 6d. yet outstanding added to the former sum and subtracted from the latter will exceed it £340 7s. 6d. by which state of the account appears that there is now in existence of the paper to the sinking of which this Tax and duty were appropriated only the difference between £53104 2d. and £61350—that is £8245 18s.—this has so much the air of fairness and Truth that considering it the representation of a branch of the Legislature it can hardly be supposed otherwise; but it is only a species of fallacy for the fact is My Lord that there is at this present time in circulation £42800 in legal tender paper; of which here is no notice taken, and which this Tax, and duty and another poll tax of three shillings that was prematurely and illegally suspended in the year 1763 by a resolve of the two Houses of Assembly were laid to sink; and expressly directly by the law that imposed them, to continue until the same should be actually *sunk* and *destroyed*. The paper burnt is not specifically of the emissions to which this Tax and duty were applicable as is implied in the Assembly's representation, but the general gross amount of the paper of sundry emissions that has been confusedly and promiscuously destroyed; the taxes have never been specially applied to sinking the particular paper money for which they were imposed which has caused confusion in the sinking funds; money shall also be drawn from them for other services, and never replaced; and taxes appropriated to them prematurely discontinued hence the deficiency of the sinking funds and hence, and from the insolvency and fraud of Sheriffs and Collectors of Taxes so large a sum of paper money continues in circulation after the Taxes paid by the people or some emissions have sufficed for their extinction.

Upon this fraudulent state of the matter a Bill was brought into the House to discontinue the Tax of one shilling $\frac{3}{4}$ poll and duty of four pence $\frac{3}{4}$ gallon on Rum Wines &c: while it was depending I was consulted about it and declared against it absolutely as a measure teeming with fraud and inconsistent with the public faith to the violation of which I never would be accessory. I remonstrated that this Tax and duty were all the fund that remained to sink £42800 in paper money that had been already unduly continued in circulation by maladministration and could not be withdrawn without stabbing the public credit which was pledged for its redemption, that can only be effected when by the continuance of these Taxes the sinking fund should become sufficient or its deficiency made up by a new Tax or by the revival of the Poll Tax of three shillings suspended in the year 1768, or by the surplusages of other funds as they should arise, that the funds had been so involved and confounded I conceived the several emissions of paper must now be resolved into one general stock and stand charged upon the remaining Taxes as a common sinking fund for all the old paper until there should be money in the Treasury to redeem it, that the having collected from the people more than the tax and the duty in question had been originally designed to raise signified nothing, if through misapplication or otherwise they have not effected the purposes for which they were laid and that the public faith could not be disengaged until the outstanding paper should be actually and *bona fide* sunk and destroyed. The persons who came to me upon this business would have engaged that application should be made of so much of the arrears due to the public when they should be collected as should be adequate to that purpose, a proposition of such uncertain issue that I could not accept as they could not insure the sufficiency of the outstanding debts or be responsible for such application by a future Assembly, and that in default of either of these premises the money now in circulation would be continued contrary to the express letter of the Act of Parliament of the 4th year of his present Majesty's Reign, or for want of its legally established credit and support, thus subducted be reduced to worthless paper to the fraud or ruin of the people holding it under the sanction of public faith and positive laws; that as soon as the conditions on which the paper was emitted were fulfilled, that could not be until it was redeemed and in the Treasury, I should gladly concur in any proper measure for exonerating the people, till when I should bear my testimony against

taking off the duty and tax above mentioned. In order to engage me to change this resolution it was insinuated that if a Bill for such purposes should pass the two Houses of Assembly and be rejected by me it would bring odium upon the dawn of my administration to which I replied, that in that case, which I could not conceive should happen, the consciousness of doing right would support me under all consequences that I was not to be practiced upon by any such intimidations, nor would I ever become a pandar to the public dishonor.

The Bill however brought into the House to discontinue the Tax of one shilling and duty of four pence passed the Assembly and was artfully carried through the Council when some Members who would have made a Majority against it were absent. At the conclusion of the Session in the moment that I was expecting the House to present their Bills for my assent I had intimation that the Assembly had agreed upon Resolves to discontinue the collection of the one shilling poll Tax and to indemnify the Sheriffs in so doing to be entered upon their Journals in case I should reject the Bill then to be offered me and that the Treasurers in consequence thereof had omitted that Tax in their list of Taxes in the ensuing year delivered to the Sheriffs which last part of my intelligence, was with much assurance, contradicted, this only served to confirm my resolution to dissolve the Assembly and to determine me to pronounce its dissolution immediately after giving my assent to such bills as I should think fit to pass and thus prevent the execution of the design of entering upon their Journals the premeditated Resolves. I pursued this conduct at the same time giving the House a gentle reprehension for agitating a measure so unprecedented unparliamentary and unconstitutional, so inconsistent with the public faith and contrary to their own laws, and I hoped I had frustrated their illegal intentions. I continued in this belief until lately that talking over the public affairs with the Treasurer of the Northern District he informed me that in conformity to the measures taken by his Colleague in the Southern District pursuant to an order of the House of Assembly delivered by their Speaker he had omitted the poll Tax of one Shilling in the Sheriffs lists and that it had been debated in the House, whether they should order the Collectors of his Majesty's Customs not to collect the duty of four pence $\frac{3}{4}$ gallon on Rum, Wines &c: but that a Majority was of opinion such Order to Officers

of the Crown would be unavailing and futile. Of all this extraordinary proceeding not one word appears upon the Journals.

Thus My Lord you will observe the Assembly by an order clandestinely suggested through its Speaker to the Treasurers, whom they consider and who consider themselves as the Officers of that House exercise a sovereign power; virtually abrogating by its breath, a positive Act of the whole Legislature ratified by his Majesty a monstrous usurpation of authority that I think proves irrefragably the propensity of this people to democracy. I have written to the Treasurers insisting that they direct the Sheriffs to collect the one shilling Tax as usual and according to Law. The Treasurer of the Northern District complied but the Southern Treasurer urging that it was not his duty to give lists of Taxes to the Sheriffs and discovering plainly unwillingness or fear to counteract this mandate of the Assembly I have thought fit to issue a Proclamation of which I have the honor herewith to transmit to your Lordship a Copy strictly enjoining the Sheriffs to collect the Taxes according to Law on pain of being prosecuted for default upon the Bonds, which they enter into with the Governor on their qualification for the faithful discharge of their duty in execution of the Laws which I have no doubt will produce the desired effect.

The success of a Resolve of the two Houses of Assembly in the year 1768 for discontinuing a Poll Tax of three shillings appropriated as this Tax of one shilling to the sinking of legal tender paper money has again my Lord induced this flagrant and unconstitutional violence, the Governor counter worked it by directing the Sheriffs to collect the Tax. Its operation was partial therefore but it raised great clamour and discontent and two years after Governor Tryon was engaged, I must believe deceived or surprised, into sanctifying this political enormity by assenting to a law for indemnifying the Sheriffs who conformed to that illegal Resolve, a measure that I presume they will again resort to but I trust my regard to the duty I owe my Royal Master and to the British Constitution which he so sacredly cherishes will defend me from participation in any violence to this miniature of that most beautiful and wisely proportioned Fabrick.

That your Lordship may be fully master of the macination of this people to nourish the flame of discontent which I hoped was expiring I send herewith a Copy of an advertisement of the Sheriff of Craven County where in a note at the bottom he falsely asserts

that the Assembly had resolved that the one shilling sinking Tax should not be collected as the Law imposing that Tax appeared to have had its effect of which not a syllable is to be seen on the Assembly's Journal. He has however by my direction contradicted this misrepresentation, thus my Lord these people are studiously fermenting dispositions of which they cannot foresee or determine, but will certainly rue the consequences.

I am ashamed my Lord to see the length to which I have spun out this detail but I considered that I could not minutely relate to your Lordship this transaction upon the great moment and importance of which I must now rely for excuse of my prolixity.

I have the honor to be &c

JO. MARTIN.

N. B. Such large sums of the Public money are lost by the insolvency of Sheriffs and other Receivers of Taxes, that I am assured of £66000 arrearages not near one third will be paid into the Treasury, a circumstance which I hope will justify my refusal of this fund offered for the preservation of the public credit.

Sir Nathaniel Dukenfield who will have the honor to hand this letter to your Lordship is a young gentleman of great worth and a Member of his Majesty's Council in this Province; he goes to England on his private business to make a short stay.

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

GEORGE, R.

Additional Instruction to our Trusty and wellbelov'd Josiah Martin Esquire, Our Captain General and Governor in Chief in and over Our Province of North Carolina in America, Given at our Court at S^t James's the fourth day of February 1772, in the twelfth year of Our Reign.

WHEREAS Laws have been passed in some of our Colonies and Plantations in America, by which the Lands, Tenements, Goods, Chattels, Rights and Credits of persons who have never resided within the colonies where such Laws have been passed, have been made liable to be attached for the recovery of Debts in a manner different from that allowed by the Laws of England in like cases,

And Whereas it hath been represented unto Us, that such Laws may have the consequence to prejudice and obstruct the commerce between this Kingdom and Our said Colonies and to affect Public Credit. It is therefore Our Will and Pleasure that you do not on any pretence whatever, give your assent to, or pass any Bill or Bills in Our Province under your Government, by which the Lands, Tenements, Goods, Chattels, Rights and Credits of Persons who have never resided within Our said Province shall be made liable to be attached for the recovery of Debts due from such Persons, otherwise than is allowed by Law, in cases of the like nature within this Our Kingdom of Great Britain, until you shall have first transmitted unto us, by one of Our Principal Secretaries of State, the draught of such Bill or Bills, and shall have received our Royal Pleasure thereupon unless you take care in the passing of such Bill or Bills that a Clause or Clauses be inserted therein, suspending and deferring the Execution thereof until Our Royal Will and Pleasure shall be known thereupon.

G: R:

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

Governor Martin to Samuel Johnston Esq,

NEW BERN Feb^r 6th 1772.

I am favored with your letter of the 25th of last month by Sir N. Dukenfield, & would have acknowledged its receipt by the same hand if y^e time of his stay here had afforded me opportunity to consider of the offences committed by the Collector & Comptroller of the Port of Currituck, & to examine my Documents with respect to Officers of the Customs.

As Mr Pierce informed my Secretary that he was authorized by the Commiss^{rs} of His Majesty's Customs at Boston, to remove the Custom House of Currituck, I am desirous to know the latitude of their instructions to him, as well as of the Powers delegated to this hair brained Comptroller, before I proceed to extremities with them. I cannot help being of opinion that if the former has committed violence or been guilty of irregularity it has been owing to pusillanimous submission to the influence & intimidations of the Bully Drawcansir Comptroller whose powers derived from the Commiss^{rs} of Customs I understand to be of very extraordinary nature &

extent. I am persuaded however at y^e same time that they will not justify the extortions & depredations & violence he exercises over His Majestys subjects under colour of performing his duty, as I am that the Collectors confederacy, & participation of his inequity is equally indefensible, from whatsoever motive proceeding. That I may be fully informed of their power & authority & get to the perfect knowledge of their malpractices I have written to M^r Pierce a letter, w^{ch} I take y^e liberty to transmit now through your hands, directing him forthwith to repair hither & to lay before me his Instructions & those of his Comptroller, and to answer for their conduct in the cases of w^{ch} you make complaint, that seems well supported by the Affidavits you have sent me.

M^r Biggleston whom I have appointed Judge of the Admiralty will immediately appoint M^r Charlton his Surrogate of whom, or for any person, or thing, your word, or recommendation, will be my sufficient warrant.

In the present case it is my indispensable duty to pay the utmost attention to the subject of your letter, wherefore it required no apology, in every other I wish to preclude ceremony between us, by assurance of you that I wish to live & to communicate with you upon terms of freedom being with real esteem and regard for your person & character Sir

Your most obedient &c

JO. MARTIN.

P. S. I shall be glad to be furnished as soon as may be convenient w^h the further proofs you mention of the misconduct of Pierce & Malcom.

P. S. I take the liberty to address to your care a packet for Sir N. Dukenfield of which I wish him to acknowledge the receipt, or that you will be so good as to do me that favor. J. M.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 17.]

TO THE RIGHT HONOURABLE THE LORDS COMMISSIONERS FOR TRADE AND PLANTATIONS.

May it please your Lordships.

In humble obedience to your Lordships commands signified to me by Mr Pownall I have perused and considered Forty three Acts

passed by the Governor Council and Assembly of the Province of North Carolina in December 1770 and January 1771.

* * * * *

I am humbly of opinion that the said Acts although some of them are inaccurately penned yet as such inaccuracy does not affect the substance thereof are proper in point of Law submitting only to your Lordships whether the encouragement of Exemption from Taxes in the *Act for encouraging the further Settlement of the Province* should not have been extended to all Persons as well as to those *who shall come immediately from Europe* inas much as such exclusive encouragement may have a tendency to increase the immigration from his Majesties European Dominions.

I have also perused and considered an Act of the same Assembly intituled an act for preventing Tumults and Riotous Assemblies for the more speedy and effectual punishing the Rioters and for restoring and preserving the Public Peace of this Province. And am of opinion that the Clause (fo: 7) permitting any one to kill with impunity a person outlawed in the manner therein described (although the circumstances of the Province may excuse the inserting such clause in this act) is yet altogether unfit for any part of the British Empire and therefore humbly submit to your Lordships that the said Act is fit to be repealed.

All of which is humbly submitted &c.

14th February 1772

R^d JACKSON.

[N. C. LETTER BOOK. S. P. G.]

Letter from Rev. Mr. Reed to the Secretary.

NORTH CAROLINA NEWBERN

February 15th 1772

REV^d SIR

My last was on the 2^d of July 1771, since which, there has been great Contention about our little Academy. I should have sent you a more early account of it, cou'd I have done it with any satisfaction; but I found it difficult to find out the whole truth & the real causes of Discontent. The most material Intelligence I have been able to receive, even after the most diligent search, has been only from Mr. Tomlinson himself, Mr. Parrot, Mr. Tomlinson's late assistant, & one dissenting Trustee. The rest of the

Trustees whether from a Consciousness of having acted wrong, or some worse motive entirely declined all conversation with me about it.

When Mr. Tomlinson opened his School, he was apprized of the excessive Indulgence of American Parents, and the great difficulty of keeping up a proper discipline; more especially as his school consisted of numbers of both Sexes. He was therefore very cautious, and used every little artifice to avoid Severity as much as possible. But when the children grew excessive headstrong, stubborn and unruly, & likely to endanger the welfare of his School, he used to correct and turn them out of School, & make some little difficulties about their Readmission. Unfortunately for Mr. Tomlinson, this piece of policy gave very great umbrage to two of the trustees, who ever since their children were corrected and turned out of School, have been his most implacable Enemies. One of them has acquired a very considerable fortune by trade, & has four or five of the trustees entirely at his Devotion. The Circumstances & Influence of the others are inconsiderable.

You may see by the Act of Assembly for establishing the School, which I sent you the 23^d of January 1767, that one penny $\frac{1}{2}$ Gallon, for a limited time, is laid upon all spiritous Liquors imported into Neuse River, for the Benefit of the School; out of which Twenty pounds $\frac{1}{2}$ ann: is to be paid to the Schoolmaster, to enable him to keep an assistant & the rest is to be applied to the education of poor children, not exceeding Ten. Mr. Tomlinson presuming that this duty upon Spiritous Liquors wou'd be honestly applied by the Encouragement of the trustees, wrote to his correspondent in London, who procured him an assistant, Mr. Parrot, properly qualified in every respect, & entered into bond with him for a term of years in behalf of Mr. Tomlinson. About twelve months after the arrival of Mr. Parrot, great umbrage was given to the potent trustee, by Mr. Tomlinson correcting and turning one of his children out of school for very disobedient & stubborn Behaviour; and a dissenting Minister, about the same time opened a School at Wilmington, which is near one hundred miles distant, when Six Boys, which Mr. Tomlinson had under his Care from that place, were taken away, for the Conveniency of being nearer home, which reduced his scholars to about forty four. The trustees had never sent more than five poor children to School, And as Mr. Tomlinson found his School reduced, he petitioned the trus-

tees to send him five more, the better to enable him to continue Mr. Parrot. But behold the consequence! a meeting of the trustees was appointed (not a general one, for I had no notice of it, but such as could be depended upon to answer particular purposes) & an order made, the original inclosed, that he should dismiss the five poor Children which were then at school, under a pretext of want of money to repair the Schoolhouse. I call it a Pretext, because their own Accounts will shew, that they had money enough then due & in their treasurer's hands, not only to have made all necessary repairs, & continued the five poor children, but likewise to have educated five more according to Mr. Tomlinson's Request. And tho' some repairs were really wanting, yet they have not laid out a single shilling in any Repairs from that day to this. And the dissenting trustee, who was at that Meeting, lately informed me, that the five poor children were taken away, not for want of Money, but with a design to distress Mr. Tomlinson.

When Mr. Tomlinson found his School still more reduced by the dismissal of the five poor children, he represented to Mr. Parrot the hardship of continuing him as assistant, who generously consented to cancel the Bonds & provide for himself. The greatest difficulty seemed then to be removed. Mr. Tomlinson had sufficient Employment for himself in the School, & Mr. Parrot who is a good Mathematician & Penman supported himself by Hackney writing.

But tho' Mr. Tomlinson was now perfectly easy, yet resentment could not sleep. The Correcting and turning the children of two of the trustees out of the School, was, like the Sin against the Holy Ghost, never to be forgiven. Mr. Tomlinson's Destruction was determined upon, but how to accomplish it was the difficulty. Mr. Parrot was therefore tampered with to open a School in opposition to him. But Mr. Parrot saw thro' their design to making a tool of him; and tho' he detested their proposal yet he gave soft answers, implying, that if the School should be at any time vacant, he would accept it, provided he had no better employment. Mr. Tomlinson was therefore to be turned out to make room for him; but Governor Tryon was in the way, who had been an Eye Witness of Mr. Tomlinson's conduct, and had a particular value and esteem for him. But at length Governor Tryon was removed to New York, and a new Governor succeeded him, who was a Stranger to Mr. Tomlinson, and then was the time to strike the fatal Blow. Accordingly on the 14th of last September, there was a meeting of the trustees (not

a general one, for tho' a Trustee, I had no notice of it, not being a proper person for such business as they were then about) when they did their utmost to turn Mr. Tomlinson out of the School. A copy of their proceedings on that day, you have enclosed, & upon which I would beg leave to remark; That when they took the poor children away, there was no Complaint of neglect, but only of want of money. But now Mr. Tomlinson is accused of neglecting his School by the Trustees, & what is very surprising by no body else. They were the only accusers & the only Judges.

Mr. Tomlinson has taught School here upwards of Eight years, and I never heard him accused of neglecting his School till after the 14th of September 1771, & since that time, only by one Person, who is greatly in his Debt, besides the trustees that endeavoured to displace him. And I verily believe, they might with as much Justice have accused him of Robbery or Wilful Murder.

Two or three days after, Mr. Tomlinson informed me, how the trustees had used him, & was very desirous of a public hearing before the Governor. And tho' I was at that time very sick, yet I waited upon the Governor along with him, who received us very graciously. But his Excellency being a Stranger, & not knowing how far he was legally authorized to interfere, prudently declined granting him a public Hearing, till he had the Attorney General's opinion, a copy of which I have sent you inclosed, & by which you will perceive, that he could not legally interfere at all. Mr. Tomlinson's Case therefore seemed to be desperate, & nothing was to be done but turn out immediately.

The full number of Trustees is Eleven. At that time there were two vacancies, & I had no notice of their meeting. Eight met, and one dissented; therefore Mr Tomlinson was dismissed by the voice of Seven. But to give this Dismission the appearance of a more general voice, they proceeded immediately to fill up the vacancies, & elected two new Trustees, sent for them & swore them in, & then signed a nomination for Mr. Parrot. I have sent you copies both of the Dismission & nomination, which you will find of the same date, & the nomination signed by Ten, to induce the Governor to believe that Mr. Tomlinson was dismissed by the voice of Ten, tho' he was dismissed by the voice of Seven only, for they got the two new elected Trustees, as well as the trustee that dissented to sign the nomination for Mr. Parrot.

But here the Trustees met with a difficulty, they were not aware of. They knew Mr. Parrot's distressed circumstances, & never doubted but he would readily accept the School. But when the time of trial came, he let them see, that he had too much sense to be made a Tool of, and too much honor to supplant a worthy honest man.

In short, he refused to accept the School when offered in such a base and dishonourable manner; which redounded so much to his Credit, that he has lately got into decent Employment in the Secretary's office; which I hope will give him a comfortable subsistence at present, & be a step towards his future advancement. And now for the last Effort of disappointed Resentment.

After the trustees had sent for Mr. Tomlinson with an Intention to dismiss him (tho' he had not the least notice or suspicion of it, having never heard of any Accusation) they settled accounts with him, & gave him an order upon their treasurer for his money, & then the president, in the name of the Society, in a very abrupt manner, dismissed him. But a few days after, finding Mr. Tomlinson not very willing to turn out, & Mr. Parrot unwilling to accept the School, the potent trustee went to the Treasurer & by his own authority, forbade the payment of Mr Tomlinson's order. The treasurer accordingly refused payment & Mr. Tomlinson is obliged to sue for his money, tho' the Treasurer has due and in his hands about two hundred pounds.

I never despaired of bringing about a Reconciliation, till this last affair happened. It showed such a depravity of mind, that I thought it dangerous to continue any longer a Member of the incorporated Society, & I therefore resigned. And I believe the venerable Society, will never blame me for resigning in such a Situation. I saw I cou'd do no Good, and therefore wou'd not suffer my Name to give a Sanction to others to do mischief. Besides I was obliged to resign for my own preservation, & to keep out of the way of Strife and Contention.

The majority of the Trustees are wealthy men, but I cannot learn that any of them ever passed thro' a reputable School, or have the least knowledge of any of the Learned Languages, or liberal Sciences, or of the difficulty of governing a School. And I shall leave you to judge of the honor & Integrity of some of them, by the list of Debts inclosed, which Mr. Tomlinson gave me last Christmas. The want of such considerable sums must greatly dis-

tress any man in his station. He therefore grew urgent in his Demands, which united his Debtors more firmly in their opposition, and caused them to speak very disrespectfully of him before their Children. For such as will not pay their honest debts, seldom fail to abuse their injured Creditors.

You see it was not either for want of inclination or power, that they did not turn Mr. Tomlinson out of the School, but only for want of a proper Person to succeed him. He is therefore determined to resign the School next April, & follow some other employment.

I have been the more particular in the above Relation, from the duty I owe to the venerable Society & the great regard I have for Mr. Tomlinson, who, I believe, is a sincere Xtian, and has been very basely treated. He is certainly one of the most peaceable & inoffensive men living, enters into No Parties, meddles with nobodys business, but his own, & is not addicted to any one visible vice. And if the Trustees did really think him guilty, either of too much severity, or negligence, or any other Indiscretion or Misdemeanor, why did not they admonish or reprimand him? But that wou'd neither have paid their Debts, nor sufficiently gratified their Malice & Resentment.

I sincerely wish the Act for establishing the School was repealed. I am sure it will never answer any good intention, while such an unlimited power is intrusted in the hands of the Trustees. They shou'd be obliged to lay their accounts annually before the Commander in Chief for his inspection, who should have a Check upon them both in the admission & dismissal of the Master. Tis true, the Governor has a power of licensing the Master, which I thought would have been a sufficient restraint, but you may see by the Honorable Marmaduke Jones's opinion inclosed, which is fuller than the Attorney General's, the Governors License is a mere trifling, if any restraint at all. And if the Bishop of London would point out the Defects of the present Act & get it repealed, I believe it would not be difficult to get a much better passed at the next Session of the Assembly. Or if that cou'd not be done, the Schoolhouse had better revert to the Subscribers in general than remain the property of a few, who so shamefully abuse their trust.

After having said so much relative to the School, tis time to say some thing with regard to myself, and tho' I cannot complain of ill usage, yet I never had so much reason to lament the want of Health. About the last of August I was seized with the bilious fever, which baffled every human effort for Relief, & the effects of which I feel

too sensibly to this day. Sometimes I was confined to my Bed, at other times I could walk about a little or ride a little, but never enjoyed one Days health till after Christmas, when indulgent providence gradually relieved me by the variation of the Seasons. In this lingering sickly condition I was obliged to attend remote chapels; and in the month of November was so weak, that I cou'd not travel on Horseback, but was obliged to get a Chair; and when I had not strength to go thro' the whole Duty, I got the Clerk or Reader to do such parts of it, as I thought most proper. With great difficulty & bodily pain, I attended all the Chapels as usual, except one, the road to which is hardly passable for a wheel carriage.

After being clogged & surfeited with medicine & finding no Relief, I wrote to an eminent Physician who had lately removed from Newbern, for his advice; which I have sent you enclosed, & which, tho' probably very salutary, is not agreeable either to my circumstances or inclination. Removing is very expensive, & a new parish must be attended with a new Sett of acquaintances, which I wou'd avoid, if possible in the Decline of life. Besides I do not know of any parish in this province, in which a Clergyman cou'd be exempted either from long Journies or indifferent Lodgings. I am therefore determined to continue where I am, I wait the Effects of the returning Spring, which are generally very salutary. But if I should meet with a Return of my old Disorder, I humbly beg, the venerable Society will give me Leave, either to remove according to the Doctor's Advice, or to go to some of the Northern Colonies for a few months, or to return home for the Recovery of my Health.

I have baptized about ninety white & five black Children in my own Parish between last Midsummer & Christmas, and likewise visited St John's Parish & baptized Twenty five White Children. As part of this Parish lies along the Sea Coast, I expected some Benefit from the Sea air, but finding the people sickly, & poor accommodations, I soon returned. As the hot weather is advancing very fast, I humbly beg, Rev^d Sir, as you value my health you will condescend to give an answer as soon as possible, which, by the blessing of heaven, may be the means of prolonging my life, and will not fail to confer an additional obligation upon your already

Very much obliged & most obedient servant

JAMES REED,
Miss^{ry} in Craven County.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Governor Martin to the Earl of Rochford.

NORTH CAROLINA NEW BERN,
Februáry 15th 1772.

I had the honor to receive this day your Lordship's letter to Governor Tryon bearing date the 2^d day of August last, signifying the King's entire approbation of that Gentleman's conduct and his Majesty's gracious Pleasure, that his Royal thanks be expressed to the Troops of this Province who were in the field on the 16th day of May last for their conduct and Bravery on that day. I am to assure your Lordship that I will fulfill his Majesty's commands herein without loss of time; and as the provincial Troops are now dispersed, and no longer in Military array I will declare his Majesty's pleasure in the public News Papers that are the most effectual means of communicating this mark of his Royal Favor.

I have the great satisfaction to inform your Lordship that the prudent and vigorous measures taken by Governor Tryon seem to have had full effect; and that this country again enjoys the blessings of peace and tranquility which it is my duty and will be my study to maintain and preserve.

I have the honor to be &c
JO. MARTIN.

[N. C. LETTER BOOK. S. P. G.]

Letter from Mr. Tomlinson to the Secretary.

NEWBERN, Feb^r 20th, 1772.

REVEREND SIR,

I have the favor of your letter of the 28th of Mar, for which, as well as for your other Favors, I return you my thanks.

I must now request you to present my Sincere Thanks to the venerable Society, for their last Gratuity; & to acquaint them that it is my Intention to give up the School in the Spring.

A close attention to Business in this hot climate, has considerably impaired my health—& I find it absolutely necessary to wind up my affairs, as the people are so much in Arrears to me.

My principal Reason however, for declining it is, some injurious Treatment which I received last Fall from the Incorporated Society: who, without the least previous public Disapprobation of my Conduct, requested my attendance at one of their Meetings in last September, & in the most indecent, ungenerous and arbitrary manner, attempted to dismiss me from my Office: as will appear by a Copy of their proceedings, taken from the Minutes, which will be transmitted to you by the Rev^d Mr Reed.

Not contented with this arbitrary Exertion of Power, After having given me an Order,* in public Meeting, as well for my Salary as for the Education of the poor Children, which had been long due to me, One of the members (to whom two more afterwards joined themselves countermanded (*out of Public Meeting*, & by his own Authority) the Order which had been given by the *whole* Society, & forbade the Treasurer to pay me:—So that I have been obliged to commence a Law Suit for the Money.

Under these Circumstances, I was at a Loss, for some time what measures to take. But when I considered in what manner I had been used—That I had been charged with Misdemeanours, without knowing who were my accusers,

That I have been deprived of a Privilege as of one of the meanest of his Majesty's Subjects, by being condemned without a Hearing—and that I had not had even a Moment's warning to provide for myself—Animated with a just resentment against such unworthy treatment, and, at the same Time, not looking on myself as incapacitated from holding my Office till His Excellency shou'd revoke his License; I continued the School as usual;—yet not till I was solicited, in the strongest manner, by all my former Employers to a Man (three of the Families of the discontented Trustees only excepted).

My Remonstrances against their Proceedings availed nothing. I found it had been the premeditated scheme of One Great Man, & 2 of his Adherents (whom I had offended near two years before by correcting and turning out of School some of their children for very notorious offences) to remove me at all Events.

You will not doubt of the undue Influence which One Man has obtained over the rest, when you are acquainted, that all the rest of the Members tamely acquiesced with & severilely submitted to, his

* Copy of this sent in Mr. Reed's Packet.

countermanding of my Order; notwithstanding its being contrary to every Principle of Justice.

Nor have they ever yet dared to resent such an open Outrage offered to the whole Society; as to assert their Rights which he has thus wantonly violated & trampled upon.

I wou'd have petitioned the Governor, in form, to indulge me with a public Hearing; but His Excellency, however desirous of giving me an Opportunity of justifying my conduct, gave me to understand, some time after, that he had no legal Power to interfere in the Case. And the Trustees, on their side, jealous of the Power which was given them by Act of Assembly, absolutely disdained any Authority which His Excellency might or cou'd exert on the Occasion; and, as far as I cou'd learn, looked upon his License to me as no more than a Blank.

Thus you see, I have been precluded from every Avenue of Redress, or opportunity of justification. Yet I have the Satisfaction to acquaint you; that tho' they have succeeded in taking away my Living, it has not been in their power to deprive me of the favorable opinion which the people, in general, have been pleased to entertain of me here. And lest the Venerable Society should be inclined, from what has passed, to form any opinion of me to my Disadvantage; I appeal for every part of my private and public character to our late worthy Governor Tryon — our present Governor (as far as he has had an opportunity of knowing me) — to the Rev^d Mr. Reed — & to the other Missionaries & Clergymen in the Province, to many of whom I am well known.

Few people pass thro' this Life without being guilty of some Indiscretions, Misdemeanors, or Misconduct, in their respective Stations. It wou'd have been strange had I been an Exception from this general Observation. But even if I had actually misbehaved, I shou'd have hoped that the Character I have hitherto borne would have Skreened me from such Treatment — unless they had found that their former Admonitions, or Reprimands had been lost upon me.

The List of Debts (which Mr Reed will furnish you with) due to me at the Time of my Dismission, the greatest part of which is still due, & for a great part of which I must be obliged to Sue, & in all probability may not recover in less than 18 months, is another Aggravation of their ill Treatment.

It wou'd amaze an Englishman to hear, that a single Man should be upwards of fifty pounds in my Debt for the Education of their Children. And yet it is no more than Truth.

From whence you may gather, that if I had not been very frugal, & been generously assisted by the Society, it wou'd have been no easy matter for me to have supported myself.

But I shall drop the Subject & refer you to the Rev^d Mr. Reed, who will trace everything to its Source, & unravel all their Secret Plots & Machinations against me. And I do not doubt but it will appear to you, from a fair & impartial Narrative of Facts, that they have been actuated, in this precipitate Step, by the most vindictive Malice; and been guilty of a most flagrant Abuse of Power.

I am Rev^d Sir,

Your most obliged &c

THOS. TOMLINSON.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 24.]

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please your Majesty,

We have had under our consideration four Acts passed in your Majesty's Province of North Carolina, in Jan^y 1771, intituled

1. An Act for preventing Tumults and riotous Assemblies for the more speedy and effectual punishing the Rioters and for restoring and preserving the Public Peace of this Province.

2. An Act for founding establishing and endorsing of Queen's College in the Mecklenburg County.

3. An Act for authorizing Presbyterian Ministers regularly called to any congregation within this Province to solemnize the Rites of Matrimony under the regulations therein mentioned.

4. An Act to encourage the further settlement of this Province.

The first of these Acts was passed for the purpose of preventing Disturbances and insurrections, to which of late the Province of North Carolina has been exposed, and contains many usefull and proper regulations, nevertheless, we cannot pass over a Clause, which enacts that upon Indictment found or presentment made against any person for any of the Crimes described in the Act, the Judges

or Justices of the Court shall issue their Proclamation to be affixed or put up at the Court House and each Church and Chapel of the County wherein such Crime was committed, commanding such Offender to surrender within sixty days and stand trial; on failure of which he shall be deemed guilty of the Offence charged in the indictment found or presentment made; and it shall be lawfull for any one to kill and destroy such offender and his lands and Chattels shall be confiscated to the King for the use of Government.

Upon this Clause M^r Jackson one of your Majesty's Counsel at Law to whom we referred this Act observes although the circumstances of the Province may excuse the inserting such Clause in this Act, yet that it is altogether unfit for any part of the British Empire and therefore he submits, that the said Act is fit to be repealed, and altho' from late Occurrences in North Carolina, the Legislature of that Province may be warranted in some extension of the penal Laws against riotous and disorderly persons, yet we cannot but think this Clause highly exceptionable as being full of danger in its operation and irreconcilable to the principles of the constitution depriving withal, the crown of its prerogative of extending mercy to Offenders, by committing the execution of the Law into the hands of the subject; nevertheless, as the total Repeal of the Act, might in the present State of Affairs sensibly endanger the Peace and safety of the Province and revive perhaps, that dangerous spirit amongst some of the Inhabitants (as yet not wholly subsided) which has been productive of so much Tumult and confusion more especially as the Act by its own limitation in time, is now upon the point of expiring; We are humbly of opinion that it will be adviseable for your Majesty to instruct and direct your Governor of North Carolina to recommend to the Legislature in case they shall proceed to enact a new Law for the above general purposes, to pass it with an exception as to the Clause in question or with such alteration and Amendment thereof as shall free it from the Objections above stated.

The Second of these Acts is for the Institution and Indowment of a College and M^r Jackson, to whom it was referred has reported no objection thereto in point of Law, M^r Tryon your Majesty's Governor of North Carolina, in his letter of the 12th of March 1771 observes upon this Law, "that it is but the Outline of a foundation for the "education of youth that the necessity for such an institution in that "Country is obvious and the propriety of the mode therein adopted "must be submitted to your Majesty; that although the President is

“to be of the established Church and licensed by the Governor yet the
“Fellows, Trustees and Tutors he apprehends will be generally
“Presbyterians, the College being promoted by a respectable Settle-
“ment of that persuasion from which a considerable Body marched
“to Hillsborough in Sept^r 1768 in support of Government.”

From this Report of your Majesty's Governor and from the Prevalency of the presbyterian persuasion within the County of Mecklenburgh we may venture to conclude, that this College if allowed to be incorporated will, in effect operate as a Seminary for the education and Instruction of youth in the Principles of the Presbyterian Church, sensible as we are of the wisdom of that tolerating Spirit, which generally prevails throughout your Majesty's Dominions and disposed as we particularly are in the Case before us, to recommend to every reasonable Mark of favour and protection a Body of Subjects who by the Governor's Report have behaved with such loyalty and zeal during the late Troubles & disorders still we think it our Duty to submit to your Majesty, whether it may be adviseable for your Majesty to add Incouragement to toleration by giving the Royal Assent to an Establishment, which in its consequences promises with great and permanent Advantages to a sect of Dissenters from the Established Church who have already extended themselves over that Province in very considerable numbers.

By this Act, a Duty of six pence ꝥ Gallon is laid on all Rum and other spirituous Liquors brought into and disposed of in Mecklenburgh County, as a Fund for raising a Revenue for support of the Institution; In what manner this clause may operate as a Tax upon the consumption of British Spirits or from the looseness of its wording how far it may be strained to exempt Spirits manufactured within this County from the duty imposed we cannot pretend to foresee; but it should seem that a Foundation professedly for general uses, ought not in regularity to be supported by a Tax partially imposed upon any one County in particular; But when to the above observations we add that this Law is not accompanied by a Clause of suspension, though it clearly comes under the description of those Acts, which by your Majesty's Instructions are directed to be so passed, as being of an unusual and extraordinary nature & importance, and persuaded as we are of what consequence it is on all occasions to enforce this your Majesty's Instructions, We do not hesitate humbly to recommend to your Majesty to signify your Royal disallowance of this Act.

The third Act which is passed with a clause of suspension, proposes to repeal so much of a former Act for establishing an Orthodox Clergy and also of one explanatory thereof, as relates to the prohibition of Presbyterian Ministers from solemnizing the Rites of Marriage by publication of Banns in their Meetings or by License without paying a Fee of Twenty shillings to the Episcopal Minister or Incumbent of the Parish. This Prohibition, by the Act now submitted is intended to be taken off and the Presbyterian Ministers allowed to celebrate the Rites of Marriage by publication of Banns in their religious Assemblies or by License first had and obtained without payment of any Tax or Fee for such service, to the regular Incumbent of the Parish.

This regulation, may it please your Majesty, appears to us to be exceptionable as being calculated to deprive the Orthodox Clergy of a Fee or Perquisite settled and imposed by Act of Assembly and in effect to operate as a Bounty to the tolerated Religion at the expence of the established, and we do therefore humbly propose to your Majesty to signify your Royal Disallowance of this Act.

By the fourth and last of these laws, persons coming immediately from Europe, in any Vessel, for the purpose of settling in this Province are declared exempt from paying any publick, County or Parish Taxes for the term of four years next after their arrival and your Majesty's Governor reports "that it was enacted in behalf of several Ship loads of Scotch Families, which have been landed in that Province within three years past from the Isles of Arran, Durah, Islay and Sijha but chief of them from Argyleshire and that they are mostly settled in Cumberland County; that the numbers of these new settlers are computed at sixteen hundred Men, Women and Children; that the reason they alleged for coming to America was that the Rents of their Lands were so raised, that they could not live upon them, and those, who were particularly encouraged to settle there by their Countrymen, who have been many years settled in that Province."

M^r Jackson, in reporting upon this Law submits "whether the encouragement of exemption from Taxes should not have been extended to all persons as well as to those, who shall come immediately from Europe; inasmuch as such exclusive encouragement may have a Tendency to increase the Migration from your Majesty's European Dominions.

The prejudice to be apprehended to the landed Interests and Manufacturers of Great Britain and Ireland, from the Emigration of the Inhabitants to your Majesty's American Colonies, has been frequently matter of consideration at this Board and was particularly insisted upon in our Report to the Lords of the Committee of your Majesty's Council of the 21st of June last, on the subject of a Petition from sundry persons, Inhabitants of the Isle of Skye, for a grant of forty thousand Acres of Land in the said Province of North Carolina. We agree therefore with M^r Jackson in his Objection to the principle of the above Law and humbly recommend to your Majesty to signify your Royal Disallowance of this Act.

All which is most humbly submitted

HILLSBOROUGH
SOAME JENYNS
JOHN ROBERTS
BAMBER GASCOYNE
GREVILLE
W JOLIFFE

Whitehall Feb^{ry} 26 1772.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Letter from Governor Martin to Sec^{ry} Hillsborough.

NORTH CAROLINA NEW BERN,
March 1st 1772.

I have the honor to transmit to your Lordship herewith a Duplicate of the Journal of the last Session of Assembly A Copy of the Journal of the Council as an upper House of the General Assembly its Minutes as a Privy Council Duplicates of my Dispatches from N^o 6 to N^o 9 both inclusive and Copies which I have at length obtained of the Acts of the late Session to which I gave my assent being twenty three in Number.

The first whereof is intituled

1st. An act for imposing a Tax of two shillings proclamation Money & Poll on all taxable persons within this Province and for granting the money arising from such a Tax to his Majesty his Heirs and Successors to be applied as herein after directed.

My assent to this Act under the exhausted circumstances of the principal Treasury became not only expedient but indispensable to the payment of the Militia Forces employed in support of Government in the late insurrection, for which the public faith stood engaged, it may be justly apprehended that the peace of the province would have been yet more deeply wounded by default of such provision for their recompence and it would have diminished if not alienated the zeal and affection of his Majesty's Subjects who stood forth with so much Loyalty and Spirit in that great emergency.

The second is intituled

2^d. An Act to alter the Method of working upon the Roads in the Counties therein mentioned.

Which its obvious utility induced me to pass.

The third is intituled

3^d. An Act to empower the church Wardens and Vestrymen of the Parish of St Gabriels in the County of Duplin to sell the Glebe in the said Parish and County.

To this Act I gave my assent on evidence that the Glebe was bad and inconvenient in point of situation and that it was for the benefit of the Rector and his successors that it should be changed for another situation.

The fourth is intituled

4th. An Act to enable the Freeholders of the Parish of St John in the County of Pasquotank to elect a vestry and provide for their poor.

The number and distress of the poor in this Parish engaged me to give my assent to this temporary act for their relief.

The fifth is intituled

5th. An act for appointing an Agent to solicit the affairs of this Province at the several Boards in England.

To which I assented in Conformity to his Majesty's Royal Instructions.

The sixth is intituled

6th. An Act to amend an Act intituled an Act "what Fences are sufficient" and to amend and continue an act relating to taking up stray horses.

The malicious and wanton injuries daily done to stray horses and cattle in this Province on pretence of trespass evinced to me the expediency of this Act and induced me give my assent thereto, its

diction has not all the precision and perspicuity I could wish altho' I recommended it to be corrected.

The seventh is intituled

7th. An Act to impower the Freeholders of the several Parishes therein mentioned to elect Vestries for their respective Parishes.

The Machinations of the Presbyterians to defeat the Vestry Laws in these parishes have been so successfull and the inconveniences arising thence so manifold that I conceived this Law to be indispensibly necessary to correcting parochial grievances wherefore I assented to it.

The eighth is intituled

8th. An Act for the further enabling Francis Locke, Andrew Allison, Griffith Rutherford and William Temple Coles former Sheriffs of Rowan County to Collect the arrearages of Taxes.

The great arrears to the public and the difficulties Sheriffs have met with in the Collection of Taxes in this part of the province in particular evinces the necessity of such power and indulgence as is given by this Act and I therefore could not withhold my consent.

The ninth is intituled

9th. An Act to amend an Act intituled an Act for founding, establishing and endowing of Queen's College in the Town of Charlotte in Mecklenburg County.

The design of this Act being to invest the Trustees and Fellows with the powers of Graduation during the absence of the President, who is now out of the province, without which the Institution would be imperfect I thought it proper to assent thereto.

The tenth is intituled

10th. An Act to indemnify such persons as have acted in defence of Government and for the preservation of the peace of this province during the Insurrection from vexatious suits and prosecutions.

Considering this Act calculated, to give that protection which I considered to be due from Government to the loyal Inhabitants of this Province who by their well directed vigour and spirit had delivered it from a state of Civil War and that it might be presumed in default thereof that these principles would be discouraged if their loyalty and zeal were not quite extinguished by the persecution to which they would have been left exposed in this Country where there prevails a proneness to contention without example: or that on a future emergency they would have been found inactive and impotent from the dread of consequences. I could not hesitate to

give my assent thereto, and I humbly rely my Lord upon the Force of these reasons to justify me to my Royal Master for departing from the letter of his Majesty's Instructions in passing this Act of extraordinary nature without a suspending Clause that would have defeated its design by giving time for the operations of malice and disloyalty which were already concerting to embarrass those champions of the public tranquillity. .

The eleventh is intituled

11th. An Act to amend an Act intituled an Act for regulating the pilotage of Cape Fear River and other purposes.

The manifest expediency of this Act to preserve and facilitate the navigation of this best port in the province induces my ready assent to it.

The twelfth is intituled

12th. An Act to amend an Act intituled an Act for regulating the several Officers Fees within this province and ascertaining the method of paying the same.

Finding great and unjust clamours raised against Governor Tryon for taking exorbitant Fees for services not provided for by former Laws, in order to obviate every possible ground of complaint upon this of all subjects the most invidious I desired the Assembly by message on the sixth day of December, which will appear on their Journal, to ascertain by Law all the Fees of my Office. This Act was accordingly framed for that purpose and I have the satisfaction to see and to assure your Lordship that the House hath adopted the very moderate and reasonable rules of that Gentleman, making them the standard by which they have now regulated the Governor's Fees, with exception of a very few cases where they have raised instead of finding room to lessen them. This is irrefragably proof of the equity of Mr Tryons conduct, highly honorable to him and to which I bear Testimony with the truest pleasure. By this Act to which I trust my principle will justify my assent, The fees of the County Registers are settled also upon a very moderate footing.

The thirteenth is intituled

13th. An Act to continue an Act intituled an Act to encourage the destroying of Vermin in the several Counties therein mentioned.

The utility of which is so obvious that I trust it will warrant my assent given thereto.

The fourteenth is intituled

14th. An Act to empower the Officers therein mentioned in certain cases to take the Poll at the Election of Members to serve in the

General Assembly. The design whereof is to give power to the Crown in default of a Sheriff in any County to take the Poll at Elections, a regulation that I conceive to be expedient in this wide extensive Colony where an election in the case of a Sheriffs death or absence must be long postponed. I therefore assented to it as it does not appear in my Judgment repugnant to the 14th Article of his Majesty's Instructions and provides against any possible contingencies and inconveniences.

The fifteenth is intituled

15th. An Act to enlarge the time for several Sheriffs to settle their Accounts with the Justices of the Superior Courts of Pleas and Quarter Sessions of the Counties therein mentioned.

The Public Commotions and the lawless opposition heretofore made to Sheriffs in these Counties have made it expedient to extend the time allowed them by former law referred to in the preamble of this Act to collect the arrears of Taxes and to settle their accounts, and are the grounds of my assent.

The sixteenth is intituled

16th. An Act for amending an Act intituled an Act for erecting in the Town of Salisbury a Public Gaol Pillory and Stocks for the district of Salisbury in this Province.

The provisions to be made by this Act so essential to the complete administration of Justice not having been made under the former Act by reason of the Tumult and violence that reigned during the late insurrection in that part of the Country and this Town being one of the Seats of the Superior Court of Judicature my assent to it became a matter of course.

The seventeenth is intituled

17th. 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.

This Act seems well calculated to preserve regularity and order in building the Town and altho' it may appear to affect private property I am assured it is a plan that meets with universal concurrence and I therefore assented to it.

The eighteenth is intituled

18th. An Act for laying out a Town on the Lands of Richard Evans in Pitt County by the name of Martinborough.

This Place is considered to be convenient for Trade and a Town being in request among the people of the County I was induced to

pass this Act for its erection and to accept the compliment designed to me by its name.

The nineteenth is intituled

19th. An Act for building a Court House in the Town of Salisbury for the district of Salisbury.

The Court House in this place that is a Seat of the Superior Court is in a ruinous state; the design of this Act commanded therefore my assent.

The twentieth is intituled

20th. An Act to amend an Act intituled an act for the regulation of the Town of Wilmington.

The obvious necessity for preventing encroachments by building upon the Streets and preserving regularity in this Town which hath frequently and very recently suffered very great calamities by fire could alone have engaged my assent to this Act whereby so great a power is vested in Commissioners over the property of their fellow Citizens. It may be likewise liable to exception by laying the *onus probandi* on the defendant in cases of persons trafficking with Negroes, but notwithstanding it seems to be inducive of perjury which it seems to be wished could be obviated, it appears to be the only means of detecting the base practices that are carried on by the low people in the Towns who are pandars to abettors of the Thefts and villanies committed by the Negroes. There is also in it an obvious inconsistency between the term fixed for the election of Commissioners and the duration of the act that arose from inattention to that preceeding direction when an alteration of six years to two was made with respect to the latter by my prescription as a condition of my assent to such an act as I thought should have a short time of probation before it was made more permanent.

The twenty first is intituled

21st. An Act for erecting in the Town of Hillsborough a public Goal and Goalers House for the district of Hillsboro in this Province.

The establishments intended by this Act in this Seat of the Superior Court are so necessary as to render my assent to it indispensable.

The twenty second is intituled

22^d. An Act for laying out a public Road from the Frontiers of this Province through the Counties of Mecklenburg Rowan Anson and Cumberland to Campbelton.

The manifest tendency of such communications to civilization

and the extention and improvement of commerce readily induced my assent to this Act.

The twenty third is intituled

23rd. An Act for appointing and empowering Francis Mosely of Anson County and James McCoy of Rowan County to collect and receive the Taxes which are due from the Inhabitants of the said Counties for the year 1770.

For want of Sheriffs who were deterred from qualifying for this Office in these Counties by the disorders that prevailed there during that year no taxes were levied, regard to public economy therefore naturally and necessarily engaged my assent to this Act.

I am to inform your Lordship that I rejected at the same time a Bill for erecting part of the Counties of Halifax and Tyrrell into a County and Parish as being inconsistent with the 14th Article of his Majesty's Instructions.

A Bill to discontinue the Poll Tax of 1s. and duty of 4d ^p gallon on Rum Wine and other spiritous Liquors being contrary to Act of Parliament and inconsistent with the public faith, And a Bill for striking debenture Bills on Bank Paper to the amount of £120,000 proclamation money to be exchanged for all such Debenture and Tender Bills as may be in circulation in this province as self inconsistent and rebelling against the Act of Parliament of the 4th of his present Majesty relating to paper Bills of Credit. I shall be most happy my Lord to find this my first essay in Legislation meets with his Majesty's and your Lordships approbation but sensible as I am of my own frailty and inexperience, I cannot suppose my conduct blameless, at the same time that I can assure your Lordship that if I have committed error it is the fault of my Judgment not of my heart.

I am mortified at finding it out of my power to transmit to your Lordship a list of the Taxables for the past year owing to the remissness of the County Court Clerks of whose conduct I have great reason to complain in this and other instances of which I shall soon write to your Lordship at large. I must also pray your Lordships excuse for not sending an account of the Negroes imported into this province since my arrival the Collectors of the Customs having not yet made Report of them to me. I hope however very soon to furnish your Lordship with these returns and an account of the Inhabitants which I find it extremely difficult to

obtain, the Sheriffs not caring to perform a service that yields them no profit.

Near a thousand people have arrived in Cape Fear River from the Scottish Isles since the Month of November with a view to settle in this Province whose prosperity and strength will receive great augmentation by the accession of such a number of hardy laborious and thrifty people.

I have the honor to be &c

JO. MARTIN.

P. S. The Lists of Taxables have been heretofore extremely erroneous by which your Lordship, the Governor and the Public have been imposed upon, of this I have lately obtained full proof. It is to be imputed to the negligence or infidelity of the Magistrates or County Court Clerks or both, I shall endeavour with the utmost care and attention to correct this abuse for the future although I am aware of great difficulties in it from the want of a proper order of people out of which to select Magistrates.

[B. P. R. O. NO. CAR. B. T. VOL 17.]

Letter from his Majesties Post Master General to the Board.

GENERAL POST OFFICE, March 4th 1772.

TO THE LORDS COMMISSIONERS OF TRADE AND PLANTATIONS.

We have received M^r Pownall's letter of the 19th instant with the Copy of an Act passed in North Carolina in February 1771, to encourage and support the Establishment of a Post Office in that Province and beg leave to observe to your Lordships thereupon that by a Clause in the Post Office Act of the 9th of Queen Anne the Riders with His Majesty's Mailes are to pass the Ferries in North America without any expence to this Revenue and the Ferry-men are liable to a Penalty of £5. if they do not within one half hour after Demand convey them over. We nevertheless think ourselves obliged to the Assembly for their Attention to the support and encouragement of Correspondence in that Province and have no doubt the Reward they propose to be given to the Ferry-men by the first and second Clauses in the Act may have a very good effect in

expediting the Mails but we apprehend the third enacting Clause requiring the Deputy Postmasters to pay a shilling ℥ mile in certain cases cannot be approved; if the Assembly had indeed thought proper to make any allowance for forwarding the Mails on extraordinary Occasions to be paid by their own Treasurer we could have had no objection.

We therefore submit to your Lordships whether it would be proper in a case so circumstanced to advise his Majesty to give his consent to that Act though we hope the Assembly will agree to another without introducing the third Clause as it now stands.

We have the honor to be &c.,

L. DESPENIER

W. THYNNE

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Letter from Governor Martin to Secretary Hillsborough.

NORTH CAROLINA NEW BERN

March 6th 1772.

MY LORD,

Pursuant to his Majesty's Royal Instructions I have applied myself closely to enquiring into the state of the King's Revenue, of Quit Rents in this Province, which I find upon so bad a footing from the report of the Receiver General that the annual collection has not nearly sufficed to pay the Civil List that is charged upon it amounting only to £455 sterling ℥ annum, although the Rents upon his Roll that is very inaccurate and deficient for want of a sufficient compulsory law to oblige Occupants of Lands to declare their possessions under the Crown amount to more than £5000 proclamation money ℥ annum. This as Mr. Rutherford tells me arises in part from the want of a Medium of circulation until the emission of Debenture Notes for £60,000 under the Act of the last session of the Assembly that is already actually compleated paid to the Troops and in circulation much sooner than I expected by the alacrity with which the base and false substitute of specie is manufactured here and to my great consolation with little effect upon exchange far less than I apprehended.

The greater cause however of the Receiver's deficient collection he assures me is the suspence of many of the suits brought against

the tenants by him in behalf of the Crown for Rents which not only defends the persons immediately sued but has a more extensive influence by encouraging others who are well able to pay the Crown's dues in the same delinquency seeing that prosecution at law is not made a sufficient remedy which has happened from the supineness and delay of persons who have been employed on the part of the Crown before his Majesty's appointment of M^r McGwire to the office of Attorney General in this province to whom upon this information I have written exhorting him forthwith to bring to issue all such suits as are now depending and to cooperate with the Receiver General henceforth more vigorously to enforce the payment of his Majesty's Revenue of Quit Rents. The deputy Auditor General living in a very remote part of the province M^r Rutherford cannot get his accounts audited until next May; as soon as he furnishes me with them I shall not fail to transmit them to your Lordship and to the Lords Commissioners of his Majesty's Treasury pursuant to the Royal Instructions.

I most humbly beg leave again to offer my opinion to your Lordship of the expediency of the Crown making purchase of the Proprietary of Earl Granville in this Province that I am assured is now on sale at a price between 60 and £80,000 sterling not as an advantageous bargain in point of profit in which light it may be well considered for I am confident it would yield in two years time ten per cent to the purchasers with the aid of a Quit Rent Law which would then under certain limitations that I shall hereafter humbly suggest, meet with no opposition that now all arises from the tenants of that district under dread of making a precedent of regard for their Landlord to whom they owe great arrears. I am induced My Lord to recommend it upon principles of public good which I am convinced will weigh more with his Majesty and meet with all due attention as a sure means of uniting his People in this Province now held in division by the Proprietary which erects a separate interest in its heart and of giving permanent peace and felicity and new prosperity to the whole Country.

I am credibly informed My Lord by the last Agent for Earl Granville's Proprietary here that in the year 1766 the Quit Rents of that district exceeded £6000 proclamation money per annum since which time Lands have been arbitrarily settled by emigrants that when patented would produce half as much more at least and I can venture to affirm that the emigrants who would be induced by the

well known fertility of the soil and the delicacy and salubrity of the climate in that part of the Province as soon as it should be known that they could obtain titles to these lands would very shortly take up lands to double the whole amount.

If His Majesty upon these principles of solid advantage to the general happiness and welfare of this Province shall be graciously pleased to purchase Lord Granville's Proprietary I would humbly propose a remission of the arrears of Quit Rents to the last year preceeding the purchase on condition that all Occupants of Lands take out patents under the Crown immediately who have no titles under the Proprietor which is the case of very many, and I am of opinion that the Quantum of Land to be allowed to each of these obtruding arbitrary settlers should be ascertained that is to say that their first patents should not exceed 2, 3, or 400 acres more or less in proportion to their families and slaves in order to prevent monopoly which the excellence of those lands will engage them to attempt. I think it may be for the interest of the Crown to grant the same remission of the arrears of Quit Rents universally to its present tenants as a means to induce an effectual Law for the collection of the Revenues that shall comprehend the whole Province. The rigorous exaction of the arrears of Quit Rents in Lord Granville's district that have accumulated to great amount, it is to be feared would be productive of great commotion and discontent if it did not create open Rebellion among a people, who, rooted by Interest and affection to their soil have long declared they would rather perish in resistance than quit their lands. The Rents of which grown to large sums, many of them are not able and none willing to pay. The very apprehensions of such a measure in case the proprietary which they have heard is at sale be transferred to private hands has already caused a ferment among them, that will not fail to break forth in violence if it is attempted. The King's purchase of it will banish every dread of oppression combine all parts of the Province in the same Interest, and under one head, and give to it that good order and tranquility which it is universally believed and acknowledged can never otherwise obtain and it is moreover certain that it will be a perpetual source of evil and discord instead of yielding advantage to this Province, while as in the present circumstances of things the swarms of emigrants that continually intrude and seat themselves arbitrarily upon this proprietary claim exemption from Taxes under pretext that they cannot establish freeholds in the

lands they occupy Lord Granville having had no Agent here since the year 1766 to manage his affairs and to grant his lands.

Permit me to remind your Lordship that I am not yet furnished with the Instructions you encouraged me to hope for in your Lordships letter N° 2. Concerning a Quit Rent Law in my humble opinion that which Governor Tryon rejected the Session before his departure will be effectual with exception of part of the Clause that gives power to the delinquent tenant to establish his right in the lands sued, by paying the Quit Rents and costs after the prosecutor had made proof of the forfeiture and petitioned for the land which would preclude all information and discovery.

I have the honor herewith to transmit to your Lordship a list of the Patents granted at the last Court of Claims held here in November and December being in number 487, of which N° 58, 106 and 469, were set aside and cancelled and a Caveat was entered against N° 216. Issued Warrants to the Surveyor General at the same time from N° 1 to 599, of which N° 310 and 359 were withdrawn and a Caveat was entered against N° 47.

With the advice of his Majesty's Council I have issued Writs for the Election of a new Assembly returnable on the 11th day of May next but I am hopeful that the state of the Province will enable me to postpone its meeting until a more healthy Season, the elections will come on the 10th of this month.

Don Miguel D Armida and ten more Spaniards whom I have mentioned in former Letters to your Lordship at length sailed from hence in a Brig bound to Gibraltar on the 10th of last month expressing the greatest content and satisfaction and the utmost gratitude for the hospitable Treatment they met with during their sojourn here and the highest encomiums on our mild and happy constitution of Government.

I have the honor to be &c

JO. MARTIN.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Letter from Governor Martin to Sec^y Hillsborough.

NORTH CAROLINA NEW BEHN,
March 7th 1772.

MY LORD,

I have the honor to inform your Lordship that M^r Strudwick having arrived here and satisfied me by sufficient evidence that he

has rented the Secretary's Office in this Province of M^r Falkner the Patentee and produced at the same time his Majesty's Warrant under the Royal Sign Manual granting to him the Office of Clerk of the Pleas here during his Majesty's Pleasure and directing a Patent to be made to him: therefore in obedience to his Majesty's commands I have accordingly issued such patent, and M^r Strudwick has qualified before me to these several Offices and to those of Clerk of the Crown and Clerk of the Council, that are involved in that of Province Secretary.

As I am directed by his Majesty's Royal Instructions to communicate from time to time what I shall think for the advantage of his Majesty's Government and the advancement of the public good in this Province, I hold it my duty humbly to offer to your Lordships consideration my sentiments in relation to the office of Clerk of the Pleas.

The History of its creation into a separate office here is somewhat curious and I apprehend quite unknown to your Lordship, the powers of it had been involved in the Office of Secretary and confessedly exercised by him time immemorial until after the late M^r Heron became Tenant of that Office under lease from the present Patentee. At this time My Lord there were eight precinct Courts in the whole Province to which the Secretary appointed Clerks or Deputies when M^r Heron availing himself of the custom of an Office under the Title of Clerk of the Pleas in South Carolina in which province there was then only one General Court held at Charles Town and seeing it at once the example which suggested and that might give Colour to the stratagem he was afterwards to put in practice although it was obviously a precedent that would not apply to the circumstances of this Province of very different constitution by an address that cannot be remembered to his honor engaged Governor Dobbs to erect an Office of the same name here in his person in the year 1761. Upon the strength of this appointment M^r Heron went to England and the Governors recommendation for his Majesty's confirmation which he obtained by the Royal Warrant bearing date at St James the 27th day of January 1762. By this sinister proceeding your Lordship will see he cut out of the Secretary's Leasehold Office a distinct appointment for himself immediately under the Crown holding the Patentee blinded to a transaction in which he had so flagrantly betrayed his interests and which he had carried on thus secretly, altogether without his participation or consent by

continuing the same rent of £250 sterling ꝑ Annum for the Secretary's Office after he had abridged it of its best appendage contented as he well might be (having it seems no very scrupulous delicacy of conscience) to secure at so insignificant a price an independant right to the office of more certain emolument of which he had so cunningly and clandestinely divested his principal and upon a better tenure.

M^r Heron having thus far effected his design returned hither and in order to give the greater scope and power to his new Office made interest so successfully with the Assembly under the Governor's patronage that an Act was passed in the latter end of the year 1762 for erecting inferior Courts of Pleas and Quarter Sessions, in the several Counties of the Province which abstracted of its relation to M^r Heron's Office was certainly an improvement in the constitution of this country as it tended to facilitate the administration of Justice; by this Act my Lord the Clerk of the Pleas is directed to appoint a Clerk to each County Court during good behaviour upon his entering into bond with the Justices in one thousand pounds for the safe custody of Records and faithful discharge of his Office while he the principal, who is to make these subordinate appointments holds his Office during pleasure only a solacism that I must concede invalid in Law as repugnant to common sense at which however he connived, as he actually submitted to the retrenchment of his power ineffectually as I think designed by it in order to gain quiet admission and establishment of his Office which met with most unwelcome reception.

In consequence of all these arrangements My Lord M^r Heron possessed himself of an Office of greater Influence than belongs to his Majesty's Governor of the Province, the Clerk of the Pleas has now the appointment of thirty four Clerks in the Counties in this province which have increased from time to time to that number, the Clerkships as I am informed are worth from £50 to £500 per annum of which the Clerk of the Pleas receives a proportionate share in acknowledgment for his appointment. The gentleman who holds this Office under a Commission from Governor Tryon in the interval between M^r Heron's death and the late arrival of M^r Strudwick, M^r Hawks a very ingenious and worthy man at my instance has furnished me with a schedule of the rents of these numerous Clerks that run from £40 of which there is one only rated so high to £30 of which there are only two six more of and above £20 thence decreasing so low as to £4 annual Rent, in the whole however amounting

to £560 ^p annum an handsome income from an absolutely sinecure Office, hence your Lordship will perceive that the County Court Clerks are tributaries of the Clerk of the Pleas who confers his appointments upon the best bidders, hence these offices of great importance are filled with persons not chosen for loyalty, integrity and ability which should be the sole grounds of their election, and hence they are led to extortion upon the people to indemnify themselves for the Clerk of the Pleas participation of their profits with impunity for most strangely taught to consider himself independant of his principal by the Province Law that makes these Offices tenures during good behaviour and sure of the connivance of the Magistrates who being for the most part as corrupt as ignorant are controled and managed by a Clerk of the least address, he unites his interest with theirs by reciprocal countenance of malversation and thus confederated the persons who ought to be the Ministers of Justice and the Arbiters of the Peoples Rights and Properties, prostitute the Power with which they are vested for their benefit to their oppression and shamelessly in concert with the Clerks, become the vilest and most dangerous instruments of Tyranny and iniquity, studeous only under Colour of justice, by rapine and plunder to enhance their extorted instalments finding security against impeachment and detection in abetting each others villany the only check upon the Clerk is thus removed and his Office is made a lifehold by collusion instead of good behaviour.

Under these circumstances the County Court Clerks acquire influence in the Counties and find their way readily into the Assembly where recognizing no obligation to Government for their offices rendered so independent they openly oppose and embarrass its design for the public good instead of augmenting its strength as might be reasonably expected as the Act of Assembly under which these Clerks are appointed by the Clerk of the Pleas will expire next year, when attempt will most certainly be made through their influence to renew it in its present shape or with more disadvantage to the Clerk of Pleas and to the Public Interests and that I am directed by the Lords Commissioners of Trade and Plantations to take care to reserve to the Crown the power of appointing the six Clerks of the Superior Courts heretofore held by the Chief Justice and which are Offices of no influence and of less value in general. I humbly submit to your Lordship whether that may not be a proper season for the Crown to annul the Office of Clerk

of the Pleas which is an absolute *sine cure* and to resume or delegate the power of appointing likewise the Clerks of the Inferior Courts to his Majesty's Governor, in my poor Judgment it is no less consistent with the Interest honor and dignity of Government and I am confident (I speak my Lord from the knowledge and sentiments of many) that it would be more agreeable to this people the former will derive from such a measure incredible augmentation of strength now too feeble and impotent fatally to the public Interests and the latter will see and feel sensibly and joyfully that Office extinguished in whose venality their heaviest grievances have originated and whence all their clamors and discontents flow and may be fairly deduced the odium and reproach attending this *sine cure* will cease, its removal will gain honor and credit to administration these appointments will rise in reputation and become objects to a better species of Men whose merit ability and integrity will be the only and indispensable recommendation of Competitors and the Influence of Government will in proportion be extended to the advancement of public prosperity and happiness. This my Lord upon the maturest consideration I conceive to be the *sine qua non* the first step necessary to the improvement of the police of this Country without which it can never enjoy that peace and good order that is the result of an equal and impartial administration of justice so admirably contrived by the British Constitution and which his Majesty so graciously and unremittingly labours to extend to all his subjects throughout his wide Empire.

I cannot help feeling much concern at being compelled by my duty to my Royal Master which must ever supercede every other consideration of private friendship and regard to counteract in this business the Interest of M^r Strudwick the present Clerk of the pleas who will acquit himself I am persuaded as honorably as any man can do, not impossibly divested of attention to his own interest which in this Office appears to stand in too open opposition to that of the public. His office of Secretary I believe in the present circumstances of the Province will not much more than enable him to pay his Rent but if as I hope His Majesty shall purchase the proprietary of the Earl of Granville it will become an office that will well stand alone.

I have a recent proof of the collusive malpractices of the Magistrates and County Court Clerks in a complaint from the Rector of S^t Lukes Parish in Rowan County, who alledges that the Clerk who

under a Law of the Province is the dispenser of the Governor's Licences for marriages encourages people who take them to go to Magistrates to solemnize their Marriages in preference to the Rector and that he conceals from him the number of Licenses granted by which means he is deprived of his dues.

I most humbly beg leave My Lord to recommend the subject of the foregoing letter to your Lordship's consideration and I beseech your Lordship to furnish me with instruction as soon as may be in relation to it that such reformation as His Majesty may see fit to order in this matter of so great importance may meet with no delay or embarrassment.

I have the honor to be &c

JO. MARTIN.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Governor Martin to Secretary Hillsborough.

NORTH CAROLINA NEW BERN March 8th 1772.

It is with the utmost concern that I have the honor to inform your Lordship that my indignation is exceedingly moved by an account I have just received from the County of Guilford importing that Hunter the outlawed Ringleader of the Insurgeants had with an audacity that provokes my resentment made his appearance publicly at the Inferior Court lately held there and that the Magistrates sitting in their Judicial Capacity and armed with all the power of the Laws being repeatedly moved to order him to be apprehended, had shamefully suffered him to brave the offended Justice of his Country with impunity and to depart at his leisure and without notice, a conduct of such terptitude in those ministers of the Laws as seems to me at present to deserve the severest censure and reprehension, whether proceeding from timidity or disaffection. I suspend however my opinion of their conduct until I receive more full Information and forbear to exercise the rigour with them that is due to their apparent demerit, and I am the rather inclined to do so as I have formed the resolution to visit that Region of Malcontents early in the summer and to make myself more intimately acquainted with Characters that I may be able to reform the Magistracy of such as are obnoxious to Government and promoters or favorers of that spirit of sedition that has so fatally heretofore prevailed in this Country as a

first step essentially necessary to give due vigour to the Laws, stability to Government and Permanent Peace and Tranquility to the People.

I confess My Lord I could never reconcile to good policy the ill-timed lenity towards this Rebel Hunter implied in the Assembly's request of Pardon to the Judgments where he was not excepted and my opinion that it was an ill judged Mercy is fully verified by his late open defiance of the laws by which he stands proscribed, other instances are not wanting of the insolent spirit of these outlaws and of the supineness timidity and guilty connivance of the Magistrates.

Hunter is a most egregious offender he was the leader of the Insurgents in arms and was called their General and has appeared from the beginning a Ringleader in Sedition, he is said to have a better capacity than his associates who pay him implicit obedience and treat him with a respect savouring of enthusiastic reverence, he received among others of these graceless wretches, The King's pardon for Treasons and Violences committed in the year 1768, and yet seems like them hardened rather than reclaimed by his Majesty's most gracious indulgence meditating even now at the time that their lives are forfeited, to the law and depending upon the mercy of their Sovereign to wound anew the peace of their Country which their recent outrages has so fatally disturbed, and which yet green was recovering slowly from the convulsion. I am very anxious to know his Majesty's determination concerning these Rebel Traitors and in expectation of the Royal Pleasure your Lordship may rest assured that I will unweariedly watch over and study to preserve this Country from further ill effects of their seditious machinations.

I beg to remind your Lordship that I am not yet furnished with the Commission and Instructions to enable me to grant commissions of marque and reprisal or that the trial of Pirates referred to in the 95th and 98th Articles of his Majesty's general Instructions.

The most considerable and valuable export of this Colony except Tobacco is salted Pork which is made in vast quantities but does not keep so well as that saved in the Northern Colonies owing it is apprehended to the better quality of the salt of Spain and Portugal which they use and which is prohibited here by Act of Parliament. Pursuant therefore to my assurance of the legislature in answer to the Assembly's message of the twenty third day December I most humbly recommend that the same indulgence may be extended with respect to that Article to this as to those provinces which will contribute to

raise the reputation of that Commodity as well as of the Fishery on Roanoke River that is under like disadvantage and which promises to make a considerable article of exportation to the West India Colonies.

There is now My Lord establishing in this town of New Bern a manufactory of pot and pearl ashes under the direction of a M^r Richard Graham of New York which province has derived the most important advantages from that manufacture, that I hope will in time yield no less to this.

I see with the greatest satisfaction a spirit of industry and improvement dawning in this Province exemplified by the beginnings that are making by several planters on Cape Fear River to raise rice and indigo after the example of South Carolina and in emulation of its prosperity principally derived from those valuable productions.

Your Lordship will receive herewith a copy of my letter to Lord Rochford in answer to a letter I received from him during your Lordships absence in Ireland commanding me to signify his Majesty's thanks to the Troops that served under Governor Tryon in the action with the Insurgents last Summer. I have accordingly done so and can assure your Lordship that this gracious mark of the Royal approbation has been received with the utmost satisfaction and acknowledgment by the people to whom it was directed.

I now transmit to your Lordship an account of the Ordnance Stores in this Province which are all lodged in Fort Johnston except the Arms taken from the Insurgents and a small quantity of powder and Ball left here by the Militia Troops last Summer. As the Arms are of an hundred different kinds and not worth repair and the ammunition will not defray the charge of its transportation to Fort Johnston, I have thought it for the advantage of the public to order them to be sold, as there is no deposit for such things here.

I have the honor to be &c.

JO. MARTIN.

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

To all People to whom these Presents shall come We the Inhabitants and Freeholders of the Town and Liberties of Campbelton in the Province of North Carolina, whose Names are hereunto subscribed and our Seals affixed send Greeting

Whereas his present Majesty by his Letters Patent under the

great seal of North Carolina hereunto annexed did grant unto us among other Privileges and Immunities that of sending a Representative to sit and vote in the General Assembly of the said Province: And Whereas many persons altogether destitute of Property or any permanent Residence in the said Town or Liberties and even not intituled to the denomination of House-keepers do presume under the words of the said Letters patent to vote for a member to represent the said Town in the General Assembly to the great Injury of Us whose properties are hereby rendered insecure and unprotected: In consideration whereof and in hopes that his Majesty will be graciously pleased to grant us another Charter better adapted to our present Circumstances and agreeable to the Petition lately presented by us to his Excellency Josiah Martin Esquire Governor and Commander in Chief of the said Province We have hereby surrendered and yielded up and by these Presents do surrender and Yield up unto his Majesty his Heirs and Successors for ever the said Charter or Letters patent above mentioned and all the Rights Privileges and Immunities therein Granted.

In Witness whereof we have hereunto set our Hands & Seals the 13th Day of March in the year of our Lord one thousand seven hundred and seventy two

RICH^d LYON

GEORGE MILNEY

HENRY GIFFARD

ARCH SIMPSON

JOHN INGRAM

ROB^t COCHRAN

JOHN BROWNTON

JOHN DOBBINS

STEPⁿ GILMORE

JOHN MILLER

MAURICE NOWLAN

MATTHEW BURNSIDE

HEPBURN NELSON & CO

MARK COLE

LEWIS BARGE

PHILIP RAIFORD

W^m WHITE

PATT TRAVERS

NEILL M^rARTHUR

ALEX^r MAC ARTHUR

JAMES DYER

ROB^t ROWAN

A MACLAINE

[N. C. LETTER BOOK. S. P. G.]

Letter from Rev. Mr. Reed to the Secretary.

NORTH CAROLINA NEWBERN March 20th 1772.

REV^d SIR,

When I wrote to you the 15th of last February the Collector of this Port was abroad, & I could not come at his books to ascertain

the exact annual amount of the Duty upon spirituous Liquors for the Benefit of the School. But before I could meet with a Conveyance for the Duplicate, the Collector returned & showed me his Books, which enabled me to send you the following account of the Income of the School for three years past

School	Cr.
By neat proceeds of duty upon spirituous Liquors from November 14 th 1760 to Nov ^r 15 th 1771.....	£247 11 4
By vote of Assembly for use of the School house Chamber of 1769.....	20 0 0
By Do 1770.....	40 0 0
By Do 1771.....	40 0 0
By Ground Rent first payment June 16 1771.....	19 10 0
Total.....	£367 1 4
Annual Income p average for 3 years past.....	£122 7 1

School	D ^r
To enable the Master to keep an assistant p ann.....	£ 20 0 0
To poor Scholars supposing 10 at 4 £ Tuition p ann... each.....	40 0 0
To Books, Paper, Fire wood &c. for each p ann say 1 £	10 0 0
Annual Expence.....	£ 70 0 0
Deducted from annual income leaves for Repairs & Incidental Charges.....	£ 52 7 1

From the preceeding account let the impartial judge, whether by dismissing the five poor Scholars the trustees have not abused their Trust.

The Ground rent arises from a Piece of Ground taken off the Church yard, & leased out in small lots the 16th of June 1770 for 21 years. And as it lies in a very convenient part of the Town, the Lessees are building upon it & improving it very fast. It is generally believed at the expiration of the Leases, the Ground with the Improvements will be worth at least one hundred pounds p annum, which will be a permanent endowment for the School. And if the present Act for establishing the School was repealed, this piece of Ground would I believe, revert to the church yard & become my property, which would be a strong inducement to the Trustees to get

another Act passed the next session of the Assembly. You will see by the Act, that the Duty upon spirituous Liquors will shortly expire, and as Newbern is at present a thriving place, & the Quantity of spirituous Liquors imported into Neuse River likely to increase every year, Should the Act be repealed, I will endeavor by c'aiming the above mentioned piece of ground to get one half penny ⁷/₈ gallon Duty continued upon spirituous Liquors till the Expiration of the Leases, and I verily believe, the Governor will second the endeavors of Rev^d Sir.

Your most obliged &c

JAMES REED

Miss^y in Craven County.

[N. C. LETTER BOOK. S. P. G.]

Rev^d Mr. Earl to the Secretary. [Extract]

N^o CAROLINA EDENTON

27th March 1772.

REVEREND SIR,

Since my letter to you of the 29th Sep^r last I have baptized in this parish 44 white and 6 Black Infants, and 4 Black Adults; and administered the Sacrament of the Lord's Supper to 37 communicants.

I visited Berkley Parish which is destitute of a Minister, and baptized there in four congregations 37 white Infants, and two black adults. I should have visited them again before this time had not sickness prevented me, of which I have not been clear these many months.

I am, yours &c.

DAN^L. EARL.

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

COUNCIL JOURNALS.

At a Council held in the Council Chamber in the Palace at New Bern the 1st April 1772.

Present

His Excellency the Governor.

The Honble { Samuel Strudwick and
 Martin Howard Samuel Cornell } Esquires

VOL. IX—18

The Board proceeded to hear a complaint of Coll Philemon Hawkins against Thomas Bell, William Tabb, and Henry Hill Esquires, Majistrates of Bute County for Malversation in their Office and have directed notice to be given to the parties and that an Order of Council should issue to either of the Associate Judges to take the deposition of the witnesses therein named and transmit the same to the Secretary's Office.

His Excellency acquainted the Board that the corporation of Campbelton had surrendered their Charter which was found by long experience detrimental to the interest of the Freeholders and had petitioned His Excellency to grant them one more conformable thereto, and that he was disposed with the concurrence of the Council to grant their Request. The Board were of Opinion that his Excellency should comply with the Prayer of their Petition.*

His Excellency represented to the Board that the Writs of Election for a new Assembly were returnable on the 11th day of May next, but not judging it expedient that it should meet so early required the opinion of the Council to what time it might be prorogued with most propriety and convenience. They were of opinion that it should be prorogued to the 10th day of December next, and that a Proclamation should issue for their meeting at that time for the dispatch of Business accordingly.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 210.]

Secretary Hillsborough to Governor Martin.

WHITEHALL April 1st 1772.

Sir,

Since my letter to you of the 11th January, I have received your dispatches N^{os}. 4, 5, 6, 7 and 8 and have laid them before the King.

His Majesty having been graciously pleased to extend his Royal Mercy to the six Insurgents who were sentenced to death by the special Court of Oyer and Terminer held at Hillsborough in June last, Enclosed I send you a copy of his Majesty's Warrant to the Recorder of London for inserting their names in the next general pardon that shall come out for the poor convicts in Newgate and it is his Majesty's pleasure that you do in consequence thereof take

* See page 79 *ante*.—EDITOR.

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beneficence upon the minds of that people whose discontents not yet altogether subsided have lately appeared in private injuries I shall endeavour to probe and to heal if possible by all such lenient applications as may best answer that purpose and be most consistent with the sacred honor and dignity of his Majesty's Government.

I omitted by chance in my letter N^o 11 to mention to your Lordship a circumstance that above all others clearly convinces how little regard, respect or obligation is recognized by the County Court Clerks to Government for the appointments they hold under the Clerk of the Pleas. It is My Lord, that of thirty four of them only eight or nine have to this hour complied with the command of a Proclamation which I issued at the beginning of his Majesty's Royal Instructions requiring all Officers forthwith to make me returns of their Tables of Fees with certificates that they had affixed up in their respective offices. Copies of such Tables of which positive and public injunction they cannot plead ignorance because copies thereof were carefully dispursed through every part of the province, and it is owing to this their neglect that I am not yet able to make to your Lordship a compleat return of the Fees of office in this Province. The Collectors of the Customs for the Ports of Brunswick and Roanoke having likewise made me no quarterly Returns yet I am not able to report to your Lordship with precision the number of Negroes that have been imported since my arrival here, but I think it will be found about 200.

Upon a formal surrender made by the Inhabitants of the Charter granted by Governor Dobbs to Campbelton in the County of Cumberland of a very extraordinary nature accompanied with a petition for a new one upon a model just and equitable to the Freeholders, I have with the consent and advice of his Majesty's Council Granted such Charter which transaction will appear to your Lordship at large in the Minutes of Council hereafter to be transmitted.

After waiting two months having received no answer from Lord Charles Montague to my request that he would appoint the time and point of Rendezvous for the Commissioners who are to run the Boundary Line between this Province and that of S^c Carolina as the hot season is now fast approaching, I have given notice to his Lordship that the Commissioners of this Province will meet those of his appointment at the Catawba Town on the 20th day of this month and immediately proceed with them to carry into execution His

Majesty's commands which I am of opinion will be greatly beneficial to both Colonies.

I think it my duty to propose to your Lordship's consideration the expediency of constituting the Governor sole chancellor in this Colony. The Court of Chancery is composed here of the Governor and five Members of the Council for which there is no authority that I can discern nor can I guess how or when it became so intitled unless by Instruction to a proprietary Governor. I see by a Law of the year 1715, when this Province was a Proprietary the authority of a Court of Chancery is recognized but there is no vestage of its constitution to be found at present. The Governor's sole power extends no further than to granting writs of Injunction &c., by which the course of Law is suspended a twelvemonth, that is until a meeting of the Council, which scattered in this rural Colony cannot without great inconvenience to the Members be convened, oftener as they have no allowance for such attendance and thus My Lord a Court of Equity designed for the remedy of defects and grievances in law becomes a new source of embarrassment and delay. No disadvantage that I can conceive will arise to the subject from the arrangement I humbly propose. The business of the Court of Chancery might then be carried on regularly and constantly, no longer subject to the suspense to which it is now incident and its decrees I do apprehend will be more likely to be just equitable and impartial when depending on the King's Governor solely than when he is combined with five Members of the Council, people of the Country and closely and generally connected with its Inhabitants who are the suiters. And when His Majesty's Revenue of Quit Rents shall admit of further charge I am of opinion the appointment of two or three Masters in Chancery will be of great advantage. There is none at present nor any other officer proper to that Court except a Register.

The Writs for calling a new Assembly being returnable the 11th of next month and the Public affairs not requiring its meeting so early I have by and with the advice and consent of His Majesty's Council issued a Proclamation Proroguing it to the 10th day of December following at which time all the business of the Courts will be over and the Members more at leisure to attend.

I herewith transmit to your Lordship the Estimate of the expence of the Lower House of the General Assembly at the last Session which is indeed very considerable, that of the Upper House I have not to this time been able to obtain.

I know of no foundation there is for the report you mention to have prevailed of Colonel Mercer's Promotion to a new Government nor of any resolution taken for forming such Government upon the Ohio; but when any favorable opportunity offers of serving M^r Hassel in any situation for which he may be qualified, I shall not fail to attend to your recommendation of him.

Your Civility towards the Spanish Officers mentioned in your letter of the 25th October and the Protection you gave them in the case of their dispute with the master of the English Vessel bound to Cadiz appear to have met with a very ill return in the discontent which you say they expressed at their departure but I have not failed to communicate your letter upon that subject to Lord Rochford, in case those Gentlemen should be so devoid of candour as to make any complaint to their Court upon that subject.

Your application to Vice Admiral Rodney in the case of the vessel detained at La Vera Cruz was very proper, and, as I find by a letter from him to the Lords of the Admiralty, that he has dispatched one of his Squadron to that place to demand the reason for such detention I hope that step will have the effect to procure redress to the Owners for any Damage they may have unjustly sustained by a proceeding that according to their representation of it, appears to be equally inconsistent with humanity, and the good understanding that ought to subsist between the two Crowns.

I am &c:
HILLSBOROUGH.

[B. P. R. O. AM. & W. IND: NO. CAROLINA. VOL. 219.]

Governor Martin to Secretary Hillsborough

N. CAROLINA NEW BERN

April 12th 1772.

I had the honour to receive your Lordship's dispatches N^o 4 and 5, about a week ago acknowledging the receipt of my letters N^o 1, 2 & 3 and I am made most happy by your Lordship's assurance that my conduct so far as they related it had met with the approbation of my Royal Master a most gracious reward My Lord for which if I am the most humble I flatter myself I am not the least zealous Candidate among his Majesty's servants.

The reasons upon which I suggested to your Lordship in my first letter my wishes for instruction on the subject of a new paper credit that I foresaw must be the result of this Country to defray the charge of suppressing the late insurrection when the legislature should meet, were that I consider the passing any act for such a purpose however warily framed and not obnoxious to objection with respect to the Act of Parliament, would be nevertheless of such extraordinary nature as to militate against the 20th Article of his Majesty's General Instructions that expressly enjoins the passing no Act of such description without a suspending Clause which in the pressing exigency that it was now to be calculated to serve would render it if not abortive altogether inadequate and unsatisfactory and as I hold most sacred all his Majesty's commands, I could not help feeling that reluctance to dispence in my first Act of legislation with so positive an injunction that will ever embarrass and distress me upon any apprehension of necessity to deviate from the letter of the King's Royal Instructions. It was therefore My Lord that I expressed to your Lordship a desire to receive his Majesty's allowance to do what I thought without it might lay me open to reprehension which urgent necessity and the importance of the injunction afterwards compelled me to risque and upon which I build my hopes of justification to my Royal Master. I conceived that, to your Lordship apprized of this restriction, my dilemma would be obvious and that it was not necessary to enlarge upon it.

I flatter myself from your Lordship's letter that the act of the last Session for raising £60,000 for payment of the Militia forces will be found liable to no exception under the Act of Parliament as I had it constantly in view and firmly resolved never to give in to any measure that should in the least indirectly or remotely offend against it.

As I propose to visit the Frontier Counties of this Province as soon as possible after I have dispatched the public business in the Court of Chancery and Court of Claims appointed to be held here next month, I shall think it right to reserve until that time the display of his Majesty's mercy to the family of Merrill not only as a means of making my first appearance there more welcome but as I do conceive it may be proper and I hope your Lordship will be of that opinion to illustrate such an emanation of his Majesty's Royal goodness by all solemnity that may be conducive to impress a just and grateful sense of this instance of princely magnanimity and

9th of Queen Anne, respecting the free passing of Ferries, and as the whole seems calculated for the general purposes of Expedition and security in the conveyance of the Mails, we would submit to your Majesty, whether it may not be adviseable that your Majesty's Governor should be instructed to recommend to the Assembly to pass another Act for the above general uses free from the objection stated by your Majesty's Post-master General in his Letter hereunto annexed. Which is most humbly submitted.

HILLSBOROUGH
SOAME JENYNS
ED: ELIOT
W. JOLLIFFE.

Whitehall April 13, 1772.

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

NORTH CAROLINA—Ss.

Know all men by these Presents that We Benjamin Lowry of Pasquotank County Farmer and John Lowry of the same County Esquire are held and firmly bound unto the honourable Samuel Strudwick Esquire Secretary of the Province aforesaid, his Heirs, Executors Administrators and Assigns in the full and just sum of one thousand pounds lawful money of Great Britain, to the which payment well and truly to be made and done We bind ourselves and each of us, Our heirs, Exors, Admrs and each of them jointly and severally firmly by these Presents; Sealed with our Seals and dated this Sixteenth day of April in the Year of Our Lord 1772.

The condition of the above Obligation is such, that if the above Bounden Benjamin Lowry his Heirs Exors or Admrs or any of them do and shall justly Return to the Secretary's Office at Newbern The last Will and Testament of one Robert Lowry Senior bearing Date the twenty fourth day of January in the Year of our Lord one thousand seven hundred and forty two, and now entrusted with the said Benjamin to be read in Evidence in a certain matter of controversy wherein John Den on the Demise of Benjamin Lowry is plaintiff and Mary Morris is Def^t at a Superior Court of Justice to be held at Edenton for the District of Edenton on the twenty fifth day of April next before his Majesty's Justices of the said Court within thirty days of the prorogation or adjournment of

the said Court, without Rasure, Interpolation, Blotting, Fraud or Covin then the Above Obligation to be Void otherwise to remain in full Force and Virtue in Law.

BENJAMIN LOWRY
JN^o LOWRY

Sealed and delivered in the presence of
WILL CUMMING
JOHN BLACKSTOCK

[B. P. R. O. NO. CAROLINA. B. T. VOL. 17.]

AT THE COURT AT S^t JAMES'S
the 22^d day of April 1772.

Present.

The King's 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 are to be transmitted to his Majesty for Royal approbation, or disallowance. And Whereas in pursuance of the said Powers three Acts were passed in the said Province in January 1771, which have been transmitted entitled as follows viz^t

An Act for founding establishing and endowing of Queens College in the Town of Charlotte in Mecklenburg County.

An Act for authorizing Presbyterian Ministers regularly called to any Congregation within this Province to solemnize the Rites of Matrimony under the regulations therein mentioned.

An Act to encourage the further settlement of this Province.

Which Acts together with a Representation from the Lords Commissioners for Trade and Plantations thereupon 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 as their opinion to his Majesty

I can assure your Lordship with great satisfaction that I see this little Town or rather village of New Bern growing very fast into significance in spite of the great natural difficulties of the navigation leading to it and its importance will I hope become greater as the spirit of improvement that begins to dawn among the neighboring planters some of whom are going upon the culture of Rice and Indigo shall diffuse itself. The bad navigation however of the River Neuse and the Bar of Ocracock, will much retard its growth and can never be effectually improved until this Province shall be in circumstances to employ £100,000 Sterling under the auspices of some such Genius as Mr Brindley to whom I am persuaded it would not be a very difficult task and I do think it would then soon become a City not unworthy notice in the great and flourishing Empire of my Royal Master.

An Act having been passed here in the year 1766 Intituled "An Act for establishing a school house in the Town of New Bern" by which absolute Power of dismissing Masters of the School is given to the Trustees without the consent or participation of his Majesty's Governor whose licence by the same act is made indispensable to the Masters appointments he thus becomes the mere Instrument of their power which they have lately exercised most capriciously and discharged a Master of unexceptionable character and qualifications under whose auspices, until the Trustees withdrew his authority this Institution promised to grow into a seminary of great utility and expectation. As this Act appears to me to be nugatory and repugnant to the first principles of Law which require the same power to annul as to create, I most humbly submit it to your Lordship's consideration whether it may not be proper to recommend it to the supreme Court power of his Majesty for his Royal disallowance. While the present Act exists no man of character will be found to take the conduct of the school from which he is subject to be removed at the caprice of a few ignorant men who are Trustees.

I beg leave my Lord to assure your Lordship of my best acknowledgments for the honour conferred upon me by your Lordships good wishes of which I shall study to be as deserving as I am sensible; the late serene keen and agreeable Winter has quite restored my health and I am I thank God at this day as well as ever I was in my life.

I have the honor to be &c

JO. MARTIN.

[B. P. R. O. B. T.: NO. CAROLINA. VOL. 24.]

TO THE KING'S MOST EXCELLENT MAJESTY

May it please your Majesty,

We have under our consideration an Act passed in your Majesty's Province of North Carolina in Jan^r 1771, intituled, "An Act to encourage & support the Establishment of a Post Office in this Province."

This Act directs, that every owner or keeper of a Public Ferry within the above mentioned Province shall without fee or reward give immediate dispatch to any Post-rider or Mail-bearer in preference to any other passenger, who may be there and about to cross the Ferry; and that for so doing every Ferryman shall be allowed double the sum allowed by law for the like service in other instances, to be paid by the Treasurer of the District. It likewise provides that in case of the mails being stopped and delayed by any accident, the person nearest resident to the place where such accident may happen, shall upon Application made for that purpose, convey the Mail to the next Stage, on delivery whereof he shall be intituled to receive, from the acting Post-master General of the Province or his Deputy, one shilling for every mile he may have carried the said mail.

The last mentioned Clause appearing to us to be proper for the consideration of Your Majesty's Post Master General as affecting the Authority and Revenues of that Office we accordingly transmitted to him a Copy of the above Act for his sentiments and Opinion thereupon, that we might thereby be enabled to take such Steps as should appear proper in respect to that branch of your Majesty's Service under his direction; in consequence whereof we have received a Letter from your Majesty's Post Master-General, containing his observations on the said Act of Assembly and submitting whether it would be proper, in a case so circumstanced, to advise your Majesty to give your consent to this Act. We therefore humbly beg leave hereunto to annex a Copy of the said Letter and in conformity to the opinion therein delivered, humbly propose to your Majesty to signify your Royal disallowance of this Act, but as the encouragement held forth in the first and second Clauses, may appeal in aid of the particular provision contained in the Post Office Act of the

[B. P. R. O. NO. CAROLINA. B. T. VOL. 17.]

AT THE COURT OF ST JAMES,
the 6th day of May 1772.

Present

The King's most Excellent Majesty in Council.

Whereas there was this Day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for plantation affairs dated the fifth of this Instant in the words following viz^t.

"Your Majesty having been pleased by your order in Council of
"the 22nd of last Month to refer unto this Committee a Representa-
"tion from the Lords Commissioners for Trade and Plantations, Set-
"ting forth, 'That they have had under their consideration an Act
"passed in your Majesty's province of North Carolina in January
"1771 intituled

"'An Act to encourage and support the Establishment of a post
"office in this Province.'

"That this Act directs 'that every Owner or Keeper of a publick
"Ferry within the above province shall, without Fee or Reward,
"give immediate dispatch to any post-Rider or Mail Bearer in pref-
"erence to any other passenger, who may be there, and about to cross
"the Ferry, and that for so doing every Ferryman shall be allowed
"double the Sum allowed by Law, for the like Service, in other
"Instances, to be paid by the Treasurer of the District; it likewise
"provides that in case of the Mails being stopped and delayed by
"any Accident, the person nearest resident to the place, where such
"accident may happen, shall upon application made for that pur-
"pose, convey the Mail to the next Stage, on delivery whereof he
"shall be entitled to receive from the acting Post Master General of
"the Province or his Deputy one shilling for every mile he may
"have carried the said Mail.

"That the last mentioned clause appearing to be proper for the
"consideration of Your Majesty's postmaster General, as affecting
"the authority and Revenues of that office; The said Lords Commis-
"sioners transmitted to him a Copy of the Act for his sentiments and
"opinion thereupon that they might thereby be enabled to take such
"Steps as should appear proper in respect to that Branch of Your
"Majesty's Service under his Direction; in consequence whereof they

“have received a Letter from Your Majesty’s Postmaster General
“containing his observations on the said Act of Assembly and
“objecting to the said Clause, requiring the Deputy postmaster to
“pay a shilling per Mile in certain cases and submitting whether it
“would be proper, in a Case so circumstanced to advise Your Maj-
“esty to give your Consent to this act; The said Lords Commis-
“sioners therefore, in conformity to the opinion delivered in the said
“Letter, humbly propose to Your Majesty to signify Your Royal
“Disallowance of this Act; but as the Encouragement held forth in
“the first and second Clauses may operate in aid of the particular
“provision, contained in the post office act of the Ninth of Queen
“Ann, respecting the free passing of Ferries, and as the whole seems
“calculated for the general purposes of Expedition and Security in
“the Conveyance of the Mails, the said Lords Commissioners submit
“whether it may not be adviseable that Your Majesty’s Governor
“should be Instructed to recommend to the Assembly to pass another
“Act for the above general Uses, free from the objections stated by
“Your Majesty’s Postmaster General in his Letter to the said Lords
“Commissioners.

“The Lords of the Committee in obedience to Your Majesty’s said
“order of Reference this day took the said Representation and Act
“into consideration and concurring in opinion with the Lords Com-
“missioners for Trade and Plantations do humbly Report to your
“Majesty that it may be adviseable for your Majesty to signify your
“Royal Disallowance of the said Act and to direct the said Lords
“Commissioner to prepare a Draught of an Additional Instruction
“for the Governor or Commander in Chief of North Carolina con-
“formable to what is proposed by the said Lords Commissioners.”

His Majesty taking the said Report into consideration was pleased
with the Advice of His Privy Council, to approve thereof, and
accordingly to disallow the said Act; And His Majesty does hereby
Order that the Lords Commissioners for Trade and Plantations do
prepare the Draught of an Additional Instruction for the Governor
or Commander in chief of the province of North Carolina, to recom-
mend to the Assembly to pass another Act for the above general
uses, free from the Objections stated by the said postmaster General
in his Letter to the said Lords Commissioners for Trade and Planta-
tions.

STEPH. COTTRELL.

that the said Acts ought to be disallowed: His Majesty taking the same into consideration was 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 disallowed 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.

[B. P. R. O. NO. CAROLINA. B. T. VOL. 17.]

AT THE COURT AT S^t JAMES'S
the 22nd day of April 1772.

Present

The Kings most Excellent Majesty in Council

Whereas there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs, dated the 31st of last Month upon considering a Representation from the Lords Comissioners for Trade and Plantations, upon an Act passed in His Majesty's Province of North Carolina in January 1771 intituled, "An Act for preventing tumults and riotous Assemblies; for the more speedy and effectual punishing the Rioters; and for restoring and preserving the Publick Peace of this Province Which Representation sets forth, That this Act was passed for the purpose of preventing Disturbances and Insurrection, to which of late the Province of North Carolina has been exposed; and contains many useful and proper regulations; nevertheless one of the Clauses Enacts that "Upon Indictment found or presentment made against any person for any of the Crimes described in the Act, the Judges or Justices of the Court House, and each Church and Chapel of the County wherein such crime was Committed commanding such Offender to Surrender within sixty days and stand Tryal; on failure of which, he shall be deemed guilty of the offence charged in the Indictment found or Presentment made, and it shall be lawful for any one to kill and destroy such offender and his Lands and chattles shall be confiscated to the King for the use of Government;" That upon this clause M^r Jackson, one of His Majesty's Counsel at Law, to whom the said Lords Commissioners referred this Act,

observes, "altho the Circumstances of the Province may excuse inserting such Clause in this Act; yet that it is altogether unfit for any part of the British Empire; and therefore he submits that the said Act is fit to be repealed; and altho' from late occurrences in North Carolina, the Legislature of that Province may be warranted in some extension of the Penal Laws against Rioters and Disorderly Persons; yet the said Lords Commissioners cannot but think this Clause highly exceptionable, as being full of danger in its Operation, and irreconcilable to the Principles of the Constitution, depriving withal the Crown of its Prerogative of extending Mercy to offenders, by committing the Execution of the Law into the Hands of the Subject; Nevertheless, as the total Repeal of the Act might in the present state of Affairs sensibly endanger the Peace and safety of the Province, and revive perhaps that dangerous Spirit amongst some of the Inhabitants (as yet not wholly subsided) which has been productive of so much Tumult and Confusion, more especially as the Act, by its own Limitation in time is now upon the point of expiring, The said Lord Commissioners were humbly of opinion that it would be advisable for His Majesty to Instruct and Direct the Governor of North Carolina to recommend to the Legislature, in case they shall proceed to enact a new Law for the above general purposes, to pass it with an exception as to the Clause in Question, or with such Alteration and Amendment thereof as shall free it from the Objections above stated: And the Lords of the Committee being of opinion that it might be advisable for His Majesty to permit and suffer the said Act to expire by its own Limitation, and that an Instruction should be sent to the Governor of North Carolina agreeable to what is above proposed by the Lords Commissioners for Trade and Plantations. His Majesty this Day took the said Report into Consideration, and was pleased with the advice of His Privy Council to approve thereof, and accordingly to permit and allow the said Act to expire by its own Limitation; And His Majesty doth hereby Order, that the Lords Commissioners for Trade and Plantations, do prepare the Draught of an Additional Instruction for the Governor of North Carolina, enjoying him to recommend to the Legislature there, in case they shall Proceed to Enact a new Law for the above general purposes, to pass it with an Exception, as to the Clause in Question, or with such Alteration & Amendment thereof, as shall free it from the Objections aforesated.

STEPH. COTTRELL.

[B. P. R. O. NO. CAROLINA. B. T. VOL. 17.]

AT THE COURT AT ST JAMES'S
the 15th day of May 1772.

Present

The King's most Excellent Majesty in Council.

Whereas there was this day read at the Board a Representation from the Lords Commissioners for Trade and Plantations with a Draught of an additional Instruction for the Governor of North Carolina (prepared by them in pursuance of his Majesty's order in Council of the 22nd of last month) requiring him in case it shall be found necessary to enact any new law within the said Province for preventing Tumults and Riotous Assemblies to take especial care that such law be framed as near as may be agreeable to the Laws of this Kingdom and that he do not upon any pretence whatever give his assent thereto unless the same shall appear to be intirely free from the objections stated in the said additional Instruction against a clause contained in an Act passed there in 1771. intituled "An Act for preventing Tumults and Riotous Assemblies for the more speedy and effectual punishing the Rioters and for restoring and preserving the public peace of this Province." His Majesty taking the same into consideration was pleased with the advice of his Privy Council to approve of the said Draught of an additional instruction (which is hereunto annexed) and to order as it is hereby ordered that the Right Honourable the Earl of Hillsborough one of his Majesty's principal Secretaries of State do cause the same to be prepared for his Majesty's Royal signature.

[B. P. R. O. NO. CAROLINA. B. T. VOL. 17.]

AT THE COURT AT ST JAMES'S
the 15th day of May 1772.

Present.

The King's most Excellent Majesty in Council.

Whereas there was this day read at the Board a Representation from the Lords Commissioners for Trade and Plantations with a Draught of an additional Instruction for the Governor of North

Carolina (prepared by them in pursuance of his Majesty's order in Council of the 6th of this Instant) requiring him to recommend to the Assembly of the said Province to pass a New Act to encourage and support the Establishment of a Post Office in that Province free from the objections stated in the said additional Instruction against an act passed there in 1771, intituled "An Act to encourage and support the Establishment of a Post Office in this Province." His Majesty taking the same into consideration was pleased with the advice of his Privy Council to approve of the said Draught of an additional Instruction—(which is hereunto annexed) and to order as it is hereby Ordered, that the Right Honourable the Earl of Hillsborough one of his Majesties principal Secretaries of State do cause the same to be prepared for his Majesty's Royal Signature.

Additional Instruction to Our Trusty and Wellbeloved Josiah Martin 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 the said Province for the time being.
Given

Whereas it hath been represented unto us, that a law was passed in our Province in North Carolina in 1771, intituled, "An Act to encourage and support the establishment of a Post-Office in this Province, enacting, among other things, that if any Accident shall at any time happen to a Post-rider or Mail-bearer on the road either by sickness of himself, failure of his horse," or otherwise it shall and may be lawful for him to apply to such person as may be nearest, resident to the place where such Accident may happen who is thereby required to convey the Mail to the next Stage for which he shall be entituled to receive from the acting Post master General of the Province or his Deputy at the Stage, where the mail shall be delivered, one shilling per mile, for every mile he may have carried the delivery thereof" and whereas it appears to us, that the making it compulsory upon the acting Post-master General or his Deputy to pay any Expence that may be incurred, in case of the Accident stated in the Clause above recited is incompatible with the spirit and intention of the Act of Parliament passed in the 9th Year of the Reign of Queen Anne, intituled "An Act for establishing a "General Post Office for all her Majesty's Dominions and for settling a weekly sum out of the Revenues thereof" for the Service of the

War and other of Her Majesty's Occasions." We have therefore thought fit to disallow the said Act. But, whereas it hath been also represented to Us that the said Act contains several useful provisions and the whole seems calculated for the general purposes of Expedition & security in the consequence of the Mails, It is therefore Our Will and Pleasure, that you do recommend to the Assembly of Our Province under your Government, to pass another Act for the above general Uses, free from the Objections hereinbefore recited.

[B. P. R. O. NO. CAR. B. T. VOL 17.]

Rules of Precedency compared and adjusted from the several Acts and Statutes made and provided for the Settlement of the Precedency of Men and Women in England by

JOSEPH EDMONDSON

Mowbry Herall.

PRECEDENCY OF MEN.

Governor of the Province
 President of the Council.
 Councillors
 Speaker of the Commons }
 House of Assembly }
 Chief Justice
 Baron of the Exchequer
 Associate Judges
 Baronets
 Attorney General
 Judge of the Admiralty
 Secretary of the Province
 Gentlemen of the Assembly
 Mayor
 Aldermen
 Members of the Corporation

PRECEDENCY OF WOMEN.

Governors Wife
 His Wife
 Their Wives
 His Wife
 His Wife
 His Wife
 Their Wives
 Their Wives
 His Wife
 His Wife
 His Wife
 Their Wives
 His Wife
 Their Wives.
 Their Wives.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Governor Martin to Sec^{ry} Hillsborough.

NORTH CAROLINA NEW BERN,
May 18th 1772.

MY LORD,

I have the honour to acknowledge the Receipt of Your Lordship's letters circular bearing date the 5th and 8th of February by which I learn with the deepest concern the afflicting losses of his Majesty's Royal Family in the death of her Royal Highness the Princess Dowager of Wales and the Landgravine of Hesse Cassel events that claim the condolence of all his Majesty's Subjects and in which I most sincerely and particularly participate with your Lordship fervently wishing that his Majesty's Royal mind may be long exempted from such natural incidents of affliction and every other ground of disquiet.

The Order of the Lord Chamberlain's and Earl Marshal's Offices that have been transmitted to me from your Lordship's Office in consequence of those melancholy events I have published in this Province and the mourning for his Majesty's Royal Mother commenced here by my appointment yesterday. I have also issued a Proclamation directing the alteration of the form of Prayer. His Majesty's Royal Instruction relative to Laws touching the attachment of effects of persons who have never resided in the Colony I shall not fail to pay the strictest attention to. It is most obviously founded upon those generous principles of equity that shine forth in every part of his Majesty's Government and every expedient to restrain the too prevalent disposition here to favour the Colonists at the expence of the Briton of which the Superior Court Law now existing here as far as it regards attachments is an irrefragable proof, and of which part it will become my duty to take care to have it recinded at the next Session of the General Assembly when it will expire and must of necessity be reenacted as it is the Foundation of distributive justice in this Country.

I have the honor to be &c

J^O. MARTIN.

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

COUNCIL JOURNALS.

At a Council held at New Bern May 19th 1772.

Present

His Excellency the Governor

The Honble	{	James Hasell	Samuel Strudwick	}	Esquires
		Lewis DeRosset	and		
		John Sampson	Samuel Cornell		

This Board proceeded to enquire into a complaint against Sam^l Smith and Col Cogdell, the first for being privy to abuse and fraudulent design and the second for partiality in the execution of his office as Majistrate When Col Cogdell was fully and honorably acquitted, but the presumption being strong against Mr Smyth, It was ordered that he should be struck from the Commission of the Peace for Craven County.

At a Council held at New Bern May 20th 1772

Present

His Excellency the Governor

The Honble	{	James Hasell	and	}	Esquires
		Samuel Strudwick	Samuel Cornell		

Ordered a new *dedimus* to augment the last Commission of the peace for Tyrell County with the following names Viz.

Ebenezer Slade Sen^r James Sherwood, Kenith McKenzie, Thomas Hunter, and John Lewillin.

At a Council held at New Bern 22^d May 1772.

Present

His Exeellency the Governor.

The Honble	{	Jas Hasell	and	}	Esquires
		Samuel Strudwick	Samuel Cornell		

Ordered a new Commission of the peace to issue for the County in which the names of John Smith, John Lochart, Zachy Barron, W^m Richard Jasper, Benj. Mason, and Thomas Jardan are to be omitted; and Richard Harvey, William Russel, Benjⁿ Parmelee, and Frederick Barron, are to be added.

At a Council held at New Bern 23^d May 1772

Present as above.

Isaac Edwards Esquire took the Oaths on being appointed Dep. Aud^r.

At a Council held at New Bern 26th May 1772.

Present.

His Excellency the Governor.

The Honble { James Hasell Martin Howard, and } Esquires
 { Samuel Strudwick Samuel Cornell }

His Excellency acquainted the Board that he was well informed it hath been a frequent practice for persons to make entries of Land in the Secretarys Office in consequence of which they destroyed the timber and burnt off the lightwood without ever prosecuting their title or taking out Patents for the Land by which means His Majestys Revenue is injured and the payment of his quit rents evaded; and desired their opinion what method would be taken to put a stop to so fraudulent a Practice. The Board were of opinion that His Excellency should issue a Proclamation to prevent so injurious a practice, Viz.

NORTH CAROLINA—

By His Excellency Josiah Martin Esq. &c.

A Proclamation

Whereas many persons have made frequent practice of entering Tracts of Land in the Secretarys Office and immediately set down on the same—carried off the timber and burnt the lightwood without further prosecuting their claim to a patent for the said Land to the great injury of His Majestys Revenue and his well disposed subjects who come to settle in this Province. In order therefore to put a stop to such iniquitous proceedings I have thought fit by and with the advice and consent of His Majesty's Council to issue this Proclamation hereby strictly enjoining and forbidding all persons whatever who shall hereafter make entry of any Tract piece or parcel of Land in the Secretarys Office of this Province or with any surveyor authorized to receive the same, from presuming to enter upon the said Land until they shall have fully perfected their claim to a patent and actually received the same. And it is hereby declared that any person or persons so doing shall be prosecuted with the utmost rigour of the Law for such trespasses and if discovered before the

patent has actually been granted and passed the proper Offices, shall forfeit all right or claim to a patent and the Land so entered shall be free and open for any other person to make entry thereof. And it is hereby further declared that any person or persons who shall be known to gather lightwood upon any of the ungranted lands of his Majesty within this province shall be rigorously prosecuted for such offence.

Given under my hand &c &c

JO. MARTIN

God Save the King

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

Whereas His Majesty by His Royal Instruction bearing date at St James the Seventeenth day of February 1772, hath been graciously pleased to signify His Royal Will and Pleasure, that the order of the Lords of His Majestys Honorable Privy Council of the eighth day of the 1st Month of February that in the Morning & Evening Prayers in the Litany & in all other parts of the Public Service, as well in the occasional Offices as in the Book of Common Prayer, when the Royal Family is particularly appointed to be prayed for, the following *Form & Order* should be observed Viz^t Our Gracious Queen Charlotte, His Royal Highness George Prince of Wales and all the Royal Family, and that it is therefore His Majestys Royal Wish & Pleasure that in all the Prayers, Litanies and Collects for the Royal family to be used within His Majestys Province of North Carolina, the said aforementioned *Form & Order* be observed. I do therefore in His Majesty's Name strictly command and enjoin, that the said *Form & Order* be strictly and exactly observed in all Parish Churches, Chapels and other Places of Divine Worship in this Province and that Publication of His Majestys Royal will & Pleasure herein be forthwith made in the said Places of Divine Worship that obedience may be paid thereto accordingly.

The Earl of Hillsborough one of His Majestys Principal Secretaries of State having transmitted to me the below of The Earl Marshal for a Gen^l Mourning for her late Royal Highness the Princess Dowager of Wales to the intent that His Majestys Subjects in this Province should be made acquainted therewith. In pursuance thereof I do appoint the General Mourning on this occasion to commence in this Province on Sunday 17th instant.

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

Field Return of the Regiment of Militia for Hertford County at a General Muster the 28th day of May, 1772.

	COMMISSIONED OFFICERS.	NON COMMISS'D OFFICERS.			PRIVATE MEN.			OFFICERS RECOMMENDED TO VACANCIES.
		Sergeants.	Corporals.	Drummers.	Under Arms.	Absent.	Total.	
Henry Hill the Lt ^l Coll ^l (dead)	Benj ^a Wynns Coll ^o	3	3	1	56	3	59	John Baker Lieu ^t Coll ^o . Mathias Brickell Major.
	John Baker Maj ^r							
	James Boon Cap ^t -----							
	John Harrell Lieu ^t -----							
	Benj. Wynns Jun. Ens ^a -----							
	Edward Hare Cap ^t -----							
	Henry King Lieu ^t -----							
	Isaac Pipkin Ens ^a -----							
	Robert Sumner Cap ^t -----							
	John Speight Lieu ^t -----							
	James Hooker Ens ^a -----							
Michael Ward Cap ^t (dead)-----	Moses Sumner Cap ^t -----	3	3	1	36	12	48	Benjamin Brown Cap ^t . George Wynns Lieu ^t . Benj. Brown, jun., Ens ^a .
	Willis Nichols Lieu ^t -----							
	Gilstrap Williams Ens ^a -----							

	Benj. Brown Lieu ^t -----							
	George Wynns Ens ^a -----	3	3	1	37	21	58	

Jeremiah Brown Capt ^t --	3	3	1	50	10	60
Ely Eley Lieut ^t -----						
Abram Jones Ens ⁿ -----						
James Riddick Cap ^t -----	3	3	1	60	10	70
John Benton Lieut ^t -----						
Densey Parker Ens ⁿ -----						
Laurence Baker Cap ^t -----	3	3	1	76	10	86
Jethro Harrell Lieut ^t -----						
Jesse Harrell Ens ⁿ -----						

Jesse Williams Lieut ^t -----	3	3	1	35	29	64
Hardy Murfree Ens ⁿ -----						

Robert Carr Lieut ^t -----	3	3	1	40	31	71
William Stevens Ens ⁿ -----						
						621

Sam^l Cryer Cap^t (removed)Emelius Deming Cap^t (dead)BENJⁿ WYNN'S Coll^o

Jesse Williams Cap^t
 Hardy Murfree Lieut.
 James Moore Ensign.
 Robert Carr Capⁿ.
 William Stevens Lieut.
 William Battle Ensign.

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

List of the Counties, Clerks, Registers, Colonels and Coroners in the Province.

COUNTIES	CLERKS	REGISTERS	COLONELS	CORONERS
Anson	James Auld	W ^m Colson	Sam Spencer	Jos. Hinds
Beaufort	Wyriot Ormond .....	.....	.....	.....
Bertie	John Johnston .....	.....	.....	.....
Bladen	Martin Colville	Rob ^t Edwards .....	.....	James White
Brunswick	Will ^m Lord	W ^m Lord .....	.....	.....
Bute	Alex Mculloch	Johnston .....	.....	John Hawkins
Carteret	Robert Reed	Jos. Bell	W ^m Thompson .....	.....
Chatham	William Hooper .....	.....	.....	.....
Chowan	Tho ^s Jones	Ja ^s Campbell	Ed. Vail .....	.....
Craven	Christ. Neale	C. Neale	R ^d Cogdell	Tho ^s Sitgreaves
Currituck	Howell Williams	Sam Jarvis .....	.....	Hilary Simons
Cumberland	Tho. Rutherford	T. Rutherford .....	.....	.....
Dobbs	Martin Caswell	W ^m Caswell	R ^d Caswell .....	.....
Duplin	James Sampson	R ^d Clinton	Ja ^s Sampson .....	.....
Edgecombe	James H. ill .....	.....	W ^m Haywood	Ethelred Exum
Granville	Reuben Seasury	Jesse Benton	Rob ^t Harris .....	.....
Guilford	Thomas Henderson	Sam Martin .....	.....	.....
Halifax	Benjam ⁿ McCulloch .....	.....	.....	Nich Long
Hertford	Benj ⁿ Wynns	Benj Wynns .....	.....	.....
Hyde	George Barrow	Geo Barrow .....	.....	.....
Johnston	John Rand .....	.....	.....	.....
Mecklenburg	Rob ^t Harris	Rob ^t Harris .....	.....	M. Alexander
New Hanover	John London	Ja ^s Moran	John Ashe .....	.....
Northampton	Willie Jones .....	.....	.....	.....
Onslow	Will ^m Cray	W ^m Cray	W ^m Cray	W ^m Cray
Orange	Fran Nash	Ja ^s Watson	Fra Nash	Tho ^s Lloyd
Pasquotank	Frederick Blount	W M ^c Cormick .....	.....	.....
Perquimans	Miles Harvey	Tho ^s Harvey	Jn ^s Harvey .....	.....
Pitt	Edward Salter	Jn ^s Simpson	John Simpson	Demp ^{sey} Grimes
Rowan	John Frohock	Jn ^s Brawley .....	.....	W ^m Temp ^t Coles
Surry	Jesse Benton .....	.....	.....	Gideon Wright
Tryon	Ezekiel Polk	Tho ^s Neale .....	.....	.....
Tyrrell	Francis Ward	Fra ^s Ward Jr .....	.....	.....
Wake	John Rice .....	.....	.....	.....

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 219]

Governor Martin to Secretary Hillsborough.

NORTH CAROLINA NEW BERN,
June 5th 1772.

MY LORD,

I have the honor to inform your Lordship that I concluded on the ----day of last month the Business of the Court of Chancery which was very much accumulated since the last court held by Governor Tryon and on the 23^d I finished the Court of Claims that had been continued from the 11th having issued Warrants from N^o 1, to 860 and Patents from N^o 1. to 483. except N^o 84. 129. 173. 184. and 286. which are caveated as will appear more at large by the minutes of Council herewith transmitted some surveys having been made of Lands which were supposed would fall within the Province of South Carolina, when the line prescribed should be run, I recommended to the Petitioners to take out Patents in that Government but they urging the probability of being anticipated by the Inhabitants of that Province and declaring their willingness to run the risque of the validity of such grants made by me I advised with his Majesty's Council thereupon and with its concurrence I granted them Patents as I assumed the Parties with reluctance under great doubts of their validity these however were few in number upwards of 70 entrants of Lands in the same predicament having by my advice withdrawn their entries here to make them in the Province of South Carolina.

The Commissioners appointed by me on the part of this Province to run the line of Boundary arrived according to my appointment mentioned to your Lordship on the 20th of April last at the Catawba Town; where finding no commissioners from South Carolina and after waiting some days hearing that Lord Charles Montague was at Camden not far within the confines of that Province upon a Tour of amusement M^r Dry one of the Commissioners for this Province waited upon his Lordship informing him of their arrival to execute the service prescribed by his Majesty's Royal Instruction and praying that the Commissioners of his Lordships appointment might be forthwith directed to meet them; to which his Lordship replied that he did not expect me to appoint Commissioners until the Assembly of South Carolina should agree to defray the whole expence of the service, and that he could not order the meeting of his Commissioners

until he should return to Charles Town and consult his Majesty's Instructions which would certainly delay the Commissioners meeting until the 20th of May. Lord Charles Montague wrote to me at the same time a letter of this import which I own has no less surprised than chagrined me; as by my letters of which his Lordship acknowledges the receipt I had to my own conviction taken every measure that I could think of, to execute the service directed by his Majesty with the utmost precision and dispatch carefully avoiding all ambiguity. The inconvenience however that will arise from the delay occasioned by Lord Charles Montague's misapprehensions, will I trust be felt only by the Gentlemen who are Commissioners in behalf of this Province: and that the service will be as fully and effectually performed and only a month later than I had designed.

M^r Malcom Comptroller of the customs for the Port of Currituck having been charged upon Oath by sundry persons of venality and corruption as well as extortion in Office, I have thought it for his Majesty's service to suspend him of which I have informed the Commissioners of his Majesty's Customs at Boston and have transmitted to them the sundry depositions made of the misconduct of that officer.

I propose as I had the honor to inform your Lordship by a former letter to set out for Hillsborough on the 20th instant where I shall establish my head quarters for the Summer making thence from time to time excursions through all the Western Counties of this Colony.

I can with great pleasure and truth assure your Lordship that the Birthday of our most gracious Sovereign was observed yesterday in this little Town with every demonstration of zealous and unfeigned loyalty.

I have the honor to be &c

JO. MARTIN.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Letter from Sec^y Hillsborough to Governor Martin.

WHITEHALL, June 6th 1772.

SIR,

I have received your Dispatch N^o 9, and have laid it before the King.

Your refusal to concur with the House of Assembly in the Proposition they made to you to discontinue the Duties and Taxes which are the Fund for redeeming the outstanding Paper Bills of Credit and the Measures you pursued to prevent the Operation of their unwarrantable and unconstitutional Proceedings in consequence of that refusal are approved by the King. It certainly was become highly necessary to lose no time in putting an end to the Existence of an Assembly that appears to have so little regard to the true Interest of their Constituents, and to have acted upon principles so inconsistent with the public faith and justice.

It is to be hoped that the conduct of the Speaker in delivering the Order for omitting the Poll Tax of one shilling in the Sheriffs Lists and the Compliance of the Treasurers with that Order were more the Effect of their Fears of the Resentment of the Assembly than of any Disposition on their part to concur in such unwarrantable proceedings; but if they were willing Participants in the guilt of these Transactions it shall seem to me that both Policy and Justice require that their conduct should not be passed over. I am therefore to signify to you His Majesty's Pleasure that if the Speaker who delivered the Order you mention to the Sheriffs should appear to you to have been an active Promoter of those unconstitutional proceedings and shall upon the meeting of the new Assembly be again elected for that Office you do refuse your assent to such Election unless you shall be of opinion that such a step for Reasons that cannot be foreseen here may be of prejudice to His Majesty's service.

As to the Public Treasurers as I am not sufficiently acquainted with the nature and constitution of their offices or whether they are or not removable by His Majesty's Governor I am not able to form a Judgment what steps it may be advisable to pursue with regard to them.

Inclosed I send you by the King's command two additional Instructions from His Majesty to you for your guidance in passing Acts of Assembly for the purposes to which they refer also an order of His Majesty in Council of the 6th of May last disallowing an Act passed in N^o Carolina in Jan^{ry} 1771, and I am to signify to you His Majesty's pleasure that you do cause this order to be made public in the manner usual upon such occasions.

By the next Packet I shall transmit to you for your private Information a Copy of the Report of the Lords of Trade which induced this Disallowance.

I am &c,
HILLSBOROUGH.

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

THE PROVINCE OF NORTH CAROLINA

To the Commissioners for Running the Boundary Line between the Provinces of South & North Carolina agreeable to the Royal Instructions and by Commission from his Excellency Josiah Martin Esquire ----- Dr

To John Rutherford Commissioner for 76 days Service

(@ 70^s ----- £266 0 0

D^o for 3 Horses 76 days (@ 3^s ----- 34 4 0

D^o 2 Servants Attendance (@ 3^s ----- 22 16 0

D^o for a Tent ----- 10 0 0

D^o Travelling Expenses & Ferriages from Wilmington to Mecklenburg ----- 5 0 0

D^o d^o back from Mecklenburg to Wilmington ----- 5 0 0

To William Dry Commissioner for 76 days Service (@ 70^s 266 0 0

D^o for 3 Horses 76 days (@ 3^s ----- 34 4 0

D^o 2 Servants Attendance (@ 3^s ----- 22 16 0

D^o a Tent ----- 10 0 0

D^o Travelling Expenses & ferriages from Brunswick to Mecklenburg ----- 5 0 0

D^o d^o from Mecklenburg to Brunswick ----- 5 0 0

To Col Moses Alexander commissary $\frac{2}{3}$ amount ----- 190 15 9

To Col Thomas Rutherford Surveyor 73 days ----- 182 10 0

To Cap^t Thomas Polk d^o 69 days ----- 172 10 0

To John Rutherford for Cash advanced to the Chain

Carriers, markers &c. as follows

Robt Burns Chain Carrier 43 days (@ 4^s ----- 8 12 0

John Rogers D^o ----- 8 12 0

John Walter Gibbs D^o ----- 8 12 0

William Waddel D^o ----- 8 12 0

Daniel Alexander marker 43 days (@ 4^s ----- 8 12 0

Thomas Walker d^o ----- 8 12 0

William Berryhill d^o ----- 8 12 0

William Coleson 48 days d^o ----- 9 12 0

James Campbell Drummer 40 days (@ 4^s 6^d ----- 9 0 0

William Alexander Hunter 46 (@ 4^s 6^d—D^o for his Horse

(@ 2^s 6^d ----- 16 2 0

1326 13 9

Mecklenburg 10th June 1772.

JNO RUTHERFORD
WILL^m DRY

[B. P. R. O. No. CAROLINA. B. T. VOL. 17]

AT THE COURT OF S^t JAMES'S
the 19th day of June 1772.

Present

The King's most Excellent Majesty in Council.

Whereas there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for plantation affairs Dated the 17th of this Instant in the words following viz,

Your Majesty having been pleased by your order in Council of the 14th June 1771, to refer to the Lords Commissioners for Trade and Plantations the humble petition of James Macdonald Merchant of Portrie in the Isle of Sky and Norman Macdonald of Slate in the said Island for themselves and on behalf of Hugh Macdonald Edmund Macqueen John Betton and Alexander Macqueen of Slate and Reverend M^r W^m Macqueen and Alexander Macdonald of the said Isle of the Sky and County of Inverness setting forth that the petitioners have had in view to form a settlement to themselves and their families in your Majesties Province of North Carolina have for some time been making Dispositions for that purpose by engaging servants and disposing of their Effects in this Country and being now ready to embark and carry their said intention into execution the petitioners humbly pray that your Majesty will be pleased to grant them Forty thousand Acres of Land in the said Province upon the Terms and Conditions it hath been usual to grant such Lands. The said Lords Commissioners have reported to this Committee "that the emigration of the Inhabitants of Great Britain and Ireland to the American Colonies is a circumstance which in their opinion cannot fail to lessen the strength and security and to prejudice the landed Interest and manufactures of these Kingdoms and the great extent to which this emigration has of late years prevailed renders it an object well deserving the serious attention of Government that upon the Ground of this opinion they have thought it necessary in cases where they have recommended Grants of Land in America to be made to persons of substance and ability in this Kingdom to propose amongst other conditions that they should be settled by foreign protestants and therefore the said Lords Commissioners can on no account recommend to this Committee to advise

your Majesty to comply with the prayer of a petition founded on a resolution taken by a number of considerable persons to abandon their settlements in this Kingdom and to pass over to America with their Families and Dependants in a large body and which therefore holds out a plan that they think instead of meeting the encouragement ought rather to receive the discouragement of Government. The Lords of the Committee this day took the said Representation and petition into consideration and concurring in opinion with the said Lord Commissioners for Trade and Plantations do agree humbly to report as their opinion to your Majesty that the said Petition of the said James and Norman Macdonald ought to be dismissed.

His Majesty taking the said Report into consideration was pleased with the advise of his Privy Council to approve thereof and to order as it is hereby ordered that the said Petition of the said James and Norman Macdonald be and it is hereby dismissed this board.

[N. C. LETTER BOOK. S. P. G.]

Governor Martin to the Secretary.

NORTH CAROLINA NEWBERN June 20th 1772.

REVEREND SIR,

I should be much wanting in justice to a most excellent and deserving character that has enjoyed the honorable patronage of the Society for the propagation of the Gospel if I did not stand forth to defend Mr. Thomlinson from any ill impressions that may be conceived of him on his dismissal from the mastership of the public school in this Town which under his direction promised to become a Seminary of great utility and consequence.

Upon the strictest enquiry I find his character and conduct not only unimpeached but standing in the fairest light; and he has been discharged from the Mastership of the School through the caprice of a few of the Trustees who have an overruling influence in absurd resentment of his just moderate and necessary exertion of the authority of a pedagogue over their contumacious children.

The province Law under which this Institution was made vests the Trustees with power so absolute with respect to the dismissal of Masters as to deprive me of every opportunity to redress this worthy and injured Gentleman I can therefore only lament the oppression

he has felt in the most ungenerous requital made to his successful and indefatigable labours, and bear my testimony to the Society of his exemplary right conduct and good character. This Gentleman continues to officiate from a just regard to the duties of religion as Reader of this Parish, while the Rector is engaged near half the year in the remote parts of his wide parish; and acquits himself so admirably in that station that I cannot help wishing it may be seen consistent with the pious and laudable views of the Society to extend its bounty to him.

I herewith transmit to you an address subscribed by all the principal Inhabitants of this colony, in behalf of Mr. McCartney a clergyman established here, to be laid before the Society and the strong recommendations I have had of Mr Hobard Briggs another Clergyman of this Colony engage me to wish that the Society may extend the same bounty to him.

I shall with great cheerfulness cooperate with the Society upon every occasion, happy if it shall be in my power to promote its pious and laudable designs.

I am &c.

JO. MARTIN.

[N. C. LETTER BOOK. S. P. G.]

Governor Martin to the Lord Bishop of London.

NORTH CAROLINA NEW BERN, June 20th 1772.

MY LORD,

As I am well acquainted with your Lordship's good disposition to promote all useful knowledge, and above all that of the Christian Religion, it becomes my duty to inform your Lordship that an Act of the General Assembly for establishing a public School in this Town was passed here in the year 1766 in consequence of which Mr. Thomas Tomlinson a man of unexceptionable good character and qualifications was invited here from England by the Reverend Mr. Reed a most worthy Clergyman and one of the Society's missionaries, to take the conduct of it, and that under his auspices and the encouraging countenance of that venerable Society it promised to become an Institution of the greatest utility until the Trustees of the School actuated by most unjust resentment and taking advantage of a most extraordinary and unreasonable power given to them by the Act of Assembly dismissed him from his charge without

notice, and without complaint or reprehension; colouring since, their arbitrary proceeding, with general suggestions of neglect which they cannot in one instance prove although repeatedly called upon to do so by the injured Mr. Tomlinson, it hath grieved me extremely to find it out of my power to redress this worthy man, but the Act of Assembly vests the Governor with a power perfectly nugatory, making his Licence necessary to the appointment of a master while the absolute power of dismissal and removal of Masters is reserved to the Trustees, and requires not his consent or participation, thus, My Lord, the Kings Governor is rendered the mere Instrument of the Trustees power, which they have most capriciously exercised in the present instance, and who being ignorant and uneducated men, are as little capable of judging of the merits of a pedagogue, as inclinable to do justice.

Matters of this nature falling particularly under your Lordships notice as a patron of religion and letters, and a coadjutor in the laudable and pious designs of the Society for the propagation of the Gospel whose countenance and encouragement hath been heretofore extended to this Institution I humbly beg leave to urge to your Lordships consideration, as a member of His Majestys most honorable privy council the expediency of recommending the aforementioned Act of the General Assembly of this Province for His Majestys Royal disallowance, as depriving the Governor of power with which he ought to be invested, to oppose the injurious and arbitrary proceedings of the Trustees, who left to the free exercise of their caprice must ruin an Institution that might under proper regulations become of the utmost advantage to society, by promoting useful knowledge. I have lately written to the Earl of Hillsborough on this subject, and I have every reason to believe that your Lordship will find that virtuous nobleman and able Minister disposed to concur with your Lordship, in all such proper measures as may be taken on the occasion.

Nothing has been done during my administration concerning Ecclesiastical affairs I shall steadfastly labor for the better establishment of our clergy, and until they can be put upon some more independent footing, I think it will not be good policy to augment their number in this Province.

Mr Hobart Briggs and Mr. M^cCartney clergymen in this Province having been strongly recommended to my good offices by all the principal persons thereof. I have reported their good conduct to the

Society for the propagation of the Gospel and recommended them for a continuation of their Missionarys Salaries, to which I could wish to ensure success by engaging your Lordship's protection of them.

I have the honor to be, My Lord, &c.,

JO. MARTIN.

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

Letter from William Johnston to Richard Bennehan Esq

HILLSBOROUGH June 29th 1772

DEAR SIR

This serves to acquaint you that the Governors Baggage arrived at this place on Saturday evening last, The Letters that came says, his Excellency, with his Family & Retinue left Newbern the 21st Curr^t and is not expected to be nearer than Nat^l Cary's this night, owing to his Horses being in bad plight, tho Col^o Nash sent off five yesterday to meet them which will be some assistance; It is thought they will not get further tomorrow evening than Wake Court house or Nat^l Jones's, so that they cannot reach Hillsborough before Wednesday Night, they travel very slow & in all are upwards of twenty in Number; However it is agreed that we start tomorrow morning after Breakfast in grand Cavalcade & not return until we meet them. Mess^{rs} Hogan & Osborne joins us at Jn^o Booths & I hope you will at Jn^o Pattersons, if we get there first will wait for you, & if you arrive first you may stay for us.—If M^{rs} Stagg has done any of the Little Girls Cloaths send em up by the Bearer, & a Bus^l of Meal if to be spared, hasten his return as fast as possible so that he may get home before night.

I am D^r S^r Y^r most ob^t Sev^t

W^m JOHNSTON.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 219.]

Letter from Secretary Hillsborough to Governor Martin.

WHITEHALL July 1st 1772.

SIR,

I have received your dispatches N^o 10, 11, 12, 13 and 14 and have laid them before the King.

The acts and proceedings of the legislature referred to in your letter N° 10 have been communicated to the B^d of Trade together with your observations upon them and I am commanded to signify to you His Majesty's approbation of the attention you have shown to a very important part of your duty in the early and regular Transmission of these Papers.

The state of the Office of Clerk of the Pleas and the Mode of appointing the Clerks of the County Courts certainly deserves attention and although it matters not by what artifices the Commission of the Clerk of the Pleas was obtained or how it came to be separated from the Secretary's Office yet I entirely agree with you in Opinion that the power vested in that Officer by the Law of 1762 of appointing a Clerk for each County Court during good behaviour whilst himself holds his office during Pleasure only is improper and combined with the iniquitous practice of the sale of these Offices to the best Bidder gives him an Influence inconsistent with the Public Welfare.

Whether his Majesty will think fit to discontinue the Office of Clerk of the Pleas and to revoke the Commission given to M^r Strudwick I cannot take upon me to say but I am clearly of opinion that the Act for erecting inferior Courts of common Pleas which you say expires next year, ought not to be revived in its present shaped and it will be your duty to refuse your assent to any Law whatever that shall give the Clerk of the Pleas a power of appointing County Clerks otherwise than during pleasure and that shall not make them removeable by his Majesty's Governor.

The Observations upon the Revenue of Quit Rents contained in your letter N° 12 and your opinion of the Expediency of purchasing Lord Granville's Property have been communicated to the Lords of the Treasury and I shall be very glad if those Observations may furnish any Hints to their Lordships for the improvement of so important a part of his Majesty's Interests.

I am sorry to find by your letter N° 13, that the Lenity which you say has been shewn to Hunter and his Associates had no other consequence than to harden them in their Guilt and that they are encouraged by the timidity and connivance of the Magistrates to meditate further Mischief but I hope they will be disappointed in their views, and that you will be able to make such a reform in the Magistracy as will have the effect to give vigour to the Laws Stability to Government and Peace and Tranquility to the People.

The form of Commissions of Mark and Reprisal referred to in the 95th article of your Instructions tho' said to be delivered therewith is I find upon enquiry never transmitted to the Governors until after War is declared and with regard to the Commission for Tryal of Pyrates as the Colonies of Virginia Maryland & N^o Carolina are included in one patent which is recorded in Virginia, I apprehend that all persons arrested in N^o Carolina upon a charge of Piracy must be sent thither to take their Trials.

I am sensible that a Liberty to import foreign Salt into N^o Carolina would be of some advantage to the Colony in the case you mention but I cannot take upon me to recommend it as the Board of Trade did some time ago advise that a proposition of the like nature made by the Colony of Virginia should be rejected as tending to discourage the Manufacture of Salt in this Kingdom and to open a door to solicit Trade.

The giving sanction by Law to the issue of a paper currency is a very serious consideration and you was certainly right in thinking that you was not at liberty to give your assent to such a Law without a suspending clause or until you had first transmitted a Copy of the Bill proposed to be enacted and had received His Majestys Commands in consequence thereof. Had the latter of these methods been persued at the time you wrote to me for directions upon the subject I might have been enabled by putting such Bill into a regular train of consideration to have sent you those Instructions which without such consideration it was not fit for me to give nor can I now say more on the subject of the Law you have passed than that I hope it will upon examination be found liable to no objection either upon the ground of its general policy or from the Restrictions contained in the Act of Parliament or in your general Instructions.

In your letter N^o 14, you continue to express apprehensions of discontents still remaining in the frontier Counties. Your visiting however that part of your Government seems to be a very proper step and I hope that when His Majesty's gracious Pardon to the Merrill Family is made known and published in the solemn manner you proposed it will have a good effect.

I am very sorry you have so much reason to complain of the neglect and delays of the public Officers in furnishing you with those papers which you are required by your Instructions to transmit home but I trust that the Example which you set them of reg-

ularity and punctuality in matters of this sort will induce a more proper Obedience for the future.

It will be a great satisfaction to me to find that your proceedings in the case of the new Charter granted to Campbeltown have been regular and proper but I think that in every case of this nature more especially if new powers and priviledges are to be granted it would be most advisable to have the sense of Government here upon the measure before it is carried into execution.

I am very glad you are of opinion that the Boundary line with S^c Carolina will be beneficial to both Colonies and I shall hope soon to hear that it is finally compleated.

There are certainly many and very forceable objections to the present constitution of the Court of Chancery in N^c Carolina but I cannot take upon me to advise an Alteration in an establishment which tho' it be as you say not warranted by Law have yet the Plea of long useage and ancient practice.

It is however a proposition that will deserve attention when the Province is in a more perfect state of Tranquility and when a proper Reform may be made without a hazard of those Inconveniences that would follow from the opposition that the Members of the Council would naturally give to a Measure that must so essentially affect their Influence and Authority.

The flourishing state of Newbern under all the disadvantages attending its situation is one among many examples of the rapid progress of improvement in America & I shall hope to hear that the same laudable spirit of Industry which distinguishes the Neighborhood of that place has extended itself thro' every part of the Province.

I will not fail to recommend to the Lords of Trade a consideration of a Law for establishing a school at Newbern but however improper the powers thereby given to the Trustees may be yet I cannot but think that it would be more advisable to endeavor to obtain an amendment of the Law than by proposing the disallowance of it to risk the loss of the whole Establishment.

I am &c:
HILLSBOROUGH.

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

Letter from William Johnston to Richard Bennahan Esq

HILLSBOROUGH July 2nd 1772.

D^r SIR

If the bearer Col^o John Frohock makes any stay with you, shall esteem it a favour if you will show him all the Civility you can, he is a particular acquaintance of mine. No news since you left us — in great haste.

I am D^r Sir

Y^{rs} very respectfully

W^m JOHNSTON.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Governor Martin to Secretary Hillsborough.

NORTH CAROLINA HILLSBOROUGH. July 8th 1772.

MY LORD,

I had the honor to receive your Lordships letter N^o 6. three days ago it having arrived at New Bern soon after my departure thence, which was unavoidably delayed to the 22nd of last month and pursuant to his Majesty's commands which your Lordship hath been pleased to signify to me thereby I am taking the proper measures for promulging and making effectual the several gracious Acts of His Majesty's Royal Clemency it enjoins; and I must inform your Lordship that by some strange irregularity the respited convicts were liberated after the execution of their accomplices before my arrival in this Province which has come to my knowledge only since I have received your Lordships letter declaring the Royal Pleasure concerning them.

I beg leave to assure your Lordship, that I have the most dutiful and grateful sense of my Royal Masters gracious attention to my recommendation of the poor and aged Parents of Robert Matear to his Majesty's Bounty.

The most gracious allowance that the King is pleased to grant to the Legislature of this Colony to pass an Act of pardon and oblivion must be on all hands considered as an illustrious effusion of the Royal Goodness and Mercy and I hope it will excite in his Majesty's subjects

here the reverence due to such magnanimity and beneficence while the confidence his Majesty is pleased by this indulgence to repose in the Legislature must claim its highest gratitude and ought to engage its strictest attention to the public Tranquility in framing the Law consistently therewith; His Majesty's commands to me in relation to this subject your Lordship may depend will be my invariable Guide.

The Indecency of the Assembly's remonstrance, on the head of the Boundary Line prescribed by his Majesty's Royal Instruction much affected me. I can faithfully assure your Lordship that I did no more doubt at that time than I have done since that the arrangement was made by his Majesty upon the best evidence of its utility, and in consequence of such conviction and that there was no just grounds of remonstrance on the part of this Colony. I have pressed the execution of his Majesty's commands and I have the satisfaction to inform your Lordship that the Boundary Line is run, the Commissioners having yet made no report to me of their Operations I am not now able to give your Lordship any particular account of that transaction but it is with great pleasure I assure your Lordship that every considerate man here agrees with me in opinion that his Majesty's Determination will be advantageous to the Colony. The Assertion of the House of Assembly that a large body of useful Inhabitants would by such a partition be taken from this Province I find upon enquiry to be without foundation; on the contrary it is an acknowledged fact that the Inhabitants of that Border have been hitherto a licentious and lawless Banditti equally useless and troublesome to both the Provinces acknowledging and disclaiming as served their sinister purposes the jurisdiction of each and paying taxes to neither, availing themselves of the doubtful and uncertain limitations of the two Colonies.

The observation with regard to the disadvantage, the Governor of this Colony would sustain by contracting its extent according to the direction of his Majesty's Instruction, that seems justly under your Lordship's construction to have excited your indignation, I do assure you My Lord upon my honor, was made without the remotest design to suggest a wish that it should be a matter of consideration to your Lordship in planning the equitable division of the Colonies now finally ordained. It was by chance I took any notice of it and without intention than to shew my opinion that no disadvantage could accrue thence to the Colony or to any other party but the

Governor who was the immediate servant of the Crown and whose private interest I do aver to your Lordship I never did conceive to deserve one moments attention of your Lordships mind engaged in the glorious work of promoting the public prosperity and I flatter myself that your Lordship would do me the justice to believe that I am equally incapable of entertaining a sentiment so illiberal as of impeaching the justice of your Lordship's measures, or of forgetting the high obligation I owe to your Lordship for the honor done me, by your gracious assurance of regard to my personal concernment when it may be consistent with the public good to which I hope always to have integrity to postpone myself.

This little village honoured by your Lordship's Title is situated in a high and apparently healthful and fertile Country but from the extreme badness of the roads difficult of access and discouraging to exercise to which indeed there is no invitation at present after fulfilling the calls of duty and satisfying that common curiosity to see new places; the settlements in its invirons although numerous beyond belief, being yet in infantine rudeness afford but little delight to the observer. I see with pleasure this Borough recovering of the violences it suffered in the late insurrection marks of which still remain to keep alive a dreadful remembrance of that unaccountable commotion in the minds of its Inhabitants who received me on my arrival here with every demonstration of respect and loyalty. I am not without hopes that my tour through this Country will be attended with good effect. The Outlaws of the County of Guilford among whom is Hunter and other principal Leaders in Sedition have since my arrival at Hillsborough made the first overtures to surrender themselves to Justice. I received a petition from them on the 8th instant conceived in Terms of the utmost submission & penitence declaring their desire to conform to my prescriptions whatever they might be and expressing the strongest desire to expiate their Offences against His Majesty's Government and the Laws of their Country. I replied to them by their Deputies that a surrender of themselves to the Justice of their Country I conceived to be an indispensable preliminary without which recognition of the law's power they could never be deemed in place to receive the grace of their Sovereign if by the intervention of their Country they should be recommended to his Majesty's Mercy. I have since received assurance of their readiness to surrender themselves to my appointment whereupon I have required the attendance of the Judges of this Province on the

20th of next month to advise with me in relation to these people and to take such measures with them as may be required in form of law and consistant at the same time with the Graciously Intentions of his Majesty by his Royal allowance to the Legislature to pass an Act of Pardon and Oblivion.

It is a strange thing to tell your Lordship that until within this week I have never been able to learn the real predicament of these people in the eye of the Law and the truth I now find to be that they are outlawed on default of appearance to indictments, found against them for the Riot in this Town and that no process hath been had against them for their subsequent rebellion and treason your Lordship may remember that these commotions were antecedent to my arrival in this Province so that I had everything to learn about them and by the strange and contradictory representation of the proceedings at Law in relation to the Insurgents one would be led to believe that the Confusion of those times had suspended the capacity of recollection in the Minds of the people in general. The most important doubts that occur to me upon the surrender of these men are whether their criminality should be established by Tryal before the Legislature takes their case into consideration? and whether his Majesty's allowance to pass an Act of Pardon and Oblivion does preclude or supercede the necessity of further judicial process against them for their crimes of highest dignity and leaves their criminality to be considered and weighed only by the Legislature. I am of opinion myself I confess that if there is no necessity it may be yet highly expedient that these daring criminals should be tried to be made acquainted with and sensible of the atrociousness of their Offences and the power of the Laws but so much of Law enters into these questions that I shall be determined by the Judges opinions.

The Crew of the vessel belonging to this Province that was detained at La Vera Cruz is lately returned here and I am now my Lord preparing to send information thereof to Vice Admiral Rodney together with the proper certificates of the value of the vessel and her cargo that he may be enabled to claim full and just restitution.

I have the honor to be &c

JO: MARTIN.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 219.]

Letter from Governor Martin to Secretary Hillsborough.

NORTH CAROLINA, HILLSBOROUGH,
July 11th 1772.

MY LORD,

Having had the honor to inform your Lordship by former letters that the Laws by which the several Courts of Justice are established in this Colony will expire at the next Session of the General Assembly when there will be a necessity to re-enact them and seeing that those fundamental constitutions admit of essential improvement I have the honor to propose to your Lordship for his Majesty's consideration that to obviate the great mischiefs arising from the present constitution of the Inferior Courts of Pleas and Quarter Sessions by which all the Justices of the Peace in each County are made Judges of those Courts while it is too notorious that very few of the present Inhabitants are qualified for such important trust His Majesty may be pleased by his Royal Instruction (which is ground upon which I shall always firmly stand) to enjoin that in any Law that shall be passed for the constitution of County Courts, it be enacted that the Governor or Commander in Chief for the time being with the advice of his Majesty's Council shall select from time to time seven Magistrates out of each division [as a] Commission of the Peace in whom shall reside all the power of holding Courts of Pleas and Quarter Sessions in their respective Counties that three thereof may be a Quorum for Pleas and common business but not less than five shall assess the County settle the public Accounts with the Sheriffs or appoint Inspectors that these Courts may be allowed as heretofore to recommend to the Governor three persons for the Office of Sheriff and that he upon the refusal of one of them shall be left at large to appoint any sufficient Freeholder of the County and not be confined to the appointment of one of the other persons named by the Court who are now frequently chosen on assurance that they will decline the office; by which means the Governor is compelled to appoint the third person to whom the Court is desirous of shewing favour which is more generally obtained by address and intrigue than by merit and ability. Such a Constitution of the County Courts My Lord would I am perswaded increase their dignity and utility and I am

convinced it would call forth to the public service the ablest and best men who now decline the Magistratical Office in conjunction with the ignorant and vulgar people who in the present circumstances of things must be a majority in every County's commission of the peace from whom they are not segregated or distinguished in their judicial capacities and for whose malversation of which though not partakers they become equally obnoxious to reproach this arrangement in my humble opinion would render these Institutions of real advantages and it would throw weight into the scale of Government and increase its power to do public good I submit to your Lordship whether it may not be advisable to give facility to this plan to authorize the Governor to enlarge the Jurisdiction of the County Courts to the Trial of causes of £20 sterling amount that is now limited to the determination of matters not exceeding £10 sterling the judicial power consigned to such hands as might under these circumstances be selected, I do think it may be safely extended so far appeals always lying from these inferior to the superior Courts if the County Courts shall be thus modeled the ignorant Majority of the Magistrates will become mere Conservators of the Peace when his Majesty's disallowance of the Act passed here in December 1770 shall be declared which I cannot help anticipating as it seems to invest Justices of the Peace with a power dangerous to the property of his Majesty's subjects in the present state of this Country, it is intituled "An act for the more speedy recovery of all debts and demands under five pounds proclamation money within this Province" which affords ground for perpetual solicitation to multiply an order of Magistrates that ought for the public good at this time to be much diminished.

This alteration in the Constitution of the County Courts and the measure I have before had the honor to propose to your Lordship for the Royal consideration of giving the Governor the power of appointing the Clerks thereof as well as those of the Superior Courts will I conceive much augment the dignity and utility of them. It is upon principles of duty to his Majesty that necessarily involves a strict attention to the public good that I presume to offer these crude Ideas to your Lordships consideration confiding in your Lordship's indulgence to my inexperience in civil Polity and to your construction of my intentions according to that liberality of sentiment that so eminently distinguishes your Lordship's character and I must express my hopes that your Lordship will be pleased to

signify to me his Majesty's commands in relation to the subject of this letter before the meeting of the General Assembly appointed on the 10th of December next.

It will afford me the truest satisfaction to find that I may have suggested anything upon this important matter that shall be approved by your Lordship and found deserving the Royal Attention and it will ever make me happy to furnish your Lordship with occasions to advance the prosperity and happiness of his Majesty's subjects which I know to be the grand objects of my Royal Master's care and of your Lordships indefatigable labours.

I have the honor to be &c

JO. MARTIN.

[N. C. LETTER BOOK. S. P. G.]

Letter from Mr Tomlinson to the Secretary.

NEWBERN, July, 1772.

REVEREND SIR,

I hope my last letter accompanied by those of the Reverend Mr Reed, have reached you before this time. I have now to acquaint you that I quitted the School on the 13th of April and surrendered my Licence to his Excellency.

What a hardship that this affair in which both my interest and character have been *so* deeply concerned, should be smothered up without a fair and public hearing!

The suit which I brought against the incorporated Society, so called, as mentioned in former Letters would have been brought to trial last May Superior Court, but the Treasurer a few days before the Sitting of Said Court, paid me down the money (though without any previous public Meeting of the Society) ordered the suit to be dismissed and paid the Costs thereof amounting to about £4 16s. 0d.

Whether this sum is to be paid out of the fund, or out of the Treasurer's own pocket, or of any other individual, is what I cannot pretend to say. Perhaps this may be Kept a Secret as they are not liable to be called to account for any of their proceedings.

I have taken the liberty of drawing on the Society for my Salary for the Quarter which I attended the School in the present year. But to prevent any dispute about paying it, as being only a single quarter, I have directed the Possessor of the Bill to wait upon you

for your opinion in the matter, before it be presented to the Treasurer. With my sincerest thanks for all favors, I am Reverend Sir,

Yours &c

THO^s TOMLINSON.

September 1st, 1772.

P. S. I was disappointed in sending this Letter when I intended. I am now at Rhode Island where I have been for some weeks past, for the benefit of my health after a close confinement for so many years.

[FROM COURT RECORDS OF ROWAN COUNTY.]

NORTH CAROLINA }
Rowan County. }

{ Court of Pleas and Quarter
{ Sessions August Term 1772

Ordered by the Court that upon the vacancy of the Clerkship of this County that Mr William Frohock be and is hereby appointed Clark of this Court in the room and stead of John Frohock Esq late Clark and lately deceased and that he the s^d William Frohock be recommended by this Court to the Clark of the Crown of this Province as personally qualified to serve in that position.

* * * * *

Ordered by the Court that Mr William Frohock qualify in open Court tomorrow morning and enter into Bond with security according to law and that the Records & papers relative to this Court be delivered unto the said William Frohock to proceed thereon.

* * * * *

This done came into open Court William Frohock agreeable to an order of this term and offered Thomas Frohock John Dunn and Alexander Martin Esqr as security for the due performance of the trust reposed in him by this Court as Clark of the Inferiour Court of Pleas and Quarter Sessions of the County af^sd who was accordingly approved of and entered into Bond according to Law, took the oaths of office subscribed the test and took his seat

* * * * *

On the relinquishment of Mr William Frohock appointed by this Court Adlai Osbourn came into Court & produced a commission from the Hon Saml Strudwick Esq thereby constituting and appointing the said Adlai Osbourn Esq Clark of the Inferior Court of

Pleas & Quarter Sessions for the County of Rowan dated the 30th July, 1772, likewise a Commission from the Hon Saml Strudwick Esq constituting and appointing the aforesaid Adlai Osbourn Esq Clark of the Crown for the County of Rowan dated the 30th July 1772 and was duly admitted and qualified according to Law and entered for security Alexander Martin and John Dunn Esquires in the sum of £1000 proc agreeable to Law.

[B. P. R. O. AM. & W. INDIES; NO. CAROLINA. NO. 220.]

Account of the Capture and loss of Colonel Simpson's vessel at Vera Cruz.

NORTH CAROLINA } Ss.
Edenton

By this Public Instrument of Protest and Writing, bearing date hereafter mentioned, Be it known and Manifest to all whom it may concern, that on the first day of May in the year of Our Lord One Thousand seven hundred and seventy two.

Before me Thomas Jones Notary and Tabellion Public, residing at Edenton in the Province aforesaid, by lawfull authority duly admitted and sworn according to Law, personally appeared Ebinezer Fuller late master of the Schooner *John and Elizabeth* and made oath on the Holy Evangelists of Almighty God, before me as Notary aforesaid, that on the twenty ninth day of October in the year of our Lord One Thousand Seven hundred and sixty nine, he, this deponent sailed with the said Schooner *John & Elizabeth* from Port Royal in the Island of Jamaica, bound on a voyage to the Province of North Carolina, and that at the time of the said Schooner her sailing, she was stiff, staunch, and well apparrelled and manned for the Voyage aforesaid. That on the fifth day of November in the year of our Lord last aforesaid, this Deponent past Cape S^t Antony's on the Island of Cuba with the wind at East. That on the eighth day of the same month came up with the Bay of Honda, where he this Deponent in the said Schooner, met with a hard Gale of Wind, at N. N. E. with a leeward current, which set the said Schooner *John & Elizabeth* back to S^t Antony's, and which this Deponent made the sixteenth day of the said month, that the Gale abating he made a second attempt, but on the twentieth day of the said month, was

taken in another Gale N. N. E. which split the sails and parted the tyes of the said schooner fore and aft. That on the Twenty fifth day of the said month, the Gale still continuing, carried away the Jibb Stay and Main Clew, that the Vessel being very leaky and her sails blown to pieces it was impossible to get anything to windward. That on the thirtieth day of the said month this Deponent imagined himself two degrees West of Cape Florida being in Lat. $25^{\circ} 44^m$ N. That the provisions being then exhausted to fifteen biscuits a man and a very little meat this deponent found in such situation, it was impossible to proceed on his voyage. It was therefore with the advice and consent of the Ship's Company, for the preservation of their lives, thought most advisable to bear away for the Mississippi, but that by a mistake in the Draught, the mouth of the river being there laid down nineteen miles south and three hundred and ten miles west from where it really lyes, occasioned this deponent to over run the Port, that it being then the eighth day of December, in the year of our Lord aforesaid, and finding the said Schooner to the Westward this deponent endeavoured for the Mississippi until the sixteenth day of the said month, but the Provisions being quite expended, and the vessel in excessive bad order, this deponent was obliged to bear away for Vera Cruz, where he arrived with the said Schooner on the Twenty fifth day of December in the year of Our Lord aforesaid, that this deponent and his Crew had for many days before this been reduced to nothing for their subsistance but boiled molasses and sugar. That on the Twenty sixth day of the said month of December this Deponent and his Crew, by the Express Orders and Command of the Governor of Vera Cruz were taken prisoners and confined under a guard of Twenty Three Spanish Soldiers, on board of the said Schooner *John and Elizabeth* without the least Cause given or Crime committed either by this Deponent or any of his Crew. That on the Twenty first day of January in the year of our Lord one Thousand seven hundred and seventy, the aforesaid Governor attended by the Custom House officers, came on Board the said Schooner, and threatened this Deponent and his Crew with death, should they refuse to deliver up the keys of their Chests, that thereupon this Deponent and his Crew delivered up their Keys, upon which the said Governor and Officers rifled the said Schooner and Chests, and robbed the same of the Quantity of five hundred, Twenty nine and a half dollars, and thereafter gave a strict charge to keep this Deponent and his Crew under Confinement, That this Deponent and his

Crew remained confined on Board of the said Schooner until the Thirtieth day of October in the year last aforesaid, when she sunk by the neglect of the Spaniards, That this Deponent and his Crew were then carried and confined on board a Spanish Vessel. That on the seventh day of January in the year of Our Lord one Thousand seven hundred and seventy two, the aforesaid Governor came down to the said Vessel and verbally ordered this Deponent and his Crew to embark for the Havannah, at the same time robbed and carried away from this Deponent two Negroes being part of the Cargo of the aforesaid Schooner, that this Deponent and his Crew still continued under confinement until the sixth day of February, when they sailed for the Havannah, at which place they arrived on the second of March thereafter, that on the sixth day of the said month of March this Deponent petitioned the Governor of the Havannah for the Sloop *Sally* which belonged to Capt. Benjamin Pratt Junior who, and likewise his mate, had died of the small pox, that the said petition was readily granted, and on the seventh day of the said month of March this Deponent and his Crew embarked on board the said Sloop *Sally*, That on the Twenty eighth of the said month they set sail with said Sloop from the Havannah bound for Pasquotank County in the Province of North Carolina, after a confinement by the Spaniards of Twenty seven months and four days, during all which time this Deponent and his Crew were not only almost starved for want of Provisions, but otherwise most cruelly and barbarously treated and kept to hard labour, and this Deponent further maketh Oath that he never has received the smallest redress or satisfaction either for the loss of his said Vessel, her Cargo or the dollars above mentioned; and that on the Twenty eighth day of April in the year of our Lord last mentioned, he this Deponent arrived with the said Sloop *Sally* in Pasquotank County aforesaid. And further he saith not.

EBEN^r FULLER.

Wherefore the said Ebenizer Fuller Master as aforesaid before me did protest, against the winds, Seal Currents, the aforesaid Governor of Vera Cruz and Custom House Officers for all losses Costs and damages whatsoever, that hath or may accrue to the Owners, Freighters or Incurers, or any person or persons whatsoever, concerned in the said Schooner *John and Elizabeth*, for the reasons herein before mentioned.

Whereupon I the said Thomas Jones Notary as aforesaid at the instance and request of the said Ebenizer Fuller, did, and do hereby solemnly and in due form, sign and attest this present Protest, of, for and concerning all and singular the premises aforesaid, in the particular manner herein before mentioned and expressed as if the same were herein again particularly mentioned and repeated.

In Testimonio Veritatis

THO. JONES, Not^y Publick.

Recor' eodem. Dic.

Be it remembered that on the first day of May in the year of our Lord one thousand seven hundred and seventy two, personally appeared before me Thomas Jones, Notary and Tabellion Public residing at Edenton in the Province of North Carolina duly admitted and sworn according to Law, Ebenizer Fuller late Master and Ichabod Simpson late Mate on Board the Schooner *John and Elizabeth*, Who made Oath on the Holy Evangelists of Almighty God to the truth of the several Traits contained in the within written Protest.

Signed

EBENIZER FULLER, Master
ICHABOD SIMPSON, Mate
JOHN BRITTON, Seaman
JOHN WILLIAMS, Seaman

Quod Attestor rogatus

THO. JONES, Not^y Publick.

Pasquotank County 6th May 1772. Then appeared before me William McCormick one of His Majesties Justices for this County, John Britton, Mariner, who made Oath on the Holy Evangelists of Almighty God, to the truth of the several Traits contained in the within Protest.

W^m M^cCORMICK.

Chowan County—Ss. 5th August 1772. Then appeared before me Robert Smith Esq^{re} one of His Majesties Justices for the said County, John Williams late mariner on board the Schooner *John & Elizabeth* who made Oath on the Holy Evangelists of Almighty God, to the truth of the several Facts contained in the within Protest.

ROB^t SMITH.

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

Mr PALMER

Having issued our Deputation to Mr W^m Palmer to be Collector of your Port in the Room of Mr Robert Palmer who has resigned, you will herewith receive the same together with Instructions & a Blank Bond in the Penalty of One Thousand Pounds Sterling to be executed by him with two sufficient securities to be approved of by the Governor of your Province, and you are to admit him to the said office upon his entering into the said Bond & taking the oaths prescribed by Law before the Governor, a Certificate of which you are to transmit to us together with the Bond duly executed.

We are
Your loving Friends
W^m BURCH
HEN. HULTON
CHAS EASTON

Custom H^o Boston 20th August 1772.

Robert Palmer Esq^r Collector of Bath Town.

[B. P. R. O. AM. & W. IND: NO. CAROLINA. NO. 219.]

Governor Martin to the Earl of Hillsborough

NORTH CAROLINA, HILLSBOROUGH, August 21st 1772

MY LORD,

I had the honor to receive your Lordship's Dispatch N^o 7 two days ago together with an Order of His Majesty in Council for the disallowance of three Acts passed in this Province in January 1771, and a Copy of the representations of the Lords of Trade upon them and a fourth Act not disallowed; in Obedience to the Royal Command signified to me by your Lordship's letter I have declared His Majesty's disallowance of such Acts in the usual manner by Proclamation.

In Consequence of Representations made to me of the calamitous state of this Country from a long and excessive drought that hath much injured the Harvest of Wheat and other Winter Grain and in many parts totally destroyed the crops of Indian Corn and that the Northern and Southern Colonies have suf-

ferred in like manner, I have by and with the advice and consent of His Majesty's Council laid an Embargo upon Wheat and Rye and the flour thereof to continue until the 28th day of November next when the Crops of Indian Corn may be ascertained and the Propriety of continuing or taking off the Embargo determined upon right principles.

By the Minutes of Council it will appear to your Lordship that I have taken this and other measures with the advice of only three Members of the Council more than which as the Members are so remotely situated and widely dispersed I find it impossible to convene in any reasonable time even when I am at New Bern the fixed seat of Government and the distance of this place renders it still more difficult to assemble a greater Quorum.

I have assiduously aimed at a strict conformity to His Majesty's Instructions relating to Trade but I do assure your Lordship I find it utterly impossible to effect what is required by the 9th article of those Instructions; it may be easy in a Colony that has but one Port where the Governor resides but in this which has many and very distant from his Residence it is impracticable without great inconveniences and delays to the trading part of His Majesty's subjects as well as much greater punctuality and attention in the Officers of the Customs than my predecessors or I have been able to bring them to wherefore I cannot help expressing my wishes to your Lordship that His Majesty may be graciously pleased to take this matter into His Royal consideration and that your Lordship will be pleased to inform me whether since His Majesty's appointment of the Board of Commissioners of the Customs for America it is designed that the Governors should direct their correspondence on business of that department to them only or to the Lords Commissioners of His Majesty's Treasury the Commissioners of the Customs in London and to the American Board also.

I have the honor to be &c

JO. MARTIN.

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

COUNCIL JOURNALS.

At a Council held at Hillsborough August 22^d 1772.

Present

His Excellency the Governor.

The Honble { Alex^r McCulloch and
 { Samuel Strudwick Martin Howard } Esquires

His Excellency was pleased to lay before the Council a Petition from the Principal Merchants and inhabitants of the Town of Tarborough, requesting him to grant a Charter for the said Town. The Board were of opinion that in regard to the good navigation and peculiarly happy situation of the said Town for the purposes of Trade, His Excellency should grant the prayer of their Petition.

[N. C. LETTER BOOK. S. P. G.]

Rev^d M^r Taylor to the Secretary. (Extract.)

N^o. HAMPTON COUNTY

N^o. CAROLINA

August 24th '72

REVEREND SIR,

I wrote you an account last fall of my being at that time in S^t George's Parish Northampton County in order to make a Trial of it, as well to be acquainted with the parish as to give them a knowledge of my conduct and abilities that there might no dissatisfaction arise hereafter on account of our being unacquainted. I now inform you that having made a trial of 10 months, and approving of the parish, the vestry and people unanimously agreed to recommend me to the Governor for Induction. I have not yet waited upon His Excellency having been so closely engaged in the Spring, as I had a very sick parish, and been under a necessity of riding for some months together upwards of 130 miles per Week, my parish as I informed you in my last being very extensive. Thank God, people are in general pretty healthy at present, but the weather is, and has been so extremely hot, that I find it sufficient to give my own parish

due attendance; I expect however, an opportunity of seeing the Governor in October, who has gone up to Hillsborough to spend the Summer, and purposes returning this way home.

I am extremely happy in my Parish having the united affections of the People. The Vestry have not yet purchased a Glebe as they have been at great expence in building 2 new Churches and repairing and enlarging the others since my coming here, I have rented a Plantation in the centre of the parish, that I may be as convenient as possible to my churches.

In my last I acquainted you with there being a great many Dissenters in this part of the country. I don't know what they call themselves, some term them Anabaptists, some New Light Baptists, and others Baptists. I have talked with some of their preachers, who are surprisingly ignorant, and pretend to Illumination and assurances, they are so obstinately and wilfully ignorant themselves and teach their fellows to be so too, that they will hearken to no reason whatever, but are obstinately bent to follow their own absurd Notions. They increase surprisingly in Virginia, and in some parts of Carolina, but I bless God they rather decrease in my parish. Multitudes of them having left their Teachers are constant attendants at my Churches. We have a few Quakers in this Parish but they are no way troublesome.

In my last I acquainted you, that from the 19th July to the 29th September I baptized in my parish: 60 White Infants, 29 Black Infants, and 38 Black Adults, from thence to the date hereof, I have baptized in my own parish: 2 white adults, a Quaker and one who had been brought up a New Light Baptist, but never initiated into their profession by their method of plunging, 112 white Infants, 46 Black infants, 55 Black Adults, who seem to be very desirous of instruction in their duty. I have administered the Sacrament twice-round my parish, which is eight times in the year and had the first time 51 Communicants at the different churches, and the last time 63. I took a Journey this Summer to S^t Mary's parish, Edgecombe County which has been some time vacant by the resignation of M^r John Burgess. I travelled 219 miles in the space of 6 Days and preached 4 Sermons in that County, and baptized 159 white and 4 black infants the 3 first days, the last day being very rainy, no children were brought, the People in that County are in general Poor and the parish so extensive that they have little probability of a Minister's settling

amongst them, there are many parishes in that part of the Country in the same unhappy situation.

In my last I acquainted you that there was great want of Parish Books here for the 4 churches and I presumed so far upon the Society's good nature as to request the favor of them for the parish, as I imagine they would be made as good use of here as in any parish that has been favored with such a present. For my own part a few Books would be of great utility as you know my circumstances in England would not admit of my procuring many. I humbly beg my duty and service to the honorable and laudable society and I shall always use my weak endeavours to promote the laudable design in this part of the Country, and that God may prosper their handy work in all parts of the World shall ever be the prayers of their most obedient humble Servant, and

Yours &c

C. E. TAYLOR .

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

COUNCIL JOURNALS.

At a Council held at Hillsborough Aug 25th 1772

Present.

His Excellency the Governor & Council as above [22nd August].

His Excellency communicated to this Board certain informations which he had received from several intelligent persons who had lately traveled thro' the western parts of this Province of the bad state of the Corn in general from the long drought that hath prevailed, and the great appearance there was of the total failures of the crops in many places, and considering the advices he had received of the like calamity in the Province of New York, and the great scarcity of grain in South Carolina, with the high price wheat already bears in other Colonies particularly in Philadelphia the great granary of North America and that this may prove a strong temptation to merchants and others for the sake of present advantages to export wheat and flour, upon which alone multitudes here must depend for their support should the crop of corn fail wholly or even in part. He was pleased to submit to their consideration the expediency of laying an immediate embargo until it should be ascertained whether

Providence will avert the evil with which this Province is threatened. The Council were unanimously of opinion that the embargo was a measure of the most urgent necessity and the only probable means of preserving this Country from the miseries of impending famine.

NORTH CAROLINA—Ss.

By His Excellency Josiah Martin Esq, &c., &c.

A Proclamation

Whereas it hath been represented to me that the severe drought which hath prevailed in this Province for many months past hath greatly damaged and in many places totally destroyed the crops of Indian Corn now growing and if the exportation of Wheat, Rye and flour to the neighboring provinces which (according to my information) have suffered the same dreadful calamity is not speedily prevented the most alarming consequences may be felt by the inhabitants of this Province. I have therefore thought fit by and with the advice and consent of His Majesty's Council to issue this Proclamation hereby strictly enjoining and prohibiting the exportation of wheat rye or flour thereof from any port or place within this province to any of the neighboring provinces or parts beyond the seas for the space of three months next ensuing the date hereof of which His Majesty's officers of the Customs and all other persons are to take notice and govern themselves accordingly.

Given under my hand &c at Hillsborough.

JO. MARTIN.

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

Letter from Richard Henderson to Richard Bannehan.

GRANVILLE, Aug^t 29th 1772.

D^r SIR,

Have not been able to see that little scoundrel, Will Potter yet, nor do I know where he is. The small pox, I understand is in a good way being mostly confined to those negros over the River & not yet broke out among the rest. Col. Williams & myself will meet you on Tuesday Even^g near the Nap of Reeds.

I am with the greatest Friendship D^r Dick,

Your most Obd^t Serv^t

RICH^d HENDERSON.

[B. P. R. O. AM. & W. IND.: NO CAROLINA. NO. 219.]

Letter from Governor Martin to Sec^y Hillsborough.

NORTH CAROLINA HILLSBOROUGH,
August 30th 1772.

MY LORD,

Since I had the honor of writing to your Lordship of my Intention to visit that part of this Province lying to the Westward of this Place I have made a Tour through the most broken difficult and rough Country I have ever seen as far as Salisbury in my circuit taking in the Moravian Settlements where I was irresistibly detained beyond my intention in admiration of the virtuous industry and perfect economy of that people who are notable examples to the supine and licentious inhabitants of this Colony who live in their neighbourhood and must I think sooner or later feel their Influence beneficially.

On my route My Lord I passed through the County of Guilford the residence of the principal Insurgents who had lately made their submissions to me. I received from them here the most pressing solicitations to be permitted to present themselves before me and after some debate with myself about the decency of compliance and considering that a refusal might to their ignorant minds imply apprehensions of personal violence or predetermined rigour I consented that they should meet me at an appointed place; they came accordingly before me bearing in their countenances every mark of truest contrition and penitence and after the most solemn protestation of their innocence and abhorrence of the design to subvert the Government of which they had been misled to crimes and violences they had never intended and for which they felt the severest remorse they declared their resolution to submit to the Royal Pleasure and implored my pity and good offices, I set before them in the strongest light I was able their criminality aggravated by their long forbearance to submit themselves to Justice I reprehended Hunter who was among them more particularly for his indecent defiance of a Court of Justice by appearing in the face of it while he stood in so criminal a state with any other design than to render himself to which he submissively replied that if he had offended by so doing it was innocently and ignorantly and that he heartily asked pardon for it. After exhorting them to deserve his Majesty's Mercy to which they

had now submitted themselves by future right good conduct and informing them that I should soon apprize them of the measures to be taken in consequence of their surrender I dismissed them and I must own to your Lordship with sentiments of pity and compassion I never should have felt if I had not seen them and made myself acquainted with their barbarous ignorance that really surpasses all description.

My progress through this Country My Lord hath opened my eyes exceedingly with respect to the commotions and discontents that have lately prevailed in it. I now see most clearly that they have been provoked by insolence and cruel advantages taken of the peoples ignorance by mercenary tricking Attornies, Clerks and other little Officers who have practiced upon them every sort of rapine and extortion by which having brought upon themselves their just resentment they engaged Government in their defence by artful misrepresentations that the vengeance the wretched people in folly and madness aimed at their heads was directed against the constitution and by this stratagem they threw an odium upon the injured people that by degrees begat a prejudice which precluded a full discovery of their grievances thus My Lord as far as I am able to discern the resentment of Government was craftily worked up against the oppressed and the protection which the oppressors treacherously acquired where the injured and ignorant people expected to find it drove them to acts of desperation and confederated them in violences which as your Lordship knows induced bloodshed and I verily believe necessarily. Enquiries of this sort My Lord I am sensible are invidious nor would anything but a sence of duty have drawn from me these opinions of the principles of the past troubles of this Country.

Since I became acquainted with the Barbarism and profound ignorance of the wretched people of this Country I perceive all the resentment subsided which the representations of the people in general (stiling themselves the friends of Government) in spite of all my endeavours to hold myself impartial had wrought into my mind and my indignation is not only disarmed but converted to pity; nevertheless My Lord as I had been led by misrepresentations in the whole course of my correspondence with your Lordship to hold up the delinquents here to his Majesty as people against whom the proceedings at Law had been compleat and final and in a state depending solely on the Royal Pleasure I thought it my indispensable duty as

soon as I discovered my error and after receiving his Majesty's commands to propose to the Legislature an Act of Pardon and Oblivion which I might presume were given in that opinion to advise whether they could not be brought into that predicament wherein I had represented them I therefore summoned the Judges to attend here pursuant to my intention communicated to your Lordship by a former letter and on their arrival I proposed to their consideration the questions which together with their answers and the Attorney General's opinion I now have the honor to transmit to your Lordship. Another principle My Lord that engaged me in this enquiry was an opinion that if exceptions should be made in the act of grace to be proposed they would be impotent unless the criminals were in a state wherein the Royal Pleasure might operate effectually and conclusively against them. And further that it behoved me to guard against future omissions and irregularities in the proceedings at Law which might tend to restrain its Influence as well as more fully and clearly to understand the past erroneous transactions which had placed the offenders in a light so different to that in which they have been heretofore universally considered and represented by me.

From the several opinions I have now the honor to lay before your Lordship you will see that the Judges who have consented hitherto to the common error and deemed the prosecuted offenders here Outlaws think them no longer so and are doubtful as well about the possibility as the expediency of ascertaining or punishing their past crimes Wherefore My Lord it hath been determined with the advice of his Majesty's Council and the Judges that I shall signify to the people who have desired to surrender themselves that they will on their appearance be bound in recognizances to appear at the Superior Court from term to term to answer such matters as shall be brought against them at the suit of the Crown until his Majesty's Pleasure concerning them shall be finally declared the only measure it seems by which they can be kept in hold and which may at the same time I think have the effect of protecting their Neighbourhood from the injuries which have been committed in it since their return to their habitations and are by some supposed (although perhaps unjustly) to have been done by them. I do not apprehend that the Assembly will make other exceptions in the act of Grace than were made in the late Assembly's address to me and I confess my Lord I am of opinion none other will be necessary The measure which his Majesty hath been pleased to authorize me

to propose will I am persuaded have the best tendency to harmonize the discord that has prevailed in this Country but cordial union can never take place until the victors forget to exult on the last years triumph at Alamance.

It is with concern My Lord that I find myself on this occasion obliged by my duty to His Majesty to bring before your Lordship a subject on which the Chief Justice and myself hold different opinions and on which I wish your Lordship's decision to obviate inconveniences and detriment that may hereafter arise to the King's service by division among His Majesty's servants or for want of their united endeavours or zealous cooperation.

Having summoned M^r Chief Justice Howard to attend here with the other Judges to advise with me concerning the legality extent and effect of the past proceedings against the Insurgents and the further measures that it might be lawful and expedient to take with them I received from him an irresolute and indefinite answer whereupon I thought it my duty to enjoin his attendance indispensably at the time I had appointed for the other Judges and the Attorney General in consequence of which he complied after politely remonstrating "that in his Character of Chief Justice and in the Office and character of a Judge he did not hold himself subject to the direction of any person whatsoever the law alone being his rule, that his office is judicial not ministerial and that he cannot regularly be called upon to advise or give an opinion extrajudicially upon any business." I humbly apprehend My Lord that M^r Howard is perfectly right with respect to the independance of his office if he would confine it to proceedings in his Court with which I am sensible no authority can rightfully interfere but he since explains himself more fully "that he is not bound to give an opinion upon any matter of Law off the Judgment Seat" which I confess appears to me an Independance not warranted as M^r Howard asserts it is by the British Laws and constitution as it would seem to deprive His Majesty or any of His Delegates of the aid of the greatest Sages of the Law in Matters of all others the most important and nice nevertheless I can well conceive there may be points before a Judge in his Court unfit for him to decide upon extrajudicially; in the present case My Lord I apprehend M^r Howard feels his official dignity here at least as much as its independance invaded by my preemptory injunction of his attendance at this place which happens however to be in the exact line of his duty the question therefore between us My Lord

I am desirous to submit to your Lordship's consideration I resolve into this viz^t whether I may call upon the Chief Justice for advice or opinion in any matter of difficulty in law in virtue of the power I derive from His Majesty or not? I think it My Lord of no little consequence that this point should be clearly understood not only as I am equally unwilling to usurp an undue power as to make concession of a right of office improperly and more especially of so great moment as this appears to be, but that I may know precisely what helps I may expect in the discharge of my duty to the King. The Chief Justice confines me in matters of law to the Counsel of the Attorney General of which by various accidents I may be often deprived but I shall implicitly submit to your Lordship's arbitration to which I have apprized M^r Howard I should refer this matter that I would not suffer to become matter of dispute between us.

I have the honor to be &c

JO. MARTIN.

Copy of the Chief Justice's Opinion.

TO HIS EXCELLENCY THE GOVERNOR,

I have considered the several questions proposed to me by your Excellency and submit the following answers.

To the first.

I know of no Insurgents in a state of *Outlawry* in the law sense of that word as far as I can recollect indictments were found against several persons at New Bern in March 1771, for Felonies and Trespasses committed at Hillsborough and proclamations were issued by the Court to compel their appearance upon pain of being adjudged guilty of the offences charged in the Indictments and also of being killed by any person whatever with Impunity but whether those proclamations were ever published or set up according to the directions of the Riot Act so as to effect the attainder intended by it, is a material point and cannot be ascertained but by a Tryal in the Courts of Law.

To the second.

This question is also upon a point that will most probably come before the Court whenever any one of the persons who have taken Arms against his Majesty's Government shall be tried for such offences I therefore conceive it to be improper for me to give my opinion upon this question till it shall come in judgment before me.

To the third.

It is not easy for me to say in what light the Legislature will view the Insurgents or whether their criminality will appear to them with greater dignity after a conviction than it would before but I give it as my opinion that if the peace and quiet of the Country is the object in view it would be wiser to pass a General Amnesty without making any further stir concerning the criminality of the Insurgents.

To the fourth.

I have no means to know what state any accused individual is in till a verdict of Jury has acquitted him or found him guilty if any of the Insurgents should be excepted in the proposed act of Grace they will be in the same state *then* that they are *now* that is subject to be taken up and tried by the Laws of their Country for any offences they may have committed.

M. HOWARD, C. J.

Hillsbor^h 24 Aug^t 1772.

Copy of Judge Henderson's Opinion.

TO HIS MAJESTY'S CHIEF JUSTICE AND TO THE ASSOCIATE JUSTICES
OF THE PROVINCE OF NORTH CAROLINA.

GENTLEMEN,

Having received overtures from certain of the outlawed Insurgents to surrender themselves to justice I recommend to your consideration the following questions on which you will be pleased severally to give me your opinions in writing.

1st. Whether upon their surrender the outlawry may be perfected that I am informed is now incomplete so as to bring the Offenders under the Royal Pleasure?

Answer. As the Act of Assembly referred to in your Excellency's second question is totally expired it is my opinion that no further prosecution in virtue of that Act can legally be supported against any offenders whatever therefore if anything is wanting to perfect any proceedings commenced by authority of said Act it is now too late to effect such completion and consequently those proceedings must remain imperfect.

2^d. Whether these Insurgents are subject to indictment and Trial under the lately expired Riot Act of this Province of the year 1771, or otherwise for the subsequent and most capital crime of taking

Arms against his Majesty's Government of which I have recently discovered that no legal cognizance hath been taken heretofore believing the outlawry consequential of that Treason and the proceedings at Law compleat and final and that the Criminals were depending solely on his Majesty's Pleasure, the general received opinion on which was formed my assurance that it was out of my power to grant the pardon to them that the late Assembly proposed to me.

Answer. For the reason given in my answer to your Excellency's first question it is my opinion these Insurgents are not subject to indictments under the lately expired Riot Act of this Province of the year 1771, but if guilty of any offence against the laws now in force they may be prosecuted in any Court having cognizance of such offence due respect being had to the district or County where such offence was committed.

3^d. Whether (if liable to arraignment for such act of high Treason) their criminality will appear with proper dignity before the Legislature until it be fully and judicially established when in consequence of his Majesty's Royal commands it shall be offered to the consideration of the General Assembly at the next Session to pass an Act of Pardon and Oblivion with such exceptions as may be judged proper?

Answer. Whether their criminality will appear with proper dignity before the Legislature until fully and judicially established is what I am at a loss to determine but give it as my humble opinion that the Legislature may with great [propriety] (first having obtained the Royal permission) pass an Act of Pardon and Oblivion extending to all or any number of those Insurgents without any further or other prosecution against them.

Lastly. In what state will these criminals be if any of them be excepted in the Act of Grace the proceedings at Law against them being incomplete and they consequently not depending upon the Royal Pleasure as his Majesty hath been informed and as hath been generally and erroneously believed?

Answer. This question is fully answered by my answer to your Excellency's first question, but with the utmost deference think the Legislature may insert a clause in their Act of Grace against such excepted persons thereby in my humble opinion answer every desirable purpose with respect to them.

RICH^d HENDERSON.

Hillsborough 24th August 1772.

Copy of Judge Moore's Opinion.

TO HIS MAJESTY'S CHIEF JUSTICE AND TO THE ASSOCIATE JUSTICES
OF THE PROVINCE OF NORTH CAROLINA:

GENTLEMEN,

Having received overtures from certain of the outlawed Insurgents to surrender themselves to justice I recommend to your consideration the following questions on which you will be pleased severally to give me your opinions in writing.

1st. Whether upon their surrender the Outlawry may be perfected that I am informed is incomplete, so as to bring the Offenders under the Royal Pleasure?

Answer: These People are not regularly Outlaws, such of them as were indicted for inferior offences and did not surrender themselves within the time limited by the Riot Act are to be held guilty of the offence with which they were respectively charged, but no judgment can pass against them without Trial and Conviction. That act prescribes a certain mode of notification to accuse offenders: if that has not been strictly pursued the Penalties of the Act cannot have been incurred. This is a fact which can only be enquired of and determined by a Jury. The Outlawries (as they are called) taken at the Court of Oyer and Terminer at New Bern in the year 1771 can only have relation to inferior offences; all proceedings against those who were capitally charged are *ab initio* void.

2^d. Whether these Insurgents are subject to Indictment and Trial under the lately expired Riot Act of this Province of the year 1771, or otherwise for the subsequent and most capital Crime of taking arms against His Majesty's Government of which I have recently discovered that no legal cognizance hath been taken heretofore believing the Outlawry consequential of that treason and the proceedings at Law complete and final and that the Criminals were depending solely on His Majesty's Pleasure the general received opinion on which was formed my assurance that it was out of my power to grant the pardon to them that the late Assembly proposed to me?

Answer. I think at present they are not liable to be indicted; the eleventh section of the Riot Act is the only one under which Treason is in any wise imputable to the Insurgents and that section does not declare any persons unlawfully assembled &c., (Traitors) it only

says they shall be considered as Traitors and treated accordingly it is evident that this Law does not make the particular act of unlawfully assembling &c., Treason, it only compares the act to this crime and exposes the persons who have been guilty of them to the like pains and penalties that Traitors are exposed to which cannot endure longer than the Law itself.

3^d. Whether (if liable for arraignment for such Act of high Treason) their criminality will appear with proper dignity before the Legislature until it be fully and judicially established when in consequence of His Majesty's Royal commands it shall be offered to the consideration of the General Assembly at the next session to pass an Act of Pardon and Oblivion with such exceptions as may be judged proper?

Lastly. In what state will these criminals be if any of them be excepted in the act of Grace the proceedings at Law against them being incompleat and they consequently not depending on the Royal Pleasure as His Majesty hath been informed and as hath been generally and erroneously believed?

Answer. My Answer to the second question renders an answer to the third and last unnecessary.

M. MOORE.

August 24th 1772.

Copy of Mr Attorney General's Opinion.

TO THOMAS MCGWIRE ESQ^{re} HIS MAJESTY'S ATTORNEY GENERAL OF
THE PROVINCE OF NORTH CAROLINA.

SIR,

Having received overtures from certain of the Outlawed Insurgents to surrender themselves to Justice I recommend to your consideration the following questions on which you will be pleased to give me your opinion in writing.

1st. Whether upon their surrender the Outlawry may be perfected that I am informed is now incompleat so as to bring the Offenders under the Royal Pleasure. .

I think it cannot, the proceedings against the Insurgents in New Bern district for felonies being invalid and though they might have been subject to the consequences of not surrendering within sixty days after proclamations issued; even where they were indicted for offences not capital for I think such a construction the 9th section of

the Riot Act warrants yet the proclamations not having issued as I ever understood agreeable to the directions of that Law I think their situation does not bring them within the perview of that clause if so they can be proceeded against only in those cases where they have been indicted for Trespasses and other misdemeanorous offences not of sufficient dignity to bring the Offenders under the Royal Pleasure.

2^d. Whether these Insurgents are subject to indictment and trial under the lately expired Riot Act of this Province of the year 1771, or otherwise for the subsequent and most capital crime of taking arms against his Majesty's Government of which I have recently discovered that no legal cognizance hath been taken heretofore believing the Outlawry consequential of that treason and the proceedings at Law compleat and final and that the Criminals were depending solely on his Majesty's Pleasure the general received opinion on which was formed my assurance that it was out of my power to grant the pardon to them that the late Assembly proposed to me.

I think the Insurgents may still be tried under the late Riot Act but if the Court should be of a different opinion they may be indicted for whatever offence their taking up arms amounts to but from an attentive review of the circumstances of their conduct upon that occasion I am afraid their offence would not amount to Treason at common Law or fall within the perview of the statute of constructive Treason passed in the 23rd of Edward 3rd (though that act should be admitted to be in force here and of which there is some doubt) in which case their crimes though heinous are yet independent of the Riot Act not capital.

3^d Whether if liable to arraignment for such act of high Treason their criminality will appear with proper dignity before the Legislature until it be fully and judiciously established when in consequence of his Majesty's Royal commands it shall be offered to the consideration of the General Assembly at the next Session to pass an Act of Pardon and Oblivion with such exceptions as may be judged proper.

A Conviction would best ascertain the quality of their Offence and might be perhaps proper if it could be certainly obtained and of which there would be no doubt if I am right in my opinion that they may be still tried under the Riot Act though I think the General Assembly might pass a general act of Pardon and Oblivion

with such exceptions as may be judged proper without the previous ceremony of a Trial.

Lastly. In what state will these Criminals be if any of them be excepted in the Act of Grace the proceedings at Law against them being incompletion and they consequently not depending on the Royal Pleasure, as his Majesty hath been informed and as hath been generally and erroneously believed.

Such Criminals as should be excepted in the Act of Grace in those instances where the proceedings at Law against them are invalid are I think in the same state as if there had been no prosecutions commenced but where they are incompletion only the Insurgents may be proceeded against or not as it hereafter should be thought necessary, in all other instances they are liable to be indicted and tried for such offences as their conduct in the Eye of the Law amounts to.

August 29th 1772.

THO: M^cGWIRE.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 219.]

Governor Martin to Secretary Hillsborough.

NORTH CAROLINA HILLSBOROUGH,

September 5th 1772.

MY LORD,

I have had the honor to receive your Lordship's Dispatch N^o 8 together with two additional Instructions from His Majesty which I shall not fail to make the rules of my conduct in the cases to which they relate and I am to acquaint your Lordship that I have in obedience to the Royal commands signified in the usual manner His Majesty's disallowance of the Act of 1771, for encouraging and supporting the establishment of a Post Office in this Province as declared by the King's order in Council which your Lordship hath transmitted to me.

I derive the highest satisfaction from your Lordship's signification of His Majesty's approbation of my conduct on the dissolution of the Assembly. The measures taken by the Speaker and the Treasurer's which immediately and indispensibly engaged me to that step I do conceive My Lord to have been the pure result and implicit obsequiousness to the sense of the House of Assembly and that they were by no means active abettors of its unwarrantable proceedings the rare good character of the former defends him particularly from

any suspicion of wilful guilt in that and every other transaction. The Treasurers your Lordship will find are the creatures of that branch of the Legislature in this Colony and therefore not removable by His Majesty's Governor if their conduct should at any time call for his resentment.

Five of the six Criminals who were irregularly liberated at the time of the execution of their confederates while they were only respited until His Majesty's Pleasure should be known have surrendered themselves in consequence of a Proclamation issued upon your Lordship's notification of His Majesty's most gracious pardon to them and I have the pleasure to assure your Lordship that they received with the most grateful and dutiful acknowledgement that mark of the King's Royal Clemency and took the Oath of Allegiance and the other of these Criminals I am informed is dead.

I have just discovered that it has escaped me hitherto to inform your Lordship that in the month of April last I gave permission to discharge a load of salt brought into this Province by a Brigantine bound from Lisbon to New York upon sufficient evidence that the vessel had put into Port Roanoke in this Province through distress and that she could not be repaired and put in condition to proceed on her voyage without unloading having sprung a very dangerous Leak and I most heartily beg your Lordship's pardon for this omission.

Being by no means able to ascertain how far the Laws in this Province while it was a Proprietary have been ratified by His Majesty or are now properly of force with respect to the whole or that part of it still held by one of the Proprietors, I most humbly request your Lordship's information on this subject for I see the Laws of that day make yet a part of the system of Jurisprudence of this Colony one of which intituled "An Act concerning old titles of Lands and for limitations of actions and for avoiding suits in Law" passed in the year 1715 appears to me to be injurious to property and there are others that I think derogatory to the Powers granted by His Majesty to his Governors.

Since I have seen the evils introduced by the malpractices of Attornies here I confess to you my Lord I feel my sentiments much changed with respect to the Act of 1770 referred to in my dispatch N^o 18, for their intervention is by that Law rendered unnecessary and an appeal is allowed to the parties from the judgment of the Magistrates to the County Court which is attended with inconsiderable expence,

indeed I am of opinion it will be improved by giving the power to one Magistrate that is now vested in two as it would afford opportunity to exclude a great number of bad men who are now necessarily admitted into the Magistracy.

An Act that was passed at the late Session intituled "An Act to empower the Freeholders of the several Parishes therein mentioned to elect Vestries for their respective parishes has caused great discontent among the Presbyterians in those parishes who pretend it arises not from being abridged of the privilege of becoming Vestrymen but from their being distinguished and put upon a worse footing than the rest of their set. At the time the act was before me I own My Lord I thought it included the Body of Presbyterians in the Province for I could not have entered into the Policy of making distinction in such a case of the same denomination of people, & as they appear to rest their discontent on this ground I hope the Assembly at the next session will be induced to exclude them from Vestries universally which seems to be a measure no less expedient in this Country than consistent with the Laws of Great Britain for the support of the established church.

I have the honor to be &c

JO: MARTIN.

[N. C. LETTER BOOK. S. P. G.]

Letter from M^r Reed to the Secretary.

NEWBERN Sept^r 12th 1773 [1772]

REVEREND SIR,

Nothing material has happened since my last of the 17th of March. The Assembly which was appointed to meet last May was prorogued till the 12th of October, and very probably will be further prorogued till about Christmas when the present Vestry Act will be fully expired, and must of course come upon the Anvil, a permanent one will be warmly recommended, and if it should miscarry I shall have very little hopes of ever seeing the Church of England established in this province.

I have sent my *Natitia Parochialis* as usual and am with the utmost gratitude and regard,

Yours &c

JAMES REED.

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

Letter from Bromfield Ridley to Col. John Williams.

28th Sept^r 1772.

D^r SIR,

My Horse is not yet got Home, I am very doubtful that he is stolen, but in the mean time examine Bowling strictly relative to him; the Fellow perhaps may have been scoundrel enough to conceal him upon a supposition that he shou'd get a reward. I think it wou'd be necessary to advertise him, you can describe him as well as I can, his brand is T in this Form, either on the near or off Buttock, shod before. Pray Sir, Advertise him in Town as well as in the Country & speak to some Gentleman in Town to take proper care of him if he shou'd be heard of. I shall expect you down the Day after Tomorrow.

I am D^r Sir Y^r very H^{ble} Serv^t
BROMFIELD RIDLEY.

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

Governor Martin to Samuel Johnston Esq

HALIFAX October 4th 1772.

SIR,

I have heard with much concern of your indisposition; and hope this will find your moving far advanced, & that the approach of Winter will soon establish & confirm your health.

In case of a vacancy at the Council Board I wish to know whether you will permit me to name you to the King, if it be agreeable to you, I shall be much flattered by an opportunity of making so honorable an acquisition to the Council of this Province.

The Commissioners of His Majesty's Customs have done me the favour to write that they will send a Deputation to M^r Brown or any other person whom I shall recommend for the Comptrollership of Currituck, the Salary of which office I find to be no more than £30 strl p^a Ann, if therefore Sir it is in your wishes that M^r Brown be confirmed in that Office; or if you can preferably recommend any other Gentleman, & man of Character for it, I beg the favour of you to engage him to execute the enclosed bond, which the

Commissioners have sent to me & that you will convey it to me at Newbern that I may transmit it to them.

The Commiss^{rs} inform me that they have given orders to the Officers of Currituck to confine themselves to their proper District.

I am with great esteem &c

JO. MARTIN.

The Bond I believe is to be for £500 and there must be two Securities named on it.

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

Field Return of the Regiment of Militia for Wake County, at a
General Muster, the sixth Day of October 1772.

COMMISSIONED OFFICERS.		NON-COMMISS'D OFFICERS.			PRIVATE MEN.		
		Serjeants.	Corporals.	Drummers.	Under Arms.	Absent.	Total.
John Hinton, Colonel. Joel Lane, Lieut. Col. Theophilus Hunter, Major.							
1	Simon Turner, Capt-----	3	3	0	45	8	53
	John Myat, Lieut-----						
	Andrew Collins, Ensig-----						
2	John Hinton, Capt-----	3	3	0	23	49	72
	Ruben Rogers, Ensig-----						
	James Moore, Capt-----						
3	Swan Thompson, Lieut-----	3	3	1	40	15	55
	Jacob Bledso, Ensig-----						
	Samuel Pearson, Capt-----						
4	John Bedingfield, Lieut-----	3	3	1	46	18	64
	Joshua Sugg, Ensig-----						
	Nathaniel Jones, Capt-----						
5	Tignal Jones, Lieut-----	3	3	1	79	12	91
	Thomas Philips, Ensig-----						
	Edward Mobley, Capt. (resigned)						
6	Jeremiah Mobley, Lieut. (Capt.)	3	3	1	70	23	93
	Edward Mobley, Ensig. (Lieut.)--						
	Michael Rogers, Capt-----						
7	Demsy Powell, Lieut-----	3	3	1	37	29	66
	Aaron Rogers, Ensig-----						
	Sandy Sanders, Capt-----						
8	Jacob Utley, Lieut-----	3	3	0	60	8	60
	Etheldred Jones, Ensig-----						
	William Sims, Capt-----						
9	Isham Hendor, Lieut-----	3	3	0	54	19	73
	Joel Sims, Ensig-----						
	W ^m Anderson Fowler, Capt-----						
10	Mozier Jones, Lieut-----						
	Godfry Fowler, Ensig-----						

JOHN HINTON.

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

Letter from Henry Eustace McCulloh to Rich^d Bennihan Esq,
 HALIFAX 8th Oct. 1772.
 SIR,

At the instance of my Cousin Mr. Benj. McCulloch, I have taken the liberty to inclose you 3 advertisem^{ts} summoning the people with whom I may have any business in your parts, to meet me at your house on the days therein mentioned. Your universal Character makes me flatter myself you will be so good as to excuse the freedom I have taken, and any trouble it may occasion you; and for which I shall be happy to make you every return which will prove agreeable to you. Be so good as to have one of these Advertisements put up at Boyd's place, one at my friend M^r Tho^s Hines, and the other in such place as will be most effectual; Your kind assistance in endeavouring that the people give me the punctual meeting, will much oblige Sir

Your very Obed. Serv^t

HENRY E. McCULLOH.

P. S. I propose being at your house th Thursd^y Even^g

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

NORTH CAROLINA—Ss.

By his Excellency Josiah Martin, Esq. His Majesty's Captain General, and Governor in Chief, in and over the said Province.

To WILLIAM PALMER ESQUIRE

I, reposing espécial Trust and Confidence in your Loyalty, Courage and good Conduct, do, by these Presents, constitute and appoint you the said William Palmer during my Pleasure, to be Colonel of the Beaufort Regiment of Militia. You are therefore carefully and diligently to discharge the Duty of Colonel by exercising and well disciplining both the inferiör Officers and Soldiers of that Regiment. And I do hereby command them to obey you as their Colonel and you are to observe and follow such Orders and Directions, from Time to Time, as you shall receive from me, as Captain

General, or any other your superior Officer, according to the Rules and Directions of military Discipline, and the Laws of this Province.

Given under my Hand, and the Seal of the said Province, at New Bern the Tenth Day of October Anno Dom. 1772 and the Twelfth Year of his Majestys Reign.

JO. MARTIN

By His Excellency's Command
JAMES PARRATT D. Sec.

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

COUNCIL JOURNALS.

At a Council held at New Bern October 12th 1772.

Present.

His Excellency the Governor.

The Honble { Lewis H. DeRosset and
 { Alex. McCulloch William Dry } Esquires

His Excellency informed the Board that it had been represented to him the meeting of the Assembly at the time it stands prorogued to would be attended with several inconveniences, he judged it might be proper to be prorogued until a further time and desired the opinion of the Council thereupon, who were of opinion it should be prorogued to the 6th day of January next then to meet at New Bern for the dispatch of business. Ordered a proclamation issue in the usual form.

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

Ja. Milner to Col Williams

HALIFAX 22 Oct. '72.

DEAR SIR

I hope you and Miss Williams had a safe and agreeable journey home and that you found all your family and friends well.

I forgot to mention to you when here, that you would particularly oblige me by appearing in my stead for M^r Strudwick in any suits he may be concerned in the county court of Orange. I beg you would not appear against him in any of them. The fees I will

pay, and will make compensation adequate to any inconvenience that may arise from your not taking the opposite side. To this request favor me with an answer.

I rely on your friendly attention to my friends in other matters in that court, & especially in Bute. My best wishes attend Mrs Williams, Miss Williams and Miss Keeling, and I am, with sincere regard, Dear Sir

Your very hble serv^t

JA. MILNER

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220]

Governor Martin to Sec^y Hillsborough.

NORTH CAROLINA NEW BERN,
Oct^r 25th 1772.

I have the honor to acknowledge the receipt of your Lordship's Dispatch N^o 9.

The directions which your Lordship has been pleased to give me therein concerning the appointment of County Clerks, under the Clerk of the Pleas, during pleasure, I will punctually observe, when the Law for the Constitution of Inferior Courts of Pleas, shall come under the consideration of the Legislature, at the next Session, and it will give me great satisfaction to find such Provision an effectual remedy of the evils which now arise from the tenure of those offices. I cannot take upon me to say, My Lord, that the Council will relinquish willingly the power it now holds by the participation of its Members in the Court of Chancery, but their attendance on that business, without reward, so seldom as twice a year, and for a short time, is considered so great an hardship that I am inclined to think they would not greatly feel, or regret the loss of a privilege they do not themselves think well established and that they exercise with such seeming reluctance. I have thought it behoved me to say that much in answer to your Lordship's objection; and in my own justification for proposing the measure that I some time ago had the honor to submit to your Lordships consideration, not meaning to urge it further, which I should think inconsistent with my Duty & the respect I owe to your Lordship's sentiments upon all occasions. I am satisfied to have brought a matter of so great importance before your Lordship, and please myself with the assurance that the Court of Chancery of this Province (the business of which is daily aug-

menting) will at a proper time be put upon a footing to give the relief designed by a Court of Equity; and which under its present circumstances it does not seem calculated to afford.

I have much to lament My Lord that I have been induced by the Representations of some considerable persons in this Country, to grant by the advice of his Majesty's Council a Charter to Tarborough, not long before the Receipt of your Lordship's last dispatches, by which your Lordship recommends such measures to be previously submitted to the consideration of Government, which I shall make the rule of my conduct for the future; although I am not without doubts, which I humbly request your Lordship will be pleased to resolve, whether that restriction with respect to Charters, extends only to cases like that of Campbelltown, where a new Charter was granted on the surrender of the old one, or generally to all cases wherein Charters may be solicited. The pretensions of Tarborough are founded on its convenient situation for Trade, which in this Country appears to be in such a state as to require every encouragement that may derive it to proper Channells, and they will appear more fully to your Lordship on the minutes of Council hereafter to be transmitted.

I am much concerned to find your Lordship does not admit the Expediency of allowing the Importation of foreign salt to this Colony, and considering the ground on which your Lordship's objections stand, I dare not presume to ask or expect, however I may wish a farther consideration of that measure although I am persuaded it would be of the greatest advantage to this Country, and I do believe I may venture to affirm, that its productions make it an object more deserving such indulgence than any other of His Majesty's Colonies except Newfoundland.

In consequence of the resolution taken with regard to the Insurgents who petitioned to surrender themselves, which I had the honor to communicate to your Lordship from Hillsborough, those wretched offenders appeared at the Superior Court there and entered into recognizances on the 23rd of last month, two days before I left that place. Their whole behaviour in Court and during their stay of a few hours in town, is reported to have been most perfectly decent and submissive, and I have the satisfaction to assure your Lordship that the part of this Country which last year exhibited such scenes of confusion and disorder, enjoys at this time in common with the rest of the Province profound peace and tranquility.

On my route from Hillsborough I made a detour to take a view of the Northern Counties as far as Halifax, among which those of Granville & Bute have great preeminence, as well with respect to soil and cultivation, as the manners and condition of the Inhabitants, in which last respect, the difference is so great, that one would be led to think them people of another Region. These advantages arise I conceive from the vicinity of Virginia, from whence I understand many people, invited by the superior excellence of the soil have immigrated to settle in these Counties.

At my return to this place on the 7th instant, I found I had made a Circuit of 800 miles in somewhat more than three months, this part of my duty My Lord, I have performed not without difficulty and at very considerable expence for which I shall be most gratefully recompensed if my endeavours are found conducive to the public welfare, nor can I wish for an higher reward but my Royal Master's approbation of my humble services.

Since I have made myself better acquainted with the people of this Country, I am of opinion my Lord that the Counties in general cannot afford more than five Magistrates fit to be Judges in the Inferior Courts. I would therefore humbly propose that number to be the greatest Quorum, instead of seven recommended by my letter N^o 18.

In the course of my journey through the Interior Country, I received the Militia of the three Counties of Orange, Guilford, and Chatham, which were the principal theatres of the late disorders, chiefly with a view to bring the people together that I might form my own judgment of their temper and dispositions and I availed myself of these opportunities to reprehend them for their past egregious offences, to exhort them to future good behaviour, to explain & enforce their civil duties, and obligations, and to assure them of my utmost protection and support in their just rights, as well as my firm resolution to maintain the Laws inviolate, and to punish with every lawful rigour any relapse into sedition and violence. The behaviour of the people was everywhere decent and orderly, beyond what had been known upon similar occasions as, I am informed and I hope My Lord that time will show I do not vainly flatter myself in thinking I left them impressed with a just sense of their duty to His Majesty and their Country, and that my earnest & well intended labours to restore the peace of this Colony have not been altogether abortive. Considered in a military light, nothing I do assure your Lordship can be imagined more contemptible in all respects, but numbers,

than those Assemblages of people in Arms, they were truly such a burlesque representation of soldiers, such a mockery of my beloved profession of arms, as did not fail to excite in me some silent, indignant and painful emotions.

I have much reason to believe My Lord, that the Master and Crew of M^r Simpson's Vessel misrepresented the treatment they received at La Vera Cruz, in order to conceal their own iniquities, and the quantity of money they are said to have brought back, almost assures me that they were partakers in the plunder of the Vessel, which they alledged to M^r Simpson in their letters from thence to have been confiscated with her Cargo by the Spanish Governor's authority, and I have accordingly communicated my information and suspicions to Admiral Sir George Rodney.

In the Expectation that I may receive Instruction upon the several arrangements I have submitted to your Lordship's consideration, and particularly with regard to a Law for the more effectual collection of His Majesty's Revenue of Quit Rents, which your Lordship encouraged me to expect some time ago, and upon representations of general convenience, I have prorogued the General Assembly of this Province, from the 10th of December to the 6th of January next.

I am to acquaint your Lordship, that I have displayed His Majesty's most gracious Acts of beneficence to the family of Benjamin Merrill, and to the aged John Matear, and I had the satisfaction to see them received with the most dutiful and lively gratitude.

I have the honor to be &c

JO. MARTIN.

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

Know all men by these presents that we Andrew Neel and John Ritzhaupt and Thomas Neel are held and firmly bound unto the Justices of the Inferior Court of pleas and Quarter Sessions for the County of Tryon or to their Successors in the Sum of One thousand pounds proclamation money to which payment well and truly to be made We bind ourselves and each of us our heirs Executors and Administrators Jointly and severally firmly by these presents Sealed with our Seals and Dated the 28th Day of October A D 1772

The Condition of the above obligation is such that Whereas the above bound Andrew Neel hath been appointed Clerk of the Inferior Court of Tryon County By Commission under the hand & Seal of the Honourable Samuel Strudwick Esq^r Dated the thirteenth Day of September Anno Domini one thousand Seven hundred and Seventy Two. If therefore the said Andrew Neel do well and truly Execute and Discharge his said Office according to the tenor of his Oath and the records of the said Court Safely keep then the above obligation to be void otherwise to remain in full force and virtue.

AND^w NEEL

JOHN RITZHAUPT

THO^s NEEL

Signed Sealed and Delivered in Presence of

ROBERT BLACKBURN

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 219.]

Lord Dartmouth to Governor Martin.

WHITEHALL November 4th 1772.

SIR,

Your dispatches of the 18th May 5th June and 8th and 11th of July have been received and laid before the King.

As the three first of these dispatches contain little more than a detail of the Measures you had taken for carrying into execution the Instructions you had received from the Earl of Hillsborough upon various matters relative to the state of your Government I have only to say that the attention you appear to have given to the several Objects pointed out to you manifested a Zeal for the Kings service that cannot fail of recommending you to His Majesty's Favor.

The charges exhibited against the Collector of Customs for the Port of Currituck are of a nature that certainly seemed to require that he should be suspended from the Execution of his Office; but from what I have learned of the nature of that Officer's appointment and from a comparison of it with the powers of suspension vested in you by your Instructions I very much doubt of the validity of the step you have taken and therefore cannot signify to you my commands from the King on that head until I have talked with Lord North on the subject.

The step you propose to take of consulting the Judges on the Case of the Outlaws in Guilford County and upon the measures it may be proper to pursue with regard to those Delinquents is certainly a very prudent one for however well founded your own opinion may be yet it seems to be a case in which it would be improper for you to take any steps that had not the Sanction of the Law servants of the Crown.

I have not yet failed to consider with great attention the alteration you propose should be made in the Court Acts in the ensuing Session of Assembly and the only one of the Propriety of which I have any doubt is the Extension of the Jurisdiction of the Inferior Courts of Common Pleas in matters of Property, for although I am sensible that by the other reforms you suggest those Courts will be rendered more respectable yet as the Judges of them are not likely to have much knowledge of the Common Law they will I think under any Restriction be unfit to decide in matters of Property to so great an extent as £20.

With regard to the other regulations they appear to me reasonable constitutional and proper and I shall be glad to hear that you have been able to induce the other Branches of the Legislature to concur therein; thinking at the same time that, in the discussion of whatever Propositions you think fit to recommend to them on this subject they should be left entirely to their own free choice and that any positive Instructions from the King of the nature you suggest would not only be questionable in point of Propriety but would be the most likely means to defeat the Object.

I entirely concur with you in thinking that the appointment of the Clerks of the Courts ought to have been in the Governor. I find however upon enquiry that the practice is different in other Colonies, and as the King has thought fit to vest that power in another person by his Royal Commission I cannot take upon me on ground of expediency to advise an Act of Injustice but at the same time I do not hesitate to approve every provision that can be made in the new Court Act that may without prejudice to the Rights of the Patentee establish that Check and Controul which may be necessary to prevent the enormity you have complained of in the sale of the Offices of Clerks of the Courts.

I am &c:
DARTMOUTH.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

Another account of the seizure of Colonel Simpson's Vessel by the Spaniards.

James Davis Notary Public by lawful authority admitted and sworn dwelling in New Bern in the Province aforesaid Do hereby certify unto all whom it may concern that on the day of the date of these presents came before me the said Notary Ichabod Simpson and made Oath on the Holy Evangelists of Almighty God, That on the Twenty fifth day of December one thousand seven hundred and sixty nine, the Schooner *John and Elizabeth* Ebenezer Fuller Commander arrived off Vera Cruz and it blowing hard a boat came on board with a number of people in her and having a Pilot carried the said Schooner to an anchor under an Island and the next day an officer and Soldiers came on Board and brought with them a quantity of Provisions who were set as a guard over the Master and Crew of the said Schooner and remained so until the first day of January when they carried the Vessel from that place up the Harbour and moored her under the Fort and the Governor and Custom House officers coming on board they rummaged the Vessel and carried on Shore five hundred & twenty nine and a half Dollars which they took to the Treasury as this Deponent was informed. That from that time until the seventeenth day of March following one person was suffered to go on shore to buy Provisions under the guard of a soldier, but afterwards no one was suffered to go on shore. That about a week after the Spaniards had taken the Dollars as aforesaid this Deponent was ordered by the officer on Board to go on shore to the Treasury which he did & received thirty dollars Part of the aforesaid sum and the Spaniards continued to pay to the Master and Crew thirty Dollars per week for their subsistence until the amount of the aforesaid sum was expended. That respecting the Cargo of rum on board the Schooner, the Spaniards permitted them to make use of it at discretion and believes that the Crew secretly sold about two hundred Gallons for a dollar a gallon and that the remainder leaked out and was wasted for want of care. That on the thirtieth day of October in the year one Thousand seven hundred and seventy the said Schooner sunk and the Spaniards having saved the masts bowsprit, spar, sails, rigging, anchors, cattles, water casks and every movable the master and

crew aforesaid were removed on board a Pontoon in the Harbour under the same guard being allowed after the aforesaid Dollars were expended two Reals a day each man where they were detained until the sixth day of February one Thousand seven hundred and seventy two as mentioned in the Protest to which this Deponent refers. And this Deponent further saith that since his arrival lately in this Province he hath heard that a rumor prevailed that he and several of the Crew had brought with them to the amount of between six and seven hundred dollars and that many surmises were propagated to the Injury of this Deponent as to the manner he or the Crew obtained such a sum, and this Deponent sayeth that he having a venture on board secretly disposed of the same at opportunities and continued to Traffick most part of the time he was under Confinement by which he raised the amount of two hundred and seventy five dollars or thereabouts, that the Captain had about one hundred and ten dollars, Benjamin Rose about one hundred and Twenty, Philip James about Seventy five, John Freeman about one hundred and John Williams about Ten, all of which sums this Deponent believes the said Captain and people saved out of their allowance and by carrying on secret Traffick for and with the Spaniards.

ICHABOD SIMPSON.

In faith and Testimony whereof I the said Notary have hereunto set my hand and affixed my Seal of office this twenty sixth day of November Anno. Dom. 1772.

JAMES DAVIS, N. Pub.

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

From our monthly Meeting of the People Called Quakers Held at Cain Creek in the County of Orange and Province of North Carolina the Seventh day of the Eleventh month 1772.

To JOSIAH MARTIN ESQR. GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE SAID PROVINCE AND TO THE COUNCELL; SPEAKER; AND MEMBERS OF THE HOUSE OF ASSEMBLY.

Do we as Humble dependants Earnestly Crave Your Attention; and may these few lines find Such Acceptance with you; that as We Spread our Remonstrances before You; It may be your Pleasure to Have Us Redressed; for it is our Principle and Known Practice as a

Society; to be subordinate and Peaceible under Government; (altho deviated from by Some who make Profession as we do) for which the Severall Sherriffs Can bear us Record; That when their Passing about in their Respective Services Was thought dangerous; That Numbers of us Conveyed our money for our Taxes; to the Severall Sheriffs Thereof; When Come due and Payable; as being Willing to Exert our Selves to the Support of our Gracious King and Government; Well Knowing From Whose Clemency We as a People Enjoy Great Priviledges

Now the moving Instance Which We have to Lay Before You is that Whereas Governor William Tryon; Requested us to Furnish him With Six Waggon Load of Flower; together With Six Waggons and Teams; in the Campaign against the Regulators; Which Request We Complied with; in Expectation of being Paid for the Same; and Whereas We Understand; there hath been but a Small Part offered at the Last Sitting of assembly; therefore We Humbly Intreat you; to take it into Consideration; and Grant this our Petetion For if otherwise the Burthen thereof is most Likely to fall on a Very Few in the discharge and Settlement thereof; Which may Prove the means of Rendering Some of us Incapable of the Punctuall discharge of our other Respective debts; therefore we Earnestly Crave; that you would Condesend to Administer to our Releaf, and Ease our Humble Hearts; Being in duty bound; We Forever Shall Return due acknowledgements.

Signed in and on Behalf of the Said meeting,

CHRISTOPHER HUSSEY	RICH ^d KEMP
MORGAN EDWARDS	JESSE HINSHAW
THOMAS LINDLEY	THO ^s VESTAL
ISAAC JONES	WILLIAM MARSHILL
JOSEPH COMER	JACOB MARSHILL
JEREMIAH PIGGOTT	DANIEL BROWN
DAVID VESTAL	JOSEPH CLOUD
WM. HOBSON	JOHN DAIRY
BENJAMIN PIGGOTT	WILLIAM BROWN
WILLIAM LINDLEY	LEVI BRANSON
AARON JONES	WILLIAM VESTAL.
WILL. WIERMAN	

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

Letter from the Editor of *The Cape Fear Mercury*.

HILLSBOROUGH 16th Nov^r 1772.

SIR,

Your Brother Lawyer, M^r Ridley, very obligingly offered to use his Interest in Granville to promote the Subscription for the *Mercury*, which you were so kind as to take Charge of. It was out of my Power to go to your Court, yet I hope the Scheme will be supported as if I had been present. Before I leave this I shall know what may be expected from this Town & the adjacent Country. I had several People employed in Chatham, before their last Court, to collect Subscriptions there, I shall go thro' that County & know what has been done & if I find the Expense will be defrayed, I shall immediately engage a Rider to go every fortnight between this Town & Cross Creek, to which Place the Paper will be bro't by another Rider, but this perhaps I cannot do till I hear from Granville. Therefore I beg you would take the Trouble of sending to Col Nash a Letter for me by the middle of next Month, inclosing a List of such Subscribers as You may have got. I have wrote to this effect to M^r Ridley & to M^r Person. I am almost convinced the Rider can be established & I hope to effect it by next January. The Halifax Express can carry the Granville Papers from this to Harrisburg, but this Expençe, which can't be much, must be paid by the Subscribers. I depend on your assiduity in promoting this scheme, I am, S^r

Your very obedient Servant

ADAM BOYD.

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

Letter from Andrew Miller to Thomas Burke.

HALIFAX Nov^r 20 1772

DEAR SIR,

I am much obliged to you for your fav^r of the 15th Inst: Doct^r Skinner & the two Seconds were acquitted by the Call or Examining Court, no Evidence appearing against them. I'me sorry you had any

more Wrecks on the way—tho' I'me glad you have got to the end of Journey without either receiving any hurt. I believe you when you say, suppose you'l come to Halifax in the end—we are very apt to believe what we wish may happen. That Cursed money occasions a great deal of uneasiness in the world—should Doct^r Burke have occasion for £200 I think I could let him have it without Injury to the Company or myself.

M^{rs} Miller when at the marsh settled with Miss McCulloch & Harry Montfort upon a Jaunt to Edenton & Perquimans—they have been gone a fortnight I expect them home in a few days, she is now confirmed of her Pregnancy, which made a great deal of Alteration in her Spirits, before she went from here.

Co^l Montfort is very Ill. I question much if he Survives this winter. The Post is waiting I have only time to desire Compliments to M^{rs} Burke, and am Dear Sir

Your Hum^{ble} Serv^t

AND^w MILLER.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

Governor Martin to Lord Dartmouth.

N^o CAROLINA NEW BERN, Nov^r 28th 1772.

MY LORD,

I have had the honor to receive your Lordship's letter of the 14th of August last, signifying the King's gracious appointment of your Lordship to be one of His Majesties Principal Secretaries of State, and that the Department of the Colonies was committed to your Lordship's care, and I embrace this first opportunity to offer my humble congratulations to your Lordship on the occasion.

In obedience to His Majesty's command that my dispatches be addressed to your Lordship, I herewith transmit a duplicate to my letter N^o. 23 to the Earl of Hillsborough, which concludes my official intercourse with that Nobleman, and as I have now the honor to open a correspondence with your Lordship, I mark my Dispatches with a new series of numbers.

The endless complaints my Lord that the people of the interior part of this Country brought before me while I resided among them last summer afforded me full conviction of their having been grievously oppressed by the Sheriffs, Clerks and other Subordinate

officers of Government, and exceedingly moved my compassion, but on the other hand I can assure your Lordship there was not wanting evidence of most extravagant licentiousness and criminal violences on the part of that wretched people which heaven provoked by the abuses I discovered or by other causes that might be inscrutable to me, seem at length to have urged matters to a crisis that necessarily terminated in bloodshed. Upon the whole I am not without hopes my Lord, that the vigorous measures taken by my predecessor under those circumstances may have a tendency to keep under the disorderly spirit which it is to be apprehended will never be extinguished in that Region while the great Proprietary of Earl Granville shall continue, to the astonishment of people here, and to the inestimable loss of his Lordship in the present neglected state, for being abandoned and left without any superintending care, it is become my Lord not only profitless to the Proprietor, but a nuisance to this Colony by affording an inviting asylum to the outcasts and fugitives of the other Provinces who retire to it and sit down where they like the land unquestioned, communicating their vices and corruption to the other Inhabitants, whose barbarous ignorance makes them but too obnoxious to the banefull contagion. From this source my Lord I apprehend may be derived in part the late commotions in this Country, and it is an evil growing every day more alarming, for which I see no remedy but between the two alternatives of Earl Granville taking proper care of his interest here, to which it is wonderfull he should need any prompting, or the Crowns making purchase of it, which is most ardently wished, and the expediency whereof both with respect to His Majesty's Interest in point of Revenue and the happiness of his people in this Country, I had the honor some time ago most humbly to submit to the consideration of my Royal Master in my correspondence with the Earl of Hillsborough.

If the King My Lord shall graciously condescend to adopt that measure, so much the object of the wishes of His Majesty's people here, the Revenue of Quit rents, under the operation of an effectual Law, that might be readily obtained as the condition of His Majesty's remission of the arrears due to within one or two years of its taking effect, would immediately become an object of consequence that is now from the difficulty of collecting it inadequate to the support of the little Provincial Civil list with which it is chargeable, and it would grow in a short time to great amount, for the heathfull climate

and fertile soil of the Proprietary District whenever it shall be known that titles may be obtained in those lands, will induce multitudes of settlers of the best kind, to the expulsion of the present intruders, who must then of necessity, (at least the worst of them,) if they did not by choice seek another retreat, and His Majesty by becoming Lord of the Proprietary Soil will unite all parts of this Country, abolish that distinction of Interest that has been the offspring of its division however unaccountable it may seem, and combine all His Majesty's Subjects under the Sovereign, from whom the Tenants of the Proprietor now really appear to think themselves alienated in some sort, although he is merely the Landlord. This change of circumstances My Lord together with the Provisions which I flatter myself the Legislature will make at the next Session for the security of the Publick peace will I think give lasting prosperity and happiness to this Colony, and they are universally held to be the only means of making those blessings permanent

The representation which I had the honor to make to the Earl of Hillsborough in my letter N^o---- on the state of the office of Clerk of the Pleas here, at the time M^r Strudwick succeeded to it, was framed upon information I had received of former mal practises in that office, which I believe my Lord to have been generally very just, but since I have had opportunity to examine things more thoroughly myself I am of opinion the corruption of the Magistracy (which I do yet think very great) is not so universal as I was then taught to believe, and the uniformly upright conduct of M^r Strudwick, his inflexible integrity, and nice principles of honor give me confidence to assure your Lordship that he will redeem the credit of that office, and that under his direction the power derived from it which by the strictness of the present Laws is very narrowly limited, will be employ'd as much to the advantage of Government as it can be in any other hands than those of His Majesty's Governor, where I think, with all submission, it would operate most beneficially furnishing him with means of which he is now destitute, to create an interest in the legislature that might support the measures of Government against the opposition made to them so constantly and without distinction in the Assembly of this Province, whose numbers and strength give it preponderating weight, if however His Majesty shall be pleased to continue the office of Clerk of the Pleas, I shall not for my own part lament it, while it is held by M^r Strudwick of whose virtue I have the highest opinion.

I promise myself and I believe I may venture to assure your Lordship that no difference in opinion will hereafter occur between M^r Chief Justice Howard and myself to the disadvantage of the Publick interests, such as hath arisen, and which I thought it my duty to lay before His Majesty. I am inclined on reflection to impute rather to a little impatience of temper in M^r Howard, superinduced by a nervous affection and weakly habit of body than by any unwillingness to assist me in my duty to His Majesty, for his good sense, and amiable qualities, obviate any suspicion of that sort.

In my last Dispatch to the Earl of Hillsborough your Lordship will observe I mentioned that I had reasons to suspect the integrity of the Master and Crew of M^r Simpson's Vessel, from the quantity of money brought here with them, and my conjectures were much confirmed when I was informed that the master had hastily left this Province after his arrival without accounting with his Owner, or even seeing him, hearing lately however that the Mate a brother of M^r Simpson was in this Country, and thinking it of importance to get the fullest information with regard to a transaction in which a foreign state was concerned I sent for him and obtained his relation of the detention of the Vessel properly authenticated, which I have now the honor to transmit to your Lordship, and as he accounts for the circumstances that created my suspicion, by showing how the money might be acquired otherwise than by the plunder of the Vessel, and for the Masters flight from hence by assurance that it was in dread of his Creditors, I shall think it my Duty to send a duplicate of the Mates deposition to Vice Admiral Rodney, lest my apprehensions which I thought it right to communicate to him should operate in abatement of the restitution to be claimed of the Spanish Governor at La Vera Cruz.

M^r Palmer and M^r Jones members of His Majesty's Council in this Province are absent in England with leave, in case of the resignation of either of those Gentlemen, or of a vacancy by any other means, I beg leave to propose to your Lordship for His Majesty's approbation M^r Wyley Jones, M^r Thomas M^cGwire, His Majesty's Attorney General of this Province and M^r Hugh Waddel, who are gentlemen of character & fortune and qualified to make usefull members of that Board.

I have the honor to be &c

JO. MARTIN.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 219.]

Lord Dartmouth to Governor Martin.

WHITEHALL, 9th December 1772.

SIR,

By the *Swallow* Packet which arrived a few days since I received your Dispatches to Lord Hillsborough N^{os} 19, 20, & 21, and have laid them before the King.

The laying an Embargo upon Wheat, Rye & Flour until the future Crops of Indian Corn could be ascertained appears to have been a provident Measure in case the Representations made of the failure of the preceding Harvest were well founded; but I should be glad to know upon what ground it was that the Council advised the Embargo for if there is no express Law that gives authority to the Governor in this case I should very much doubt whether the general powers of Government contained in the King's commission would warrant such a step unless in time of War and not even then without express Instructions from the King, I am to presume tho' you do not say so that this Embargo was accompanied with an Exception in the case of grain and flour exported to Great Britain and I mention this to you for the greater caution in the future as the supply of those Articles from the Colonies is in the present Moment of great importance to this Kingdom and has been one of the first objects of attention in the present session of Parliament.

With regard to what you say of the necessity you was under on this occasion of acting with only three Members of the Council, I will not take upon me to assert that no case can exist in which it may not be necessary to act with the advice of a smaller number of the Council than the King's Instruction has prescribed but I think it my duty to observe to you that nothing but unavoidable necessity can justify such a Deviation from the Constitution.

I am not without apprehension that the Instructions given by his Majesty to his Governors in America respecting the execution of the Laws for the regulation of the Plantation Trade may in other cases as well as in that which you mention be incompatible with the present Establishment of a Board of Customs in America and therefore I will not fail at a proper opportunity to use my endeavours

that a matter upon which I am not at present prepared to give an opinion may have a due consideration in the proper department.

I have not failed to give attention to the remarks you make upon the state of the Back settlements the Temper and Character of the Inhabitants and your own opinion of the origin of those discontents which produce such very disagreeable consequences and I must confess to you that I see but too much reason to believe that those deluded people would not have been induced to involve themselves in the guilt of Rebellion without provocation, but it is neither fit nor necessary for me to recur to transactions of so disagreeable a Complexion not doubting that the measures the late Governor pursued were in his Judgment absolutely necessary and were not adopted without the fullest examination into the Grievances complained of and that all proper endeavours were used to redress them.

Your caution in taking the opinion of the Law servants of the Crown upon the case of the Outlaws of Guilford County is very much to be commended, and I presume from what you state of the situation in which they stand at present so different from what was at first proposed they will not be considered by the Legislature as objects of exception in the Act of Indemnity you are authorized to pass.

With regard to the question that has arisen between yourself and the Chief Justice, how far he is bound to give his opinion in cases where you may think fit to call upon him for it, it appears to me that the practice in this Kingdom is the only proper rule by which it can be decided according to which practice if I rightly understand it the Chief Justice as being a Member of the Privy Council is bound to give his opinion upon Matters coming under the deliberation of that Board but that any special reference to him in his character of Chief Justice would be irregular in almost any case whatever and highly improper in any light if it was meant to draw from him an extra judicial opinion upon a matter that was likely to come before him in his own Court.

I am persuaded Sir that if you had reverted to what passed in the year 1751 respecting the Revisal and Confirmation by the then Legislature of the Laws of North Carolina you would have had no doubt of the force and validity of the act passed in the year 1715 concerning Titles of Lands which act together with many others passed in the same period were then adopted and made a part of the Constitution of the Colony but even had that not been the case

I do not see that there would have been any ground to have doubted of the validity of any Law passed in the time of the Proprietors and which has not since been disallowed by the Crown or repealed by some subsequent act.

The Propriety or Impropriety of allowing Inferior Jurisdictions in Matters of Property is a question that depends so much upon the nature and circumstances of the Country in which such judicature is to operate that it must of necessity be left to the discretion of the Legislature and what I have said to you upon this subject in a former dispatch was founded upon an opinion which I see no reason to alter that the greatest caution ought to be used in vesting persons ignorant of the Laws with a decision in matters of property that in general ought to be cognizable only in the regular Courts of Judicature. If the Act for empowering the Freeholders in the New Parishes to elect Vestries makes a Regulation with regard to the Presbyterians in those Parishes which has not taken place in the other Parishes of the Province it is certainly an improper distinction but I hope you will not take any steps for extending that regulation or making it universal until you shall have received his Majesty's further pleasure thereupon in consequence of a consideration of the Law lately passed.

I am &c

DARTMOUTH.

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

Letter from Col. Francis Nash to Col. John Williams.

HILLSBOROUGH, December 10, 1772.

DEAR SIR,

I remember to have left with you some Notes which were given on account of my Lottery, among which was one of M^r John Henderson. I should be very glad you would give me some Acco^t of what steps you have taken in them. I shall be greatly in want of some proc. at our January court, if any collection can be made it will come most Seasonably.

I propose doing myself the pleasure of seeing you about Christmas, mean time with my Compliments to M^{rs} Williams and Miss Aggy

I am D^r Sir

Your mo^t Obed. H^b'le Serv^t

F. NASH.

[B. P. R. O. NO. CAROLINA. B. T. VOL. 18.]

Letter from Governor Martin to the Earl of Dartmouth.

NORTH CAROLINA NEW BERN

December 16th 1772.

I have at length collected Tables of the Fees taken by the several officers in this Province, and now pursuant to His Majesty's Royal Instruction, I have the honor to transmit Copies thereof to your Lordship.

Some Planters of South Carolina, who visited the Southern Parts of this Province, last summer, and declared their approbation of the Lands on Cape Fear River for the growth of Rice and Indigo, seem to have excited a new spirit of industry and improvement there. The little experiments which have been made afford the greatest Encouragements. M^r Waters and M^r McWire I am informed will ship this year between four and five hundred barrels of Rice, and M^r Dupré manufactured seven hundred weight of Indigo, the last season. I hope next year to give your Lordship accounts of great augmentation of these valuable commodities, as I find many people intent upon the culture of them.

Between six and seven hundred people have lately arrived in Cape Fear River, from the Scottish Isles, one hundred and sixty of which I hear are absolutely pennyless, many of this People are said to have perished in this Country of late years and few of them are thought likely to become profitable Settlers, being for the most part unskilled in the Arts of Agriculture.

However much my compassion was moved by the complaints of the People, while I was in the interior Country last Summer, I am daily more and more inclined to think My Lord, that good consequences will be felt by this Colony, from the vigorous and decisive measures taken by my worthy Predecessor under the embarrassing circumstances that attended the latter days of his Administration here, in the whole course of which I can confidently maintain, he acted upon the noblest principles, and with the best intentions for the Public good.

Having found My Lord that doubts were entertained whether some of the Laws in which I am instructed to procure essential

amendments, would expire at the approaching Session, if it commenced before the 16th day of next month, people in general computing their duration for five years from the time of their receiving their Assent of the Governor here; I have thought it proper to put the matter out of question by proroguing the General Assembly from the 6th to the 18th day of next month.

I have the honor to be &c

JO. MARTIN.

[JOURNALS BOARD TRADE. VOL. 80.]

BOARD OF TRADE JOURNALS.

At a Meeting of His Maj. Comm^{rs} for Trade and Plantations

Monday February 17, 1772

Present

Mr Jenyns

Mr Roberts

Mr Gascoyne

Lord Robert Spencer

The Earl of Hillsborough attends.

[P. 27.]

Their Lordships read and considered forty four Acts passed in the Province of North Carolina in Dec^r 1770 & January 1771 together with Mr Jackson's Report thereupon, and it was agreed that the said Acts should be taken into further consideration on Wednesday next and that Mr Jackson should be desired to attend

Wednesday February 19, 1772

Their Lordships took into further consideration the Laws of North Carolina mentioned in the preceding Minutes and it was Ordered that the Draught of a Representation to His Majesty should be prepared upon several of the said Acts the titles of which are as follow Viz:—

An Act for preventing tumults & riotous Assemblies for the more speedy and effectual punishing the Rioters and for restoring and preserving the public peace.

An Act for founding establishing and endowing of Queen's College in the Town of Charlotte in Mecklenburg County

An act to encourage the further settlement of this Province.

An Act authorizing Presbyterian Ministers regularly called to any Congregation within this province to solemnize the rites of Matrimony under the Regulations therein mentioned.

Ordered that the Secretary do transmit to His Maj. Postmaster General a copy of the Act for encouraging and supporting the establishment of a Post office in North Carolina to the end that the Board may be enabled by receiving his sentiments upon that law to take such steps thereupon as shall appear to be proper in respect to that branch of His Maj. service under his direction

[P. 34.]

Friday February 21, 1772.

The Draught of a Representation to His Majesty upon several Laws passed in North Carolina mentioned in the Minutes of the 19th inst, having been prepared pursuant to order was approved and transcribed—and signed on Feb^y 26.

[P. 35.]

Tuesday March 25, 1772

Read a letter from the Post Master General dated 4 March 1772 containing observations upon an Act passed in North Carolina relative to the Post Office mentioned in the Minutes of the 19th ult^o.

Ordered that the Draught of a Representation to His Majesty be prepared proposing that the Act above mentioned should be disallowed—which was approved, transcribed [p. 70] and signed April 13.

[P. 37.]

Thursday May 7 1772.

Read an order of the King in Council dated April 22 1772 permitting an Act passed in North Carolina in Jan^y 1771 for preventing Tumults &c to expire by its own limitation and directing the Draught of an Additional Instruction to the Governor of the said Province to recommend to the Legislature there in case they shall enact a new Law for the general purposes of the Act to pass it with an exception as to a clause extending the Penal Laws against Rioters.

The Draught of an Additional Instruction to the Governor of North Carolina having been prepared conformable to the said Order was approved and it was Ordered that the Draught of a Representation to His Majesty thereupon should be prepared.

[P. 89.]

Thursday May 12. 1772.

Read an Order of the King in Council dated May 6 1772 disallowing an Act passed in North Carolina in January 1771 to encourage and support the establishment of a Post office in that Province and directing this Board to prepare the Draught of an Additional Instruction to the Governor to recommend to the Assembly to pass another Act for the general uses of the former free from certain objections stated by the Postmaster General in his letter to this Board.

The Draught of an Additional Instruction conformable to the said order having been prepared was approved and signed.

[P. 141.]

Wednesday July 29. 1772.

The Secretary laid before the Board Minutes of the Council of North Carolina from 12 Aug. 1771 to 25 Jan^y 1772, Journal of the Upper House of Assembly from 19 Nov. to 23 Dec. 1771, Journal of the Lower House same time, twenty three Acts passed in the Province of North Carolina in December 1771.

1773.

[B. P. R. O. AM. & W. IND: NO. CAROLINA. NO. 220.]

By His Excellency Josiah Martin Esquire His Majesty's Governor & Commander in Chief in and over said Province.

To all to whom these Presents shall come Greeting, Know ye that Thomas Jones and James Davis Esquires are notary Publics duly admitted and sworn for the several ports of Roanoke and Beaufort in this Province. Therefore all due faith and Credit is and ought to be had and given to the Acts of the said Thomas Jones and James Davis as Notary Publics aforesaid in all or any of His Majesty's Courts of Judicature or elsewhere within His Dominions.

In Testimony whereof I the said Josiah Martin have hereunto sett my hand and caused the Great Seal of His Majesty's said Province to be affixed at New Bern the first day of January, Anno. Dom. 1773.

JO. MARTIN.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

State of the Crown Revenue in N^o Carolina.

1st JANUARY 1773.

Lands patented before 1730-71 at 12 ^d $\frac{3}{4}$ 100 acres	42,000
Do Do at 6 ^d	165,000
Oct ^r 1734 to July 1752	
Lands granted by Gov ^r Johnston at 4 ^s $\frac{3}{4}$ 100 acres	1,880,000
Do. to Henry McCulloh Esq ^{re} and Associates concerned in Interest with him	472,003
Do. to Do. and Associates not concerned in Interest with him	327,500
Quit Rents payable from March 1756	2,679,503
To Feb ^{ry} 1753 by President Rice	48,125
To November 1754 by President Rowan	284,752
To April 1765 by Governor Dobbs	696,767
To June 1771 by Governor Tryon	1,208,269
To January 1773 including His Excellency Governor Mar- tin's first Land Office	95,302
N ^o of Acres Granted at 4 ^s per 100 Acres	5,012,7.8

The Arrears of Quit Rents on all the Lands above mentioned if the Quit Rents had to be paid agreeable to the Grants would have amounted to upwards of £50,000 procⁿ.

The Deductions allowed off as on the other side to the best of my Judgment of these Matters on the 1st January 1773, the Crown Revenue in N^o Carolina may stand as follows,

To Annual Quit Rents of 42,000 at 12 ^d $\frac{3}{4}$ 100 acres	£ 21 0 0
Do. 165,000 at 6 ^d do	41 5 0
Do. 3,500,000 at 4 ^s do	7,000 0 0
	£7062 5 0

Arrears due to the Crown after all the above Deductions may for all probability amount to about £25,000 Proclamation Money.

Casual Revenue altogether trifling hitherto and uncertain, much the same rather worse than as set forth in the Memorial to His Excellency Governor Dobbs A. D. 1762.

It is submitted to His Excellency Governor Martin in Council to take into Consideration that part of the Revenue.

To be Deducted.		
Lands patented twice-some thrice at least -----	70,000	
Lands taken up in fictitious names for the sake of Light-wood -----	40,000	
Lands fal'n into So. Carolina on running that Boundary Line September 1764 -----	60,000	
On running the Boundary Line June 1772 in Mecklenburg County -----	10,000	
Besides $\frac{1}{2}$ of 144,000 the Catawba Indian Lands fal'n into So. Carolina a great deal taken up in this Province 17 years ago -----	115,000	
D ^e Lands in Tryon County fal'n into So. Carolina running Boundary Line June 1772 -----	400,000	
Lands surrendered by Henry M ^c Culloh Esq ^r & Associates concerned in interest with him -----	339,325	
The Quit Rents of which at this time would have been upwards of £10,850, this has been foreign to the Crown and no charges to be made of any Quit Rents upon this Land.		
Lands now holden by H. M ^c Culloh Esq ^r and Associates concerned in Interest with him is 129,335 on which no Quit Rents will be due 'till after June 1774 when the debt due to him will be extinguished. All Quit Rents received on account of the 129,335 to 9 th July 1773 to be paid to the said M ^r M ^c Culloh and Associates concerned in Interest with him.		
Surrendered by Alexander M ^c Culloch Esq ^r & D ^e William Houston -----	25,000	
Sold upon Execution for Quit Rents 112,500 Acres all for £649. 11s. 6d. Currency of which in all probability no Quit Rents will ever be paid for -----	75,000	
Of Governor Dobbs 200,000 Acres in all probability no Quit Rents will ever be paid for -----	150,000	

Lost to the Crown on Account of these Associates not concerned in Interest with H. McCulloh Esq ^r above £10,000.	
Lands fal'n into Earl Granville's District on running that Boundary Line in September last, some of this Land taken up 15 years ago	200,000
	1,484,325

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

Agreement for a horse race.

Samuel Tines's Bay mare that run Here this night, To Run with David Mitchels Bay mare that run here to night for Fifty Pounds Virginia Money Turns Lock or go the Third Time & Judge the Difference Carrying one Hundred on Each. To Run the 2^d day of September Next at Col^o John Williams's Race Paths a full Quarter of a Mile from the Ward to the Poles play or pay. Made this 9th day of January 1773 Between us the Subscribers as Witness our Hands &c at Williams's Race path.

Test
 RICH^d WILKINS
 ROBERT LANIER
 JOHN LYNCH

WILLIAM FARRAR
 SAMUEL TINES

[B. P. R. O. NO. CAROLINA. B. T. VOL. 18.]

An Estimate of the Expençe of the Upper House of Assembly held at New Bern the 25th January 1773.

To the Members of Council	£176	8	8
To the Clerk	181	13	4
To the late Clerk	30	0	0
To the Mace Bearer & Sergeant at Arms	96	13	4
To House Rent	30	0	0
To John Clitherall	4	0	0
To Thomas Sitgreaves	2	0	0
	£520	15	4

JOHN HAWKS, Clk.

Estimate of Expenses incurred at an Assembly begun and held at New Bern the 25th day of January 1773.

To the Members, Clerk, Mace Bearer, and Door Keepers for Wages, Traveling and Ferriages-----	£1714	11	6		
To Jas ^s Green Clk. for three Transcripts of the Journals-----	30	0	0		
To ditto for Stationary-----	10	0	0		
To ditto for Extra Services-----	150	0	0		
To ditto for registering 14 Journals etc--	180	0	0		
To ditto for Office rent Books etc-----	35	7	9		
To James Glasgow Assistant Clerk-----	75	0	0	2194	19 3
To Rigdon Brice for Engrossing-----	7	0	0		
To John Sitgreaves for Copying-----	4	0	0		
To John G. Blount for ditto-----	39	0	0		
To Samuel Budd for Engrossing-----	14	0	0		
To Jas ^s Glasgow for Copying & Engross ^s ---	106	0	0		
To Tho ^s Sitgreaves for the use of a room	5	0	0		
To William Even for Copying-----	1	0	0		
To John Williams for ditto-----	4	0	0	180	0 0
To Francis Linaugh for fire Wood-----	5	0	0		
To Evan Swann for attending a Committee-----	5	0	0		
To Benj ⁿ Fordham Mace Bearer extra Services-----	35	0	0		
To Francis Linaugh Door Keeper for ditto	35	0	0		
To Evan Swann Door Keeper for ditto--	35	0	0		
To the Trustees of the School House for the use of a Room for the Assembly--	60	0	0		
To the Amo ^t of Allowances on the Report of the Committee of Claims-----	1402	14	8	1577	14 8
				£3952	13 11

The foregoing contains a true Copy taken from the proper Vouchers remaining in the Office of the Clerk of the Assembly of the Province aforesaid.

Test:

JAS^s GREEN, JUN^r CLK.

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

COUNCIL JOURNALS.

At a Council held at New Bern 6th February 1773.

Present

His Excellency the Governor.

The Honble	{	James Hasell	Alexander McCulloch	}	Esquires
		John Rutherford	William Dry		
		Lewis DeRosset	Samuel Strudwick &		
		John Sampson	Martin Howard		

The Board proceeded to enquire into a complaint exhibited by Philemon Hawkins against William Tabb, Thomas Bell and Henry Hill Esquires Magistrates of Bute County for Malversation in their Office. But Mr Hawkins having produced no proofs in support of the charge they were honorably acquitted.

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

NORTH CAROLINA—S.

IN THE ASSEMBLY.

Wednesday 3^d February 1773.

Whereas Tyree Harris late Sheriff of Orange County hath been Guilty of a Breach of the Priviledges of this House by Charging the Assembly with Wronging him of One hundred pounds and saying he desired to know how the Members would share it.

These are therefore to Authorize Impower and Command you to take the said Tyree Harris into your Custody and him safely keep untill you bring him before this House to Answer the above Contempt. And for your so doing this shall be your Sufficient Warrant.

Given under my hand at Newbern the 3^d day of February afores^d 1773.

JOHN HARVEY, Speaker.

To Mr Benjamin Fordham Sergeant at Arms, to Execute and Return.

In Obedience to the within Warrant to me directed I have made dilligent Serch for the within Named Tyree Harris, who is Not to be found by

BENJ^a FORDHAM Serg^t at Arms.

4 Feb^y 1773.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

Governor Martin to Earl Dartmouth

NORTH CAROLINA NEW BERN, Feb^y 26th 1773.

MY LORD,

I have the honour to inform your Lordship, that the neglect of the Members to meet according to the Prorogation (common in this country) obliged me further to prorogue the General Assembly from the 18th to the 25th day of the last month, when the House of Assembly was fuller, as I am informed, than it has ever been at the beginning of a Session.

I now transmit to your Lordship herewith, Copies of my Speech to both Houses of Assembly at the opening of the Session on that day, and of their Addresses, and my Answers, by which last, your Lordship will perceive, I then entertained the fairest hopes, that such a temper would govern their deliberations, & such measures be adopted, as could not fail to distinguish the Session honorably; these were formed upon the information I had received, that the people had made a better choice of Representatives than usual, and upon my own Assurance, that I had nothing in Command from His Majesty to propose, that could cause the least difficulty or embarrassment.

These favourable appearances, my Lord, lasted until the 24th instant, when the House of Assembly presented to me a Bill "to Amend and continue an Act passed in the year 1768, for Establishing Superior Courts" etc, that by its limitation, would expire at the end of the present Session, which my duty obliged me to reject, as being repugnant to His Majesty's Royal Instructions, relating to the attachment of effects of persons who have never resided in the Colony, the Clause of that Act objected to by the Lords of Trade, in their Lordships' letter of the 12th of December 1770, to Governor Tryon (which I conceive to have been the foundation of the King's Instruction) being only somewhat more favourably modified, with regard to persons in Europe, by an extention of the time thereby allowed, to defendants, whose effects were attached, to plead, or replevy. This indispensable conduct of mine turned the attention of the House of Assembly immediately to the instruction that had lain before it unnoticed (as it would seem) from the 29th of last

month, when I communicated it to that time, and I was yesterday informed, that there was a temperate but firm resolution in the majority of the House, rather to be without Courts of Justice, than conform to the direction of that Instruction.

If this disposition shall prevail my Lord, my pleasing presages will have been ill founded, but whatever may be the event, I do assure your Lordship, nothing on my part shall be wanting to bring the Session to such conclusion, as may be most conducive to the Public Welfare, and consistent with the honor of His Majesty's Government, and my Duty to my Royal Master.

I have the honor to be &c

JO. MARTIN.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

Letter from Earl Dartmouth to Governor Martin.

WHITEHALL March 3^d 1773.

SIR,

I have received your Dispatches No^s 1 and 2 and have laid them before the King.

I entirely concur with you in opinion that Lord Granville's inattention to his Possessions in North Carolina has been both disadvantageous to himself, and prejudicial to the Public, but I understand he has been at length induced to take up the consideration of his Interests there, and has adopted some plan for the Arrangement of his Affairs that promises to be effectual. It will therefore be your Care to avail yourself of that Circumstance, and by acquaintance and conversation with the Person whom his Lordship has appointed to be his Agent, to lead him into a Concurrence in such measures, as shall promote those commendable Objects you have in view for promoting the Peace & Prosperity of the Colony and for advancing His Majesty's Revenue by a proper Quit rent Law, which if it can be obtained on the conditions you suggest will be equally for the Interests of the Crown and of the Proprietary.

The Representations you make of the Conduct and Character of Mr Strudwick, incline me to hope that while the appointment of the County Clerks continues in his hands Government will derive every proper advantage from those Establishments but I think what you say of the Propriety of the Governor's having the Appointment of

those Clerks may deserve attention upon some future occasion, and you may be assured I shall not fail to do full justice to your recommendation of M^r Wyley Jones and M^r Thomas M^cGwire whenever vacancies happen in the Council of No. Carolina.

The Spirit of Industry and Improvement, which you say has shewn itself in the Southern parts of the Province, will necessarily give strength and stability to Government by opening new Channels of Commerce, and encouraging the production of those Articles of Culture which are equally of Advantage to the Colony and to the Mother Country, and I make no doubt that your Sentiments of the Principles and Conduct of your Predecessor will be fully justified by the good effects of the spirited and prudent measures he pursued throughout the whole of his Administration.

I am etc,
DARTMOUTH.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 230.]

The Memorial of the Members of His Majesty's Council for the Province of North Carolina to the Earl of Dartmouth,
Humbly Sheweth,

That by their Petition to His Majesty, now lying under consideration, they have represented at large the heavy burthen of their office, and the Reasons on which they humbly pray, that he would be graciously pleased to order them, an appointment adequate thereto.

. That, from the Equal increase of Business, especially in the Court of Chancery, their attendances and Sittings are become extremely Burthensome to them, as they are obliged to meet now, much oftener than formally, to the great loss of their private concerns, and at an expence they are ill able to bear. Your Memorialists have prayed for their appointment on the Quit Rents of this Province, and on Terms which cannot be injurious to the present Establishment, and with the most hearty intentions of deserving the Royal Favour, by exerting themselves in assisting to procure a regular receipt of His Majesty's Rents in this Colony, and which they conceive are well able to bear the appointment they pray for, as they are informed that the gross amount thereof is upwards of seven thousand pounds proclamation money per annum besides a very heavy Arrear.

Your Memorialists beg leave to refer your Lordship to their said Petition, and to such further matters as may be offered in support thereof, and humbly pray that your Lordship will be pleased to take the same under your patronage, and protection, and to recommend it to His Majesty's gracious consideration & Favour.

And your Memorialists as in duty bound, will ever pray.

JA^s HASELL P. C.
JNO. RUTHERFORD,
LEWIS DEROSSET,
JOHN SAMPSON,
ALEX^d M'CULLOCH,
W^m DRY,
SAM^r STRUDWICK,
M. HOWARD,
SAMUEL CORNELL.

Council Chamber 5th March 1773.

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

LEGISLATIVE JOURNALS.

NORTH CAROLINA—

At an Assembly begun and held at New Bern the twenty fifth day of January in the Thirteenth year of His Majesty's Reign and in the year of our Lord one thousand seven hundred and seventy three, being the first session of this Assembly.

In the Upper House.

Present.

The Honble	{	James Hasell	Samuel Strudwick	} Esquires.
		John Rutherford	Martin Howard	
		Lewis DeRosset	and	
		Alex. McCulloch	Samuel Cornell	

His Excellency the Governor was pleased to command the immediate attendance of the Members of the upper and lower House of Assembly in the Council Chamber where they accordingly attended, and thereupon His Excellency made to both Houses the following Speech — Viz',

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL, MR SPEAKER AND
GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have chosen to meet you in General Assembly at this time of the year not only in regard to the common convenience of the members of the Legislature but in assurance that as it is the season of most perfect leisure your minds will be entirely disengaged and disposed to enter upon the public business with all that calm fixed and deliberate attention which the momentous concerns of your Country seem now peculiarly to demand.

It is with great satisfaction that I inform you I have received His Majesty's Commands to propose at this Session the passing an Act of Pardon and Oblivion towards the people concerned in the late insurrection with such exceptions as shall be reasonable and proper, and I trust that in return for the confidence our most gracious Sovereign is pleased hereby to repose in your prudence and discernment; and considering how much you thus become Arbiters of your Country's peace you will frame with the strictest regard to the public safety this Law, the effect whereof must be suspended for the Royal pleasure, this I would recommend to be the first object of your consideration: and I hope it will be the last Act necessary to extinguish the remembrance of the causes and consequences of the late unhappy Convulsions of this country.

But when I reflect on the distractions that have so deeply wounded the fame of this Colony; when I consider how defenceless it is, and how much still exposed to such calamity; when I am proposing to you from His Majesty, means to heal the late dissensions my anxious concern for the honor and welfare of this Province naturally leads me to hope, and my confidence in your zeal for its Glory and Repose, assure me; that while by such an Act as I have recommended you are dispensing Justice and Mercy to offenders against the public peace you will think it becoming the superintending care of the Legislature to provide by a permanent and effectual Law for its future security, the expediency of such a measure I will not dwell upon, it hath been fully and too fatally evinced. The recent misfortunes of this Province but too painfully declare it. Great Britain, our Mother Country hath long experienced the most salutary effects of such a Law and it will be the sure Palladium of the Internal peace and Quiet of this Country.

The expiration of many fundamental Laws at this time, will furnish you with much business for the ensuing Session. Of all the

various and important Objects that will offer themselves to your consideration there appears to me none of greater consequence than the laws for the constitution of the Superior and Inferior Courts, the Channels by which we derive from our Sovereign that distributive Justice so essential to the security of Liberty and Prosperity, and that is so eminently the Blessing of British Subjects: I have no doubt therefore that they will engage your particular attention, And as it is no less my desire than my duty to promote the reputation of this Colony, I think myself bound to recommend to you to frame the Laws relating to those Institutions upon the most liberal principles of Equity to make them permanent, and to provide by them in the most ample and honorable manner for the support of the Judges. By these means Gentlemen you will essentially raise the credit of your Country, give dignity and stability to its Courts of Judicature and obviate those great inconveniences and disadvantages that are incident to every state whose fundamental constitutions are unsettled, changable and uncertain.

The Law for the Government of the Public Treasury will make another object of your deliberations and is second to none in point of importance—the perplexity and disorder of the finances of this Country are unhappily matter of notoriety and complaint, and as the just economy of public money is one of the first principals of Political happiness it is my duty to exhort you in the most earnest manner to take this matter into your serious consideration to give the Public the fullest illustration of the present state of the funds and to make an exact and strict application of them, and more particularly of those that have been created for sinking the paper currency, that the Public faith may be inviolably preserved. The admirable method and arrangements which have taken place in the Treasury of the neighbouring province of Virginia have established the Public Credit of that Colony upon the firmest basis, to the immortal honor of its Legislature and as the greatest States have not thought it unworthy of them to borrow improvement from their neighbours so I hope Gentlemen you will not think it derogatory to your Wisdom that I hold up this example to your imitation especially as I can from my heart assure you I do it upon no other principle than ardent desire to see the Public Credit of this country upon such a respectable footing as may invigorate its property to the emulation of the happiest and most flourishing of its sister Colonies.

The Law for the appointment of Sheriffs will also deserve your maturest consideration, the manifold and important duties of those officers in the Province as Ministers of the Law and Receivers of the Public Revenue involve almost every relation to the honor and happiness of this community — And as the deficiency of the funds of this Country as well as the disorders that lately prevailed in it are ascribed in great part to their malversation, I hope I need not urge to you the propriety of taking effectual measures to prevent for the future the evils that have originated in their mismanagement or corruption.

I congratulate you Gentlemen most sincerely on the disposition to peace and good order that I observe with the truest pleasure among the inhabitants of the interior country in the tour I made through it last Summer, I cherished the happy propensity by every encouragement in my power then much extended by the authority of His Majesty that made me the glad and humble Instrument to display many most gracious Acts of His Royal clemency, but it is only by the wholesome provisions and regulations of the Legislature that I can hope for the delightful satisfaction of seeing the tranquility of this Colony fully restored and permanently secured. Some abuses I fear yet prevail, and they will deserve your reforming care. One principal source of them seems to be the issuing writs indiscriminately in all cases upon the simple application of parties, and holding persons to Bail without the common Sanction of affidavits; to remedy which I would recommend to your attention the practice of Great Britain a natural and great Example to which we may look with advantage on this and many other occasions.

Mr Speaker and Gentlemen of the House of Assembly, I am to recommend to your care and support the establishment of Fort Johnston so necessary for the protection of one of the principal Ports of Trade in this Province. I shall order the return of the stores to be laid before you by which you will see the present exhausted state of the magazine and I hope you will enable me to furnish it immediately with such supplies as may be requisite to keep the place in a defensible condition.

Gentlemen of His Majesty's Honourable Council, Mr Speaker and Gentlemen of the House of Assembly, Nothing will give me greater satisfaction than to see the business of the Session conducted with unanimity and dispatch, I shall be desirous always to give it every

facility in my power and as on the one hand I trust you will propose to me nothing inconsistent with my duty, so on the other I can assure you of my ready concurrence in all measures that may tend to promote the true interest honor and happiness of this Colony in which, I have the honor to fill my present Station, I shall consider my own to be inseparably Involved. JO. MARTIN.

New Bern 25th January 1773.

Mr John Hawks produced his commission appointing him Clerk of the upper House, who took the Oath prescribed by Law for his qualification, and subscribed the test.

Then the House proceeded to the choice of waiters to attend on this House and Edward Sals was chosen and appointed Mace bearer, and George Raye Serjeant at Arms who gave their attendance accordingly

On motion Ordered that His Excellency's Speech be read. The same was read and taken under consideration and thereupon Ordered that the Honorable Lewis DeRosset and Martin Howard Esq^{rs}, be and accordingly are appointed a Committee of this House to draw up and prepare an address in answer to His Excellency's Speech.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning 26th January 1773.

The House met according to adjournment.

Present.

The Honble {	James Hasell	Samuel Strudwick	} Esquires
	Lewis DeRosset	and	
	Alexander McCulloch	Samuel Cornell	

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 27th January 1773.

The House met according to adjournment.

Present.

The Honble {	James Hasell	Samuel Strudwick	} Esquires
	John Rutherford	Martin Howard	
	Lewis DeRosset	and	
	Alexander McCulloch	Samuel Cornell	

Received from the Assembly by Col^o Howe and Mr Hooper the following Message Viz—

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL.

This House have appointed Mr Harnett, Mr Allen Jones, Mr Simpson, Mr Macknight, Mr Thompson, Mr Stewart, Mr Coor, Mr Locke, Mr Thomas Person, Mr Williamson, Mr Lane, Mr Starkey and Mr Sawyer a Committee on the Public Accounts.

And Mr Caswell, Mr Hunter, Mr Neale, Mr Martin, Mr Rutherford, Mr William Bryan, Mr Roger Ormond, Mr Kimbrough, Mr Phifer, Mr Brooks, Mr Jarvis, Mr Gray, Mr Shepard, Mr Alston and Mr Thomas Robinson a Committee of this House to settle and allow Public Claims in conjunction with such of your Honors as you shall think fit to appoint.

JOHN HARVEY Speaker

In the Assembly 26th Jan^y 1773.

By order

JAMES GREEN Clk.

The Committee appointed to draw up and prepare an address in answer to his Excellency's Speech Reported that they had prepared the same, which was read and approved of, and thereupon Resolved it stand the Address of this House and be entered in the Journals thereof as follows viz^t.

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE GOVERNOR AND COMMANDER IN CHIEF OF THE PROVINCE OF NORTH CAROLINA.

May it please your Excellency,

We the Members of his Majestys Council return our thanks to your Excellency for your Speech to both Houses of Assembly.

The Instructions which your Excellency has received from his Majesty to propose at this Session the passing an Act of Pardon in favour of the late Insurgents we acknowledge as an Instance of his great goodness and clemency and We are persuaded that it will be attended with Salutary Effects. By removing the apprehension of punishment from those who have incurred the Censure of the Law, their confidence in, and attachment to Government will be renewed, and by this means many useful members may be again restored to the community. We shall therefore most readily concur in any well digested Law that may correspond with his Majestys pleasure to bury in oblivion all that is past, with such exceptions as shall be reasonable and proper, and at the same time we will join our endeavors towards effecting some wise provision for procuring the safety of the Public peace in time to come.

We observe with great satisfaction your Excellencys sollicitude and concern for the honor and interest of this Province in the several weighty matters to which you have called up our attention.

A permanent establishment of the Courts of Justice, is, and ought to be the first care of every prudent Government, and let whatever mode or institution be proposed for that purpose, at this time, We, for our parts will strive to direct our Councils to the true interest of the Public. In like manner we hope to approve ourselves as the faithful servants of his Majesty and his people in this Province by a diligent and upright regard to the several other important objects which your Excellency has with so much care pointed out for our deliberation.

In grateful return for which we offer to your Excellency our best endeavors to assist you in promoting the true happiness of this Colony.

In the upper House 27th Jan^y 1773.

By order RIGDON BRICE pro Clk.

On motion ordered the following Message be sent to the Assembly—

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your Message relative to the Committees this House have appointed the Honorable John Rutherford, Alexander McCulloch, William Dry, Samuel Strudwick and Samuel Cornell Esquires a Committee of this House to examine, state and settle the Public Accounts—And the Honorable Lewis DeRosset, John Sampson and Martin Howard Esquires a Committee of this House to settle and allow the Public Claims.

In the upper House 27th Jan^y 1773.

By order RIGDON BRICE pro Clk.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 28th January 1773.

The House met according to adjournment.

Present.

The Honble {	James Hasell	Samuel Strudwick	} Esquires
	Lewis DeRosset	Martin Howard &	
	Alexander McCulloch	Samuel Cornell	

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 29th January 1773.

The House met according to adjournment

Present.

The Honble	{	James Hasell	Martin Howard	} Esquires
		Lewis DeRosset	and	
		Alexander M ^c Culloch	Samuel Strudwick	

Received from the Assembly by Mr Shepard and Mr Neale the following Message Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that the Treasurers or either of them furnish the Mace bearers and door keepers of the Council and the House with decent Gowns immediately and be allowed in their Accounts with the Public. A copy of which we herewith send your Honors and desire your Concurrence thereto

JOHN HARVEY, Speaker

In the Assembly 27th Jan^y 1773.

By order JAMES GREEN Clk.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday Morning 30th January 1773.

The House met according to adjournment

Present

The Honble	{	James Hasell	Alexander M ^c Culloch	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	Samuel Cornell	

Received from the Assembly by Mr Lanier and Mr Hampton

A Bill for annexing the North part of Rowan to the County of Surry, and the further establishment and erecting the Parish of Dobbs into a separate and distinct Parish.

On motion the same was read and passed.

Received from the Assembly by Mr Stewart and Mr Spruil

A Bill for erecting part of the Counties of Halifax and Tyrrell into one distinct County and Parish and for other purposes therein mentioned.

On motion, read the first time and passed.

On motion Ordered the Message received from the Assembly with their Resolve that the Treasurers furnish the Mace bearer and door

keepers of both Houses with decent gowns, be read. The same was read and concurred with.

Received from the Assembly by Mr Rutherford and Mr Phifer, A Bill to prevent the Crime of horse stealing, and A Bill for Establishing the Western part of Rowan County into a separate and distinct County and Parish by the name of ----- County and ----- Parish.

On motion Ordered the Bill to prevent the crime of horse stealing be read. The same was read the first time and passed.

On motion Ordered the Bill for Establishing the Westward part of Rowan County into a separate and distinct County and Parish be read. The same was read the first time and passed.

Received from the Assembly by Mr Locke and Mr Davidson—

A Bill for establishing a Public seminary of learning in the Western part of this Province.

On motion the same was read the first time and passed.

Then the House adjourned till 10 o'clock on Monday Morning.

Monday Morning 1st February 1773.

The House met according to adjournment

Present

The Honble	{	James Hasell	Alexander McCulloch	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard &	
		John Sampson	Samuel Cornell	

Received from the Assembly by Mr Person and Mr Hunter

A Bill for keeping the Lords day commonly called Sunday and for the more effectual suppression of vice and immorality—

On motion read the first time and passed.

Received from the Assembly by Mr Davidson and Mr Ormond

A Bill for the more easy and effectual method of collecting the Taxes in the Counties therein mentioned—

On motion, read the first time and passed.

Received from the Assembly by Mr Davidson and Mr Ormond

A Bill for annexing of a part of Carteret to Onslow County—

On motion read the first time and passed.

Received from the Assembly by Mr Neale and Mr Shepard

A Bill for erecting a Public gaol and gaolers House in the Town of Wilmington for the district of Wilmington—

On motion read the first time and passed.

And a Bill for the relief of Persons who have, or may suffer by their deeds and *mesne* conveyances not being proved and registered within the time heretofore appointed by Law.

On motion read the first time and passed.

Then the President attended by the House waited on His Excellency the Governor and presented to him their Address, to which His Excellency was pleased to return the following answer.

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

I return my sincere thanks for this Address.

Your concurrence in the expediency of the several measures I have recommended to the consideration of the General Assembly assure me of their propriety and importance, and the part which your House have always taken in the Legislative business of this Country give me confidence to expect everything from you that may be consistent with your duty to his Majesty and a liberal regard to the honor and true interest of this Colony.

Nothing can be more acceptable to me than your offers of Assistance to promote the happiness of this Province. Aided by your Council, I shall hope Gentlemen, that my zealous endeavours in the service of my Royal Master, and for the Honor and Welfare of this Colony, will deserve success.

JO. MARTIN.

New Bern February 1st 1773.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning 2^d February 1773.

The House met according to adjournment.

Present

The Honble	{	James Hasell	Alexand ^r McCulloch	} Esq ^{rs}
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	and	
		John Sampson	Martin Howard	

Received from the Assembly by Mr Hatch and Mr Gray A Bill to amend an Act for appointing Commissioners to build a Prison, Pillory and Stocks on the lot whereon the Court House now stands in Duplin County. On motion read the first time and passed.

And a Bill of Pardon and oblivion to the persons concerned in the late insurrection except such persons as are therein excepted. On motion read the first time and passed.

Received from the Assembly by Mr Davis and Mr M^cRee A Bill for establishing a Town on the Land of Isaac Jones on the North West branch of Cape Fear River in Bladen County. On motion read the first time and passed.

Received from the Assembly by Mr Thompson and Mr Shepard A Bill to amend An Act Intituled, "An Act for establishing a school house in the Town of New Bern." On motion read the first time and passed.

And a Bill to restrain the Fishery for a certain Season in each Year, in the several places therein mentioned. On motion read the first time and passed.

Received from the Assembly by Mr Atherton and Mr Evans

A Bill for the more effectual punishment of Counterfeiters of the Public Debenture Bills of Credit of this Colony and Coin.

On motion read the first time and passed.

And a Bill to exonerate John Tagart and Francis Adams late Sheriffs of Tryon County from being chargable with the collection of Taxes taken into South Carolina

On motion read the first time and passed

Received from the Assembly by Mr Kimbrough and Mr Lanier A Bill for altering the place fixed upon by the Commissioners for building a Court House prison and stocks in the County of Guilford.

On motion read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 3rd February 1773.

The House met according to adjournment.

Present

The Honble	{	James Hasell	William Dry	}	Esquires
		John Rutherford	Samuel Strudwick		
		Lewis De Rosset	Martin Howard		
		John Sampson	and		
		Alex ^r McCulloch	Samuel Cornell		

Received from the Assembly by Mr Hooper and Mr Caswell the following Bills, Viz^t.

A Bill for dividing the Province into 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

A Bill for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

On motion read the first time and passed.

A Bill for directing the method of appointing Jurors in all causes civil and criminal.

On motion read the first time and passed.

And a Bill directing the Boundary line between the Counties of Perquimans and Chowan and appointing Commissioners to see the same run.

On motion read the first time and passed.

Received from the Assembly by Col^o Martin and Mr. Jarvis,

A Bill to dissolve the Vestry of Unity Parish in Guilford County and repeal An Act therein mentioned.

On motion read the first time and passed.

Received from the Assembly by Mr Starkey and Mr Hunter

A Bill to amend an Act Intituled An Act to prevent the exportation of unmerchantable commodities.

On motion read the first time and passed.

Received from the Assembly by Col^o Gray and Mr Kenan,

A Bill to amend an Act for appointing Commissioners to build a prison pillory and stocks on the lot whereon the Court House now stands in Duplin County.

On motion read the second time amended and passed.

Received from the Assembly by Mr M^oRee and Mr M^oAllister.

A Bill for preventing the frequent abuses in taking up and secreting of stray horses in the Counties therein mentioned.

On motion read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 4th February 1773.

The House met according to adjournment.

Present as before.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 5th February 1773.

The House met according to Adjournment .

Present

The Honble	{	James Hasell	William Dry	} Esqr's
		John Rutherford	Samuel Strudwick	
		John Sampson	Martin Howard	
		Alexand ^r M ^o Culloch	Samuel Cornell	

Received from the Assembly by Mr Martin and Mr Kimbrough
A Bill to dissolve the Vestry of Unity Parish in Guilford County
and repeal an Act therein mentioned.

Received from the Assembly by Mr Jarvis and Mr Williamson.

A Bill to amend an Act intitled "An Act for the better observation
and keeping the Lords day commonly called Sunday and for the
more effectual suppression of vice and immorality."

On motion read the second time and rejected

And a Bill to continue an Act Intitled "An Act to direct Sheriffs
in levying executions and the disposal of lands, goods and chattles
taken thereon"

On motion read the first time and passed

Received from the Assembly by Mr Neale and Mr Hatch

A Bill to amend An Act intitled, "An Act for establishing a
School House in the Town of New Bern."

On motion read the second time and passed

And A Bill to prevent the wilful and malicious killing of Slaves

On motion read the first time and passed.

Received from the Assembly by Mr Hooker and Mr Frazier

A Bill for erecting part of the Counties of Halifax and Tyrrel into
one distinct County and Parish, and for other purposes therein men-
tioned.

Received from the Assembly by Mr Robinson and Mr M^cRee

A Bill for establishing a Town on the Land of Isaac Jones lying
on the North West branch of Cape Fear River in Bladen County

On motion read the second time amended and passed.

Received from the Assembly by Mr Person and Mr Evans.

A Bill to prevent obstructing the passage of Fish in the Rivers
and Creeks therein mentioned

On motion read the first time and passed

Received from the Assembly by Mr Starkey and Mr Hunter,

A Bill for erecting a public gaol and gaolers House in the Town
of Wilmington for the district of Wilmington.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday Morning 6th February 1773.

The House met according to adjournment

Present

The Honble	{	James Hasell	Alexander M ^c Culloch	}	Esquires
		John Rutherford	William Dry		
		Lewis DeRosset	Samuel Strudwick		
		John Sampson	Martin Howard		

Received from the Assembly by Mr Lanier and Mr. Kimbrough
 A Bill to amend An Act for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the Court House now stands in Duplin County.

On motion read the third time and passed

Ordered to be engrossed.

And A Bill for annexing the North part of Rowan to the County of Surry and the further establishing and erecting the Parish of Dobbs into a separate and distinct Parish.

Received from the Assembly by Mr Davidson and Mr Rutherford

A Bill to exonerate John Tagart and Francis Adams, late Sheriffs of Tryon County from being chargable with the collection of taxes taken into South Carolina

On motion read the second time and passed

Received from the Assembly by Mr Person and Mr Lewis the following Bills, viz^t.

A Bill to prevent burning the woods at unseasonable times of the year in the several Counties therein mentioned.

On motion read the first time and passed

A Bill for the relief of insolvent Debtors with respect to the imprisonment of their persons.

On motion read the first time and passed.

And a Bill to encourage the destroying vermin in the several Counties therein mentioned

On motion read the first time and passed

The House adjourned till 10 o'clock on Monday Morning.

Monday Morning 8th February 1773.

The House met according to adjournment

Present

The Honble	{	James Hasell	William Dry	}	Esquires
		John Rutherford	Samuel Strudwick		
		Lewis DeRosset	Martin Howard		
		John Sampson	and		
		Alex ^r McCulloch	Samuel Cornell		

Received from the Assembly by Mr W Person and Mr Hatch

A Bill to exonerate John Tagart and Francis Adams late Sheriffs of Tryon County from being chargeable with the collection of Taxes taken into South Carolina.

On motion read the third time and passed.

Ordered to be engrossed.

And a Bill for the more effectual punishment of Counterfeiters of the Public Debenture Bills of Credit of this Colony and Coin.

On motion the Bill for erecting a public gaol and gaolers House in the Town of Wilmington for the District of Wilmington was read the second time and passed.

Received from the Assembly by Mr Martin and Mr McNair

A Bill for the relief of persons who have or may suffer by their deeds and *mesne* conveyances not being proved and registered within the time heretofore appointed by Law.

On motion read the second time and passed.

Received from the Assembly by Mr Neale and Mr Shepard

A Bill to regulate the attendance of the minister of Christ Church Parish at the Parish Church in the Town of New Bern and at the several Chapels within the said Parish.

On motion read the first time and passed.

Received from the Assembly by Mr Macknight and Mr Kenan the following Message and Resolve, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House directing the Treasurers to pay immediately to the Hon^{ble} Samuel Cornell the sum of Eight thousand one hundred and two pounds ten shillings proclamation money for the principal, together with the interest on the sterling money &c^a and desire your Honors Concurrence thereto.

JOHN HARVEY, Speaker

In the Assembly 8th Feb^r 1773.

By order JAMES GREEN J^r Clk.

Whereas the sum of seven thousand seven hundred and sixteen pounds thirteen shillings and four pence proclamation money was borrowed from the Hon^{ble} Samuel Cornell Esquire bearing an Interest of eight per cent in consequence of an Act of Assembly for building the edifice and warrants given by the Governor on the Treasury for four thousand six hundred and thirty pounds sterling, Exchange being then settled at one hundred and sixty six pounds thirteen

shillings and four pence proclamation money for one hundred pounds sterling.

Resolved that the Public Treasurers be directed to pay immediately to the said Samuel Cornell the sum of eight thousand one hundred and two pounds ten shillings proclamation money for the principal together with the Interest due on the sterling money, exchange being now rated at one hundred and seventy five pounds proclamation money for one hundred pounds sterling

JOHN HARVEY Speaker

In the Assembly 8th Feb^r 1773.

By order JAMES GREEN JR Clk.

In the upper House 8th Feby 1773. Concurred with.

JA^s HASELL, P. C.

Received from the Assembly by Mr Person and Mr Ward

A Bill to prevent burning the Woods at unseasonable times of the year in the several Counties therein mentioned

On motion read the second time and passed.

Received from the Assembly by Mr McRee and Mr Robeson

A Bill for establishing a Town on the Land of Isaac Jones lying on the North West branch of Cape Fear River in Bladen County.

On motion read the third time and passed. Ordered to be engrossed.

The House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning 9th February 1773.

The House met according to adjournment.

Present.

The Honble	{	James Hasell	William Dry	} Esquires.
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alexander McCulloch	Samuel Cornell	

Received from the Assembly by Mr Alston and Mr Gray, the following Message and Resolve Viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL.

We herewith send you a Resolve of this House for allowing James Ransom jun^r who was by this House appointed Sergeant at Arms, the sum of ten pounds for his own and four others, their expence

and trouble in endeavouring to apprehend Philip Alston who was suspected of counterfeiting the Debenture Bills of this Province, and desire your Honor's concurrence thereto.

JOHN HARVEY Speaker.

In the Assembly 8th Feb^r 1773.

By order

JAMES GREEN Jun^r Clk.

Resolved that James Ransom junior who was by this House appointed Sergeant at Arms be allowed the sum of ten pounds for his own and four others, their expences and trouble in endeavouring to apprehend Philip Alston gunsmith who was suspected of counterfeiting the Debenture Bills of this Province, and that the Treasurers or either of them pay the same and be allowed in their accounts with the Public.

JOHN HARVEY Speaker.

By order

JAMES GREEN Jun^r Clk.

In the upper House 9th Feb^r 1773, Concurred with.

JAS HASELL P. C.

Received from the Assembly by Mr Blackman and Mr Wynn jun^r.

A bill to prevent making hedges across great Contentnea Creek.

Received from the Assembly by Mr Harvey and Mr Evans,

An additional Bill to an Act intituled an Act for establishing a school house in the Town of New Bern.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Jarvis and Mr Picket,

A Bill to continue an Act intituled an Act to direct Sheriffs in levying executions and the disposal of Lands goods and chattles taken thereon.

On motion read the second time and passed.

Received from the Assembly by Mr Davis and Mr F Campbell,

A Bill for erecting a public gaol and gaolers house in the town of Wilmington for the district of Wilmington.

On motion the Bill for annexing the North part of Rowan to the County of Surry and the farther establishing and erecting the Parish of Dobbs into a separate and distinct Parish was read the second time and passed.

On motion The Bill for erecting part of the Counties of Halifax and Tyrell into one distinct County and Parish and for other purposes therein mentioned was read the second time amended and passed.

Received from the Assembly by Mr Kimbrough and Mr Starkey.

A Bill to encourage the destroying of vermin in the several Counties therein mentioned

On motion read the second time and passed.

On motion Ordered the following Message be sent to the Assembly
Viz'

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill for erecting a public gaol and gaolers house in the Town of Wilmington for the district of Wilmington, We observe that the materials to be used therein are left to the election of the Commissioners, instead of which We propose that they should be confined to build with brick or stone, to which amendment if you agree you will send such of your Members as you think proper to see the same inserted

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 10th February 1773.

The House met according to adjournment

Present

The Honble	{	James Hasell	William Dry	} Esq's
		John Rutherford	Samuel Strudwick	
		Lewis D ^r Rosset	Martin Howard	
		John Sampson	and	
		Alexander M ^c Culloch	Samuel Cornell	

Received from the Assembly by Mr B. Harvey and Mr Williams

A Bill directing the Boundary line between the Counties of Perquimans and Chowan and appointing Commissioners to see the same run.

On motion read the second time and passed.

Received from the Assembly by Mr W. Ormond and Mr M^cCulloch,

A Bill for dividing the Province into several districts and for establishing a Superior Court of Justice in each of the said districts, and for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province; and regulating the proceedings therein—

On motion read the first time amended and passed.

On motion, The Bill to dissolve the Vestry of Unity Parish in Guilford County and repeal an Act therein mentioned, Was read the second time amended and passed.

Received from the Assembly by Mr Lane and Mr Neale

A Bill for appointing Public Treasurers and directing their duty in Offices.

On motion, The Bill to prevent making hedges across great Contentnea Creek, was read the first time and passed.

Received from the Assembly by Mr Hewes and Mr Harnett

An additional Bill to an Act for erecting a Court House and Prison for the use of the district of Edenton

On motion read the first time and passed.

Received from the Assembly by Mr Hewes and Mr. Harnett, the following Message, Viz^t.

GENTLEMEN OF HIS MAJESTY'S COUNCIL,

In answer to your Message regarding the Bill for erecting a public gaol and gaolers house in the Town of Wilmington,

This House agree to the amendment by you proposed and send Mr Harnett and Mr Hewes to see the same inserted in the Bill

JOHN HARVEY Speaker

In the Assembly 9th Feb^r, 1773.

By order. JAMES GREEN J^r Clk.

The amendment proposed was inserted in the Bill for erecting a public gaol and gaolers house in the Town of Wilmington in presence of the Members sent for that purpose.

Then the said Bill was put, and passed the third time with the amendment Ordered to be engrossed.

The House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 11th February 1773.

The House met according to adjournment.

Present

The Honble	{	James Hasell	William Dry	}	Esquires
		John Rutherford	Samuel Strudwick		
		Lewis DeRosset	Martin Howard		
		John Sampson	and		
		Alex ^r M ^c Culloch	Samuel Cornell		

Received from the Assembly by Mr Respass and Mr R. Ormond,

A Bill for granting a bounty on the exportation of Pot and Pearl Ash

On motion read the first time and passed
Then the House adjourned till 10 °Clock tomorrow morning.

Friday Morning 12th February 1773.

The House met according to adjournment.

Present.

The Honble	{	James Hasell	Alexander M ^c Culloch	}	Esquires
		John Rutherford	Samuel Strudwick		
		Lewis DeRosset	Martin Howard &		
		John Sampson	Samuel Cornell		

Received from the Assembly by Mr Gray and Mr Lane the following Bills, viz^t

A Bill for dividing the province into six several districts and for establishing a Superior Court of Justice in each of the said Districts, and for establishing Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this Province and regulating the proceedings therein.

A Bill to prevent the wilful and malicious killing of Slaves.

On motion read the second time amended and passed.

A Bill to prevent the crime of horse stealing.

On motion read the second time and passed.

And a Bill to amend an Act to prevent stealing Cattle and hoggs and altering and defacing marks and brands and mismarking and misbranding horses, cattle and hoggs unmarked and unbranded.

On motion read the first time and rejected.

Then the House adjourned till 10 °Clock tomorrow morning.

Saturday Morning 13th February 1773.

The House met according to adjournment.

Present

The Honble	{	James Hasell	William Dry	}	Esquires
		John Rutherford	Samuel Strudwick		
		Lewis DeRosset	Martin Howard		
		John Sampson	and		
		Alexander M ^c Culloch	Samuel Cornell		

Received from the Assembly by Mr W. Ormond and Mr Evans the following Bills Viz^t

A Bill to prevent making hedges across great Contentnea Creek.

A Bill for granting a Bounty on the exportation of Pot and Pearl Ash.

On motion read the second time amended & passed.

Received from the Assembly by Mr Lanier and Mr Montgomery

A Bill for preventing persons who by devise or otherwise are invested with a life estate in any slave, or slaves or other goods and chattels from doing injury to the person or persons in reversion.

On motion read the first time and passed.

Received from the Assembly by Mr Martin and Mr Kimbrough, the following Bills, Viz^t

A Bill to regulate the attendance of the Minister of Christ Church Parish at the Parish Church in the Town of New Bern and at the several Chapels in the said Parish.

On motion read the second time and passed

A Bill to dissolve the Vestry of Unity Parish in Guilford County.

On motion read the third time and passed. Ordered to be engrossed.

A Bill directing the punishment of those persons who shall forge or counterfeit the gold and silver coin circulating in this Province and of those who shall utter the same, or any false or counterfeit debenture Bills in similitude of those emitted in the years 1768 and 1771.

On motion read the first time and passed

Received from the Assembly by Mr Simpson and Mr Thompson.

A Bill for the relief of insolvent debtors with respect to the imprisonment of their persons,

And a Bill for laying out a Public Road from Dann River through the Counties of Guilford, Chatham and Cumberland to Campbellton

Received from the Assembly by Mr White and Mr Brooks

A Bill for the relief of persons who have or may suffer by their deeds and *mesue* conveyances not being proved and registered within the time heretofore appointed by Law

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Simpson and Mr Thompson

A Bill for allowing a salary to the Speaker of the House of Assembly.

On motion read the first time and passed.

Received from the Assembly by Mr Davison and Mr Rutherford

A Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County and other purposes

On motion read the first time and passed.

Received from the Assembly by Mr B. Harvey and Mr Williams
A Bill for regulating the Town of Hertford and other purposes.

And a Bill for annexing the North part of Rowan to the County
of Surry and the further establishing and erecting the Parish of
Dobbs into a separate and distinct parish

Received from the Assembly by Mr Starkey and Mr Hunter,

A Bill to continue an Act to prevent hunting for and killing deer
in the manner therein mentioned.

Received from the Assembly by Mr Alston and Mr McCulloh,

A Bill to amend the staple of tobacco and prevent frauds in His
Majesty's Customs

Received from the Assembly by Mr Jarvis and Mr S. Smith

A Bill to continue an Act intituled an Act to direct Sheriffs in
levying executions and the disposal of lands, goods and chattles
taken thereon.

Received from the Assembly by Mr Person and Mr Ward,

A Bill to encourage the destroying vermin in the several Counties
therein mentioned.

Received from the Assembly by Mr Recessess and Mr W. Ormond
the following Message and Resolve viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House for allowing
Elizabeth Strange widow of John Strange whose husband was
wounded in the late expedition against the Insurgents and since
drowned, the sum of fifteen pounds and desire your Honors Con-
currence thereto.

JOHN HARVEY, Speaker.

In the Assembly 13th. February 1773.

Resolved that Elizabeth Strange whose husband was wounded in
the late expedition against the Insurgents and since drowned be
allowed the sum of fifteen pounds and that the Treasurers or either
of them pay her the same and be allowed in their accounts with the
public.

JOHN HARVEY, Speaker.

By order

JAMES GREEN, JR, CLK.

Received from the Assembly by Col^o Howe and Col^o Davis the
following Message and Resolve Viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

We herewith send you a Resolve of this House for continuing the
Garrison of Fort Johnston twelve months and from thence to the

end of next session of the Assembly, and desire your Honors Concurrence thereto.

JOHN HARVEY Speaker.

In the Assembly 8th February 1773.

Resolved that the present establishment in the Garrison of Fort Johnston be continued in His Majestys service twelve months, and from thence to the end of the next Session of Assembly.

JOHN HARVEY Speaker

By order

JAMES GREEN JR Clk

Received from the Assembly by Mr Thompson and Mr Shepard
A Bill to restrain the Fishery for a certain season in each year in the several places therein mentioned

The House adjourned till 10 °Clock on Monday Morning.

Monday Morning 15th February 1773.

The House met according to adjournment,

Present

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex ^r McCulloch	Samuel Cornell	

Received from the Assembly by Mr Simpson and Mr Benbury the following Bills, Viz

An additional Bill to an Act for erecting a Court House and Prison for the use of the district of Edenton

On motion read the first time and passed.

A Bill to amend an Act for encouraging the building of Public Mills and directing the duty of millers.

On motion read the first time amended and passed.

A Bill to prevent the wilful and malicious killing of slaves

On motion read the third time and passed. Ordered to be engrossed.

An additional Bill to an Act intituled an Act to prevent the exportation of unmerchable Commodities

On motion read the first time and passed

A Bill to establish a public ferry across the Yadkin River at the Plantation of James Smith.

A Bill to prevent the crime of horse stealing.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr B Harvey and Mr McCulloh,

A Bill to continue an Act intituled an Act for appointing an Agent to solicit the Affairs of this Province at the several Boards in England.

On motion read the first time and passed.

Received from the Assembly by Mr Thos Person and Mr McNair,

A Bill to prevent burning the woods at unseasonable times of the year in the several Counties therein mentioned.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Benbury and Mr Oldham,

A Bill to empower the executors of John McKildo late Sheriff of Tyrell to collect the Arrears of Taxes due for the said County in the years therein mentioned.

Received from the Assembly by Mr Lane and Mr R. Ormond,

A Bill for granting a Bounty on the exportation of Pot and Pearl Ash.

On motion read the third time and passed. Ordered to be engrossed.

On motion Ordered the following Bills to be read viz^t

A Bill for dividing the Province into six several districts and for establishing a superior Court of Justice in each of the said districts, and for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province and regulating the proceedings therein. Read the second time amended and passed.

A bill to continue an Act intituled an Act to prevent hunting for and killing Deer in the manner therein mentioned. Read the first time and passed.

A Bill for laying out a public road from Dann River through the Counties of Guilford Chatham and Cumberland to Campbelton. Read the first time and passed.

A Bill for regulating the Town of Hertford and other purposes. Read the first time and passed.

A Bill directing the punishment of those persons who shall forge or counterfeit the gold and silver coins circulating in this Province and of those who shall utter the same, or any false or counterfeit

debenture bills in similitude of those emitted in the years 1768 and 1771. Read the second time and passed.

A Bill for the relief of Insolvent debtors with respect to the imprisonment of their persons. Read the second time amended and passed.

A Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County and other purposes. Read the second time and passed.

A Bill to restrain the Fishery for a certain Season in each year in the several places therein mentioned. Read the second time and passed.

A Bill to prevent making hedges across great Contentnea Creek. Read the second time and passed.

A Bill for annexing the North part of Rowan to the County of Surry and the further establishing and erecting the Parish of Dobbs into a separate and distinct Parish. Read the third time and passed. Ordered to be engrossed.

A Bill to encourage the destroying of vermin in the several Counties therein mentioned. Read the third time and passed. Ordered to be engrossed.

And a Bill to continue An Act intituled "An Act to direct Sheriffs in levying executions and the disposal of lands, goods and chattels taken thereon." Read the third time and passed. Ordered to be engrossed.

On motion this House Concurred with the Resolve of the Assembly for allowing Elizabeth Strange whose husband was wounded in the late expedition against the Insurgents and since drowned, the sum of fifteen pounds.

On motion this House Concurred with the Resolve of the Assembly for continuing the present Establishment of Fort Johnston.

Received from the Assembly by Mr Lane and Mr R. Ormond

A Bill for building a Bridge over Tulls Creek and repairing the causeway thereunto adjoining.

The House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning 16th February 1773.

The House met according to adjournment.

Present as before.

The House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 17th February 1773.

The House met according to adjournment.

Present

The Honble {	James Hasell	Alexander McCulloch	} Esq ^{rs}
	John Rutherford	William Dry	
	Lewis DeRosset	Samuel Strudwick	
	John Sampson	Samuel Cornell	

Received from the Assembly by Mr B. Harvey and Mr Williams
A Bill for regulating the Town of Hertford and other purposes.

On motion read the second time amended and passed.

Received from the Assembly by Mr Neale and Mr Coor

A Bill to regulate the attendance of the Minister of Christ Church
Parish at the Parish Church in the Town of New Bern and at the
several Chapels in the same Parish.

On motion read the third time and passed. Ordered to be
engrossed.

And an Additional Bill to an Act intituled, an Act for amending
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.

On motion read the first time and passed.

Received from the Assembly by Mr Rutherford and Mr Davis

A Bill establishing the Court House in the Town of Charlotte in
Mecklenburg County and other purposes.

On motion read the third time and passed. Ordered to be
engrossed.

Received from the Assembly by Mr Montgomery and Mr Davison

A Bill to amend an Act intituled an Act for the Regulation of the
Town of Salisbury, securing the inhabitants in their possessions and
to encourage the settlement of the said Town.

Received from the Assembly by Mr Nash and Mr Hines

A Bill directing the punishment of those persons who shall coun-
terfeit the gold and silver coin circulating in this Province and of
those who may utter the same or any false or counterfeit debenture
Bills in similitude of those emitted in the year 1768 and 1771.

On motion read the third time and passed. Ordered to be
engrossed.

Received from the Assembly by Mr Stewart and Mr Frazier

A Bill for erecting part of the Counties of Halifax and Tyrell

into one distinct County and Parish and other purposes therein mentioned.

Received from the Assembly by Mr Blackman and Mr Coor

A Bill to prevent making hedges across great Contentnea Creek, Little River of P. D. Rocky River and Uahra River.

On motion read the third time and passed. Ordered to be engrossed.

On motion Ordered the following Bills be read Viz^t

The Bill to amend the staple of tobacco and prevent frauds in His Majesty's Customs. Read the first time and passed,

The Bill to impower the Executors of John McKildo late Sheriff of Tyrell to collect the arrears of Taxes due for the said County in the years therein mentioned. Read the first time and passed.

The Bill for building a bridge over Tulls Creek and repairing the causeway thereunto adjoining. Read the first time and passed.

And the Bill for appointing Public Treasurers and directing their duty in office. Read the first time and passed.

Received from the Assembly by Mr Coor and Mr R Ormond

An additional Bill to an Act intituled an Act to prevent the exportation of unmerchantable commodities.

Then the House adjourned till tomorrow morning 10 o'clock.

Thursday Morning 18th February 1773.

The House met according to adjournment.

Present

The Honble {	James Hasell	William Dry	} Esqr's
	John Rutherford	Samuel Strudwick	
	Lewis DeRosset	Martin Howard	
	John Sampson	and	
	Alex ^r McCulloch	Samuel Cornell	

Received from the Assembly by Mr Gray and Mr W. Ormond the following Bills Viz^t

A Bill for laying out and establishing a Public Road from Charlotte Town in Mecklenburg County to Bladen Court House.

On motion, read the first time and passed.

A Bill for repairing or rebuilding the gaol for the district of Halifax in the Town of Halifax.

On motion read the first time and passed.

And a Bill for dividing the Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and for establishing Inferior Courts of Pleas and Quarter

Sessions in the several Counties in this Province and for regulating the proceedings therein.

Received from the Assembly by Mr Robeson and Mr Lane, the following Bills Viz^t

A Bill to empower the Inferior Courts of the several Counties within this Province to lay a tax to defray the expence of their respective Members in attending the General Assembly.

A Bill to amend an Act intituled an Act for the regulation of the several officers fees therein mentioned and ascertaining the method of paying the same.

A Bill to prevent hunting with a gun in the night by fire light—

And, A Bill for Building a Court House prison and stocks at Slades Creek in Hyde County and removing the Court House from Woodstock thereto.

On motion the above four Bills were read the first time and passed.

On motion The Additional Bill to an Act intituled an Act to prevent the exportation of unmerchutable commodities was read the second time and rejected

Received from the Assembly by Mr T Person and Mr Coor, the following Message, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

The Chairman of the Committee of Public Accounts having reported that the Southern Treasurer hath paid into the Committee on Account of the sinking fund seven thousand four hundred and forty eight pounds eighteen shillings and two pence, And the Treasurer of the Northern district the sum of three thousand and sixty five pounds and five pence on the same fund—

This House have appointed a Committee of the whole House to see the said sums amounting in the whole to ten thousand five hundred and thirteen pounds eighteen shillings and seven pence, burnt at the house of Thomas Sitgreaves in New Bern at one °Clock this afternoon in conjunction with such of your Honors as you shall think fit to appoint.

JOHN HARVEY, Speaker

In the Assembly 18th February 1773.

By order

JAMES GREEN JR., Clk.

On motion ordered, the following message be sent to the Assembly,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House have appointed the Hon^{ble} John Rutherford and William Dry Esquires a Committee of this House to join your Committee to see the sum of ten thousand five hundred and thirteen pounds eighteen shillings and seven pence paid on the sinking fund burnt at the place and time you mention.

In the upper House 18th Feb^y 1773.

Received from the Assembly by Mr Kimbrough and Mr Latham

A Bill for vesting in certain persons therein named two Acres of Land at the Indian Town in Currituck County as Trustees for erecting a Chapel thereon and enclosing a burying ground —

And a Bill to regulate and ascertain the fees of the Clerks of the Pleas and Crown in the Superior and Inferior Courts in this Colony, directing the method of paying the same, and for taxing Law Suits.

Received from the Assembly by Mr Martin and Mr Kimbrough

A Bill for laying out a public road from Dan River through the counties of Guilford, Chatham and Cumberland to Campbellton, and for a Public Road from the Shallow ford in Surry County to join the same,

And a Bill to enable the several Inferior Courts in this Province to lay a Tax to defray the expence of Negroes convicted capitally in their respective counties.

Then the House adjourned till 10 o'Clock tomorrow morning.

Friday Morning 19th February 1773.

The House met according to adjournment

Present

The Honble {	John Rutherford	Samuel Strudwick	} Esquires
	Lewis DeRosset	Martin Howard	
	John Sampson	and	
	Alex ^r McCulloch	Samuel Cornell	

On motion Ordered the following Message be sent to the Assembly
Viz^t.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY—

Upon the third reading of the Bill for dividing the Province into six several districts &c. This House propose the following amendments, Viz^t.

That the district of Hillsborough be abolished and that a district at Campbellton be erected in its stead to be held on the same day

as mentioned in the Bill for Hillsborough, for the Counties of Cumberland, Anson, Chatham, Guilford and Wake, and that the Counties of Orange and Granville be added to Halifax district, and Cumberland taken out of New Hanover district

That in all cases of original or Judicial attachments against persons residing in Europe the Court to which the same is brought shall continue it twelve months, and if the defendant appear plead and put in bail within that time, in such case his estate may be liberated and the Garnishee discharged

That the Justices of the Quorum shall constitute and be the sole Judges of the Inferior Court of common Pleas.

That the said Justices of the Quorum together with all the others named in the Commission shall constitute the Court of General and Quarter Sessions of the Peace.

That two days in each Term be set apart by the Justices of the Quorum for the Trial of Pleas of the Crown and other business of the Quarter Session.

That the clause relating to the Clerk of the Pleas shall run thus—

And be it further Enacted by the authority aforesaid that the Clerk of the Pleas for the time being shall nominate and appoint skillful and discrete persons to serve as Clerks for the several Courts hereby Established and each of the said Clerks shall give Bond to the Justices of their respective Courts with two sufficient securities in the Penalty of one hundred pounds for the safe keeping the Records and the faithful discharge of his duty in his said office. Which said Bond shall be recorded and lodged in the Secretary's Office and in case of a breach of the condition thereof may be put in suit for the benefit of, and at the proper costs and charges of the party or parties injured and shall not become void upon the first recovery, Or if Judgment be given against the said Justices, But may from time to time be put in suit by action of debt or *Scire Facias* until the whole penalty shall be recovered. And when any Judgment shall be obtained upon such Bond the damages assessed shall by Order of the Court be paid to the person or persons injured.

And be it further Enacted by the Authority aforesaid that nothing herein contained shall be construed to lessen or take away the power of the Justices of the said Courts over the Clerks thereof, anything herein contained to the contrary notwithstanding—

And be it further Enacted by the authority aforesaid that the Clerk of the Pleas for the time being shall not accept or take any

gratuity gift fee or reward in consideration of his appointing any person to the Office of Clerk of the Inferior Court of Pleas and Quarter Sessions under pain of forfeiting five hundred pounds sterling money of Great Britain to be recovered by Action of Debt Bill Plaint or information and to be applied one half for the benefit of the informer and the other half to defray the contingent charges of Government, and the person appointed shall be rendered incapable of holding the said Office Provided nevertheless that the said Clerk of the Pleas may reserve a reasonable portion of the Profits and emoluments of the said office.

If your House approve of these amendments be pleased to send two of your Members to see that the Bill be altered and amended accordingly.

In the upper House 19th Feb^r 1773.

By order

RIGDON BRICE *pro* Clk.

On motion ordered the following Bills be read

The Bill for erecting part of the Counties of Halifax and Tyrrel into one distinct County and Parish, and for other purposes therein mentioned. Read the third time and passed. Ordered to be Engrossed.

The Bill to empower the Executors of Jolin McKildo late Sheriff of Tyrell to collect the Arrears of taxes due for the said County in the years therein mentioned.

The Bill for vesting in certain Persons therein named two Acres of Land at the Indian Town in Currituck County as Trustees for erecting a Chapel thereon and for enclosing a burying ground.

And the Bill for laying out a public Road from Dan River through the Counties of Guilford Chatham and Cumberland to Campbellton and for a public road from the shallow ford in Surry County to join the same. Read the second time and passed.

The Bill to enable the several Inferior Courts in this Province to lay a Tax to defray the Expence of negroes convicted capitally in their respective Counties.

And the Bill to regulate and ascertain the Fees of the Clerks of the Pleas and Crown in the Superior and Inferior Courts in this County, directing the method of paying the same, and for Taxing Law Suits. Read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday Morning 20th February 1773.

The House met according to adjournment.

Present.

The Honble {	James Hasell	William Dry	} Esquires
	Lewis DeRosset	Samuel Strudwick	
	John Sampson	Martin Howard	
	Alex ^r McCulloch	Samuel Cornell	

Received from the Assembly by Mr Respass and Mr Ormond,

A Bill to amend and continue An Act passed in the General Assembly of this Province at New Bern the fifth day of December in the Year of our Lord 1768 Intituled an Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein and for providing adequate salaries for the Chief Justice and the Associate Justices of the said Superior Courts.

On motion read the first time amended and passed.

And A Bill for Building a gaol in Beaufort County.

On motion read the first time and passed.

Received from the Assembly by Mr B. Harvey and Mr Williams

A Bill for allowing a salary to the Speaker of the House of Assembly.

On motion read the second time and passed.

A Bill for regulating the Town of Hertford and other purposes.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Slade and Mr McCulloh

A Bill to alter the method of working upon the public roads in the County of New Hanover.

On motion read the first time and passed.

Received from the Assembly by Mr Caswell and Mr Gray

A Bill to prevent malignant and infectious distempers being spread by shiping importing distempered persons into this Province

On motion read the first time and passed.

Received from the Assembly by Mr Hewes and Mr Macknight the following Message and Resolve, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House send you a Resolve thereof for allowing Hunt and Bryan ninety six pounds four shilling and four pence, Robert Lanier the sum of fifty eight pounds eight shillings and eight pence, and

William Few the sum of thirty seven pounds ten shillings for expences incurred in the late expedition and desire your Honors concurrence thereto.

JOHN HARVEY Speaker

In the Assembly 18th February 1773.

Resolved, That Hunt and Bryan for corn, wheat and steers be allowed the sum of ninety six pounds four shillings and four pence, Robert Lanier for flour wheat and steers fifty eight pounds eight shillings and eight pence, William Few for a field of wheat, barley and oats thirty seven pounds ten shillings it being for so much furnished the Troops on the late Expedition against the Insurgents.

JOHN HARVEY Speaker

By order

JAMES GREEN Jr., Clk.

In the upper House 20th February 1773. Concurred with and sent back.

JAS HASELL, P. C.

Received from the Assembly by Mr Hatch and Mr Coor

A Bill to impower the Commissioners therein named to build a bridge over Trent River on the main Road leading from New Bern to Wilmington.

On motion read the first time and passed.

And A Bill to prevent hunting with a gun in the night by fire-light.

On motion read the second time amended & passed.

Received from the Assembly by Mr Kenan and Mr Starkey

A Bill for rendering the navigation of Trent River more useful and advantageous

On motion read the first time and passed.

Received from the Assembly by Mr Hewes and Mr Macknight the following Message and Resolve, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We herewith send you a Resolve of this House for allowing Robert Sinclear and Daniel Stiles or such persons as they have or may impower to receive the same the sum of three hundred and eighty seven out of the sinking fund, and desire your Honors Concurrence thereto.

JOHN HARVEY Speaker.

In the Assembly 18th February 1773.

Mr Hewes presented a claim whereby it appears to this House by the testimony of indifferent and disinterested persons that three hundred and eighty seven pounds Proclamation Bill Money of this Province the property of Robert Sinclear and Daniel Stiles of New York Merchants was lost and destroyed on board the sloop *Jenny James Thomas* Master at Ocacock Bar in a violent gale of wind on the first day of September last when the said vessel was cast away and entirely lost and most of the seamen and Mariners drowned.

Resolved that the Treasurers or either of them pay to the said Robert Sinclear and Daniel Stiles or such persons as they have or may impower to receive the same the sum of three hundred and eighty seven pounds out of the sinking fund and be allowed in their accounts with the Public.

JOHN HARVEY Speaker.

By order JAS GREEN, JR., Clk.

In the upper House 20th Feb^y 1773.

Concurred with and sent back.

JAS HASELL, P. C.

Received from the Assembly by Mr Robeson and Mr M^cRee,
A Bill for laying out and establishing a public road from Char-
lotte Town in Mecklenburg County to Bladen Court House.

On motion read the second time and passed.

Received from the Assembly by Mr Campbell and Mr Robeson,

A Bill to repeal part of an Act therein mentioned.

On motion read the first time and passed.

Received from the Assembly by Mr Benbury and Mr. B. Harvey.

A Bill directing the boundary line between the Counties of Per-
quimans and Chowan and appointing commissioners to see the same
run.

On motion read the third time and passed. Ordered to be
engrossed.

Received from the Assembly by Mr Rutherford and Mr Person,

A Bill to continue an Act for the more speedy recovery of all debts
and demands under five pounds proc money within this Province.

Received from the Assembly by Mr Williamson and Mr Jarvis
the following Bills, Viz^t.

A Bill to empower the Executors of John M^cKildo late Sheriff of
Tyrell to collect the arrears of Taxes due for the said County in the
years therein mentioned.

On motion read the third time and passed. Ordered to be engrossed.

An Additional Bill to an Act for erecting a Court House and Prison for the use of the district of Edenton.

On motion read the third time and passed. Ordered to be engrossed.

A Bill for vesting in certain persons therein named two Acres of Land at the Indian Town in Currituck County as Trustees for erecting a chapel thereon and for enclosing a burying ground.

And a Bill for building a bridge over Tulls Creek and repairing the causeway thereunto adjoining.

Received from the Assembly by Mr Neale and Mr Jarvis,

A Bill to amend and continue an Act passed in the General Assembly of this Province at New Bern the fifth day of December in the year of Our Lord 1768 Intituled An Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein And for providing adequate Salaries for the Chief Justice and the Associate Justices of the said Superior Courts.

Received from the Assembly by Mr Person and Mr Haywood,

A Bill for directing the method of appointing Jurors in all causes Civil and Criminal.

Then the House adjourned till 10^o Clock on Monday morning.

Monday Morning 22^d February 1773.

The House met according to adjournment

Present.

The Honble {	James Hasell	William Dry	} Esquires.
	John Rutherford	Samuel Strudwick	
	Lewis DeRosset	Martin Howard	
	John Sampson	and	
	Alex. McCulloch	Samuel Cornell	

On motion ordered the following Bills be read

The Bill to amend and continue an Act passed in the General Assembly of this Province at New Bern the fifth day of December in the year of our Lord 1768, Intituled An Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein, And for providing adequate salaries for the Chief Justice and the Associate Justices of the said Superior Courts. Read the second time amended and passed.

The Bill to continue an Act for the more speedy recovery of all debts and demands under five pounds proclamation money within this Province. Read the first time and passed.

The Bill for vesting in certain persons therein named two acres of land at the Indian Town in Currituck County as Trustees for erecting a Chapel thereon and for enclosing a burying ground. Read the second time amended and passed.

The Bill for directing the method of appointing Jurors in all causes civil and criminal.

And the Bill for building a bridge over Tulls Creek and repairing the causeway thereunto adjoining. Read the second time and passed.

Received from the Assembly by Mr McCulloh and Mr Kenan

A Bill to amend the staple of tobacco and prevent frauds in His Majesty's Customs.

On motion read the second time amended and passed.

Received from the Assembly by Mr Nash and Mr Evans

A Bill to amend an Act intituled an Act for the Regulation of the Town of Hillsborough.

On motion read the first time and passed.

Received from the Assembly by Mr Frazier and Mr Latham

A Bill for cutting a navigable Canal from Mattamuskeet Lake to the head of Wesokin Creek in Hyde County.

On motion read the first time and passed.

And a Bill to amend an Act intituled an Act for settling the Bounds of Lands.

On motion read the first time and passed.

Received from the Assembly by Mr Alston and Mr McCulloh

A Bill for repairing or rebuilding the gaol for the district of Halifax in the Town of Halifax.

On motion read the second time and passed.

Received from the Assembly by Mr Davis and Mr Jas Moore.

A Bill continuing an Act intituled "An Act to alter the method of working upon the roads in the County therein mentioned."

Received from the Assembly by Mr McRee and Mr Robeson,

A Bill for laying out and establishing a public road from Charlotte Town in Mecklenburg County to Bladen Court House.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Gray and Mr Benbury, the following Message, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of the nineteenth Instant with respect to the Bill for dividing the Province into six several districts &c. We agree that the amendment proposed by you as to the attachment of effects of persons residing in Europe shall be inserted in the Bill, and as to every other part of your Message we cannot agree. With that amendment we have the fullest confidence you will pass the Bill upon which the peace and happiness of this Province essentially depends, to which if you agree, We will send two of our Members to see the amendment inserted in the Bill.

JOHN HARVEY, Speaker.

In the Assembly 22^d Feb^y 1773.

By order, JAMES GREEN, JR, Cl^k.

Received from the Assembly by Mr B. Harvey and Mr Thompson, A Bill to establish Triennial Assemblies.

Received from the Assembly by Mr Hines and Mr W. Person,

A Bill to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

The Committee appointed by this House the 18th Instant, to see the money paid on the sinking fund burnt, Reported that the sum of £7448.18.2 paid by the Southern Treasurer, and the sum of £3065.0.5 paid by the Northern Treasurer amounting in the whole to ten thousand five hundred and thirteen pounds eighteen shillings and seven pence was burned accordingly.

Then the House adjourned 'till 10 o'clock tomorrow morning.

Tuesday Morning 23rd February 1773.

The House met according to adjournment

Present.

The Honble	{	James Hasell	Alex ^r McCulloch	}	Esq ^{'rs}
		John Rutherford	William Dry		
		Lewis DeRosset	Samuel Strudwick		
		John Sampson	Samuel Cornell		

On motion the Bill for establishing Triennial Assemblies

And the Bill to continue an Act intituled an Act to alter the method of working upon the roads in the Counties therein mentioned were read the first time and passed

Received from the Assembly by Mr M^cNair and Mr Martin

A Bill to amend and continue an Act passed in the General Assembly of this Province at New Bern the fifth day of December in the year of our Lord 1768 Intituled an Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein and for providing adequate salaries for the Chief Justice and the Associate Justices of the said Superior Courts.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr M^cAlister and Mr Benbury the following Bills Viz^t

A Bill to continue an Act for the more speedy recovery of all debts and demands under five pounds proclamation money within this Province.

A Bill to repeal part of an Act therein mentioned.

A Bill to prevent malignant and infectious distempers being spread by shiping importing distempered persons into this Province.

And a Bill to prevent hunting with a gun^{*} in the night by fire light.

Received from the Assembly by Mr Montgomery and Mr M^cAlister

A Bill to continue the Tax imposed by an Act intituled, An Act for building a Court House in the Town of Salisbury for the district of Salisbury.

And a Bill to regulate the Borough of Campbelton and erecting Public buildings therein.

Then the House adjourned till 10 o'clock on Monday Morning.

Wednesday Morning 24th February 1773.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Lanier and Mr S. Smith the following Message and Resolve, Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House for allowing Jacob Mitchell the sum of eight pounds, Thomas Butner five pounds, Robert Simonton ten pounds, Thomas Crawford three pounds six shillings and eight pence, Benjamin Milner seventeen pounds thirteen

shillings and four pence, John Oliphant for himself and twelve men thirty-two pounds ten shillings, William Morrison for himself and ten men twenty pounds ten shillings, William Sherral for himself and ten men twenty-seven pounds fifteen shillings, James Lee one pound ten shillings, Emperor Wheeler one pound fifteen shillings, Abel Gower one pound six shillings and eight pence, James Sampson six pounds five shillings, Richard Brocus ten pounds ten shillings, Gabriel Hames two pounds fifteen shillings, Walter Lindsay sixty-four pounds eighteen shillings and two pence, William Hatch twenty-five pounds, Samuel Paul fifteen pounds, and Moses Martin for himself and two mens pay and for horse hire and provisions twenty-two pounds three shillings and eight pence. And desire your Honors Concurrence thereto.

JOHN HARVEY Speaker.

In the Assembly 22^d February 1773.

Resolved that Jacob Mitchell be allowed for himself and overseer two waggons and horses ten days in the late expedition the sum of eight pounds, Thomas Butner for one rifle gun pressed in the service five pounds, Robert Simonton for one horse and bell ten pounds, Thomas Crawford for one saddle and bridle pressed three pounds six shillings and eight pence, Benjamin Milner for his services on the expedition seventeen pounds thirteen shillings and four pence, John Oliphant for himself and twelve men on an expedition to Silver Creek and the Quakers Medows and the three Creeks by Order of General Waddell Thirty two pounds ten shillings, William Morrison for himself and ten men on the like service twenty pounds ten shillings, James Lee for a gun lost in the service one pound ten shillings, William Sherral for himself and twelve men on an expedition twenty seven pounds fifteen shillings, Emperor Wheeler for a gun lost in the service one pound fifteen shillings, Abel Gower for a gun lost one pound six shillings and eight pence, James Sampson for ten days pay and expences in the late expedition six pounds five shillings, Richard Brocus for forty two days pay in the late expedition ten pounds ten shillings, Gabriel Hames for eleven days pay in the late expedition two pounds fifteen shillings, Walter Lindsay for the ballance of his account in the expedition sixty four pounds eighteen shillings and two pence, William Hatch for one hundred and eighteen days service as steward and gunner in the said expedition twenty five pounds, Samuel Paul for himself, waggon and team

in the service fifteen pounds, Moses Martin for himself and ten mens pay and for horse hire and provisions twenty two pounds three shillings and eight pence. And that the Treasurers or either of them pay the same and be allowed with the Public, to which we desire your Honors concurrence.

JOHN HARVEY Speaker.

By order JAS GREEN JR Clk.

In the upper House 24th Feb^y 1773.

Concurred with.

JAS. HASELL, P. C.

Received from the Assembly by Mr Martin and Mr Kimbrough,
A Bill of Pardon and oblivion to the persons concerned in the late insurrection except such persons as are therein excepted.

On motion read the second time and passed.

Received from the Assembly by Mr Jarvis and Mr Lewis

A Bill to amend an Act intituled an Act for regulating the several Officers fees therein mentioned and ascertaining the method of paying the same.

A Bill to regulate and ascertain the fees of the Clerks of the Pleas in the Superior and Inferior Courts in this Colony directing the method of paying the same and for taxing Law Suits.

On motion read the second time and passed.

Received from the Assembly by Mr Hatch and Mr Coor the following Bills viz^t

A Bill to impower the Commissioners therein named to build a bridge over Trent river on the main road leading from New Berne to Wilmington.

On motion read the second time and passed

A Bill for rendering the navigation of Trent River more useful and advantageous.

On motion read the second time and passed.

And a Bill for laying out a public road from Dan River through the Counties of Guilford, Chatham, and Cumberland to Campbellton and for a Public road from the shallow ford in Surry County to join the same.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Hatch and Mr Evans

An additional Bill to 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.

On motion read the second time amended and passed.

Received from the Assembly by Mr T. Person and Mr Jarvis

A Bill for the relief of insolvent debtors with respect to the imprisonment of their persons.

Received from the Assembly by Mr McNair and Mr Stewart.

A Bill to amend the staple of tobacco and prevent frauds in His Majestys Customs.

Received from the Assembly by Mr Latham and Mr Slade—

A Bill to amend an Act intituled An Act for settling the Bounds of Lands.

On motion read the second time and passed.

On motion ordered the following Bills be read, Viz^t.

The Bill to prevent hunting with a gun in the night by firelight

Read the third time and passed. Ordered to be engrossed.

The Bill for appointing Public Treasurers and directing their duty in office

Read the second time amended and passed.

The Bill to continue an Act for the more speedy recovery of all debts and demands under five pounds proclamation money within this Province, and

The Bill to amend an Act intituled an Act for the regulation of the Town of Hillsborough. Read the second time and passed.

The Bill to alter the method of working upon the public roads in the County of New Hanover. Read the second time amended and passed.

The Bill to continue the Tax imposed by an Act intituled an Act for building a Court House in the town of Salisbury for the district of Salisbury, And,

The Bill to regulate the Borough of Campbellton and erecting Public buildings therein. Read the first time and passed.

And the Bill to establish a Public Ferry across Yadkin River at the Plantation of James Smith. Read the first time and rejected

On motion ordered the following Message be sent to the Assembly viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY, 1

We agree with your Answer to our Message of the 19th Inst upon the Bill for dividing the Province into six several districts &c. and

we will pass the Bill with that amendment only which respects attachment of persons Estates who reside in Europe. We therefore desire you to send two of your Members to see that amendment inserted

Upper House 24th Feb^r 1773.

On motion ordered the following Message be sent to the Assembly, Viz^t.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill to amend the staple of tobacco &c^a We propose that the inspection be confined to tobacco exported to Great Britain only, and that the Bill be made consonant thereto.

We further propose that the last clause in the Bill for preventing Slaves cultivating tobacco be *deled*, and the following clause be inserted instead thereof, Viz^t—"And whereas many mischiefs have arisen by slaves cultivating large quantities of Tobacco—Be it Enacted by the authority aforesaid that no slave shall cultivate more than five hundred hills of Tobacco under the penalty of five pounds proclamation money to be recovered from the master, owner or overseer of such slave by action of debt before any Jurisdiction having cognizance thereof, one half to the informer and the other half to the use of the county where such slave shall reside."

To which amendments if your House agree be pleased to send two of your members to see the same inserted in the Bill.

In the upper House 24th Feb^r 1773.

Received from the Assembly by Mr Howe, Mr Harnett, Mr Caswell, Mr F. Campbell, Mr McNair, Mr Knox, Mr Lewis, Mr Rutherford, Mr Simpson, Mr Starkey, Mr Lanier, Mr Gray, Mr Hewes, Mr Johnston, Mr Martin, Mr B. Harvey, Mr M. Moore, Mr Davis, Mr McCulloh, Mr Benbury, Mr Tho^s Person, Mr Lane, Mr Wynns and Mr Robeson,

A Bill to establish Triennial Assemblies.

On motion read the second time and passed.

Received from the Assembly by Mr Martin and Mr Lanier

A Bill to amend an Act passed at New Bern in the year 1771 intituled an Act for laying out a public road from the Frontiers of this Province through the counties of Mecklenburg, Anson and Cumberland.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 25th February 1773.

The House met according to adjournment.

Present

The Honble	{	James Hasell	W ^m Dry	}	Esquires
		John Rutherford	Samuel Strudwick		
		Lewis DeRosset	Martin Howard		
		John Sampson	and		
		Alex. McCulloch	Samuel Cornell		

Received from the Assembly by Mr Locke and Mr Rutherford

A Bill to amend and continue an Act intituled an Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein, and for providing adequate Salaries for the Chief Justice and the Associate Justices of the said Superior Courts.

On motion read the first time and passed.

Received from the Assembly by Mr Montgomery and Mr Davison

A Bill to amend an Act intituled "An Act for the regulation of the Town of Salisbury securing the Inhabitants in their possessions and to encourage the settlement of the said Town."

On motion read the first time and passed.

Received from the Assembly by Mr Montgomery and Mr M^cNair the following Message

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day relative to the amendments by you proposed to be inserted in the Bill to amend the staple of tobacco &c, This House cannot agree to the amendments proposed by you, as the first clause tends to render useless the whole Bill. The latter from its general expression tends to prohibit both master and slave from cultivating more than five hundred hills of tobacco.

JOHN HARVEY, Speaker.

By order. JAS GREEN, JR, Clk.

In the Assembly 24th Feb^y 1771.

Received from the Assembly by Mr Hooker and Mr Slade,

A Bill to enable the several Inferior Courts in this Province to lay a tax to defray the expence of negroes convicted capitally in their respective Counties.

On motion read the second time and rejected.

A Bill to continue an Act intituled an Act to alter the method of working upon the roads in the County therein mentioned.

Received from the Assembly by Mr Campbell and Mr M^rAlister

A Bill for regulating the Borough of Campbelton and erecting public buildings thereon.

On motion read the second time and passed.

Received from the Assembly by Mr Davis and Mr Robeson

A Bill to alter the method of working upon the public roads in the County of New Hanover.

On motion read the third time and passed. Ordered to be engrossed.

On motion, Ordered the following Message be sent to the Assembly, Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House continue of opinion that the benefit of the Insolvent Act should be extended to all those who are indebted in a less sum than ten pounds as well as to those indebted above that sum, and therefore desire, if it be agreeable to your House that you would send two of your Members to see those words which confine the benefit of the said Act to debtors above the sum of ten pounds *deled*.

In the upper House 25th February 1773.

On motion ordered the following Bills be read, Viz^t

The Bill to amend an Act passed at New Bern in the year 1771, intituled an Act for laying out a public road from the Frontiers of this Province through the Counties of Mecklenburg, Anson and Cumberland. Read the first time and passed.

The Bill for preventing Persons who by devise or otherwise are invested with a life estate in any slave or slaves or other goods and chattles from doing injury to the person of persons in reversion.

The Bill to prevent malignant and infectuous distempers being spread by shiping importing distempered persons into this Province.

And the Bill to amend an Act intituled an Act for regulating the several officers fees therein mentioned and ascertaining the method of paying the same. Read the second time and passed.

On Motion, Ordered the following Message be sent to the Assembly, viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Having received your answer to our message proposing amendments to the Bill to amend the staple of tobacco &c^a and maturely

considered thereof, This House cannot recede from the first amendment proposed, as to the other they agree that it should extend only to slaves cultivating tobacco for their own benefit. You will therefore be pleased if you approve thereof to send two of your members to see the amendments made in the Bill.

In the upper House 25th February 1773.

Received from the Assembly by Mr Hatch and Mr Coor the following Bills, viz^t

A Bill to empower the commissioners therein named to build a bridge over Trent River on the main road leading from New Bern to Wilmington.

A Bill for building a gaol in Beaufort County.

On motion read the second time and passed.

And a Bill for rendering the navigation of Trent River more useful and advantageous.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Gray and Mr Simpson

A Bill to amend and continue an Act intituled an Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein, and for providing adequate salaries for the Chief Justice and the Associate Justices of the said Superior Courts.

On motion read the second time amended and passed.

On motion ordered the following message be sent to the Assembly Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Upon reading a third time the Bill for building a bridge over Trent River, this House are of opinion that the Commissioners should be empowered to get timber on the Lands convenient thereto for building said bridge but not for repairs of the same at all times thereafter. If your House concur with us in this amendment We desire you to send two of your members to see it inserted.

In the upper House 25th February 1773.

The House adjourned till 10 o'clock tomorrow morning.

Friday Morning 26th February 1773.

The House met according to adjournment

Present

The Honble {	James Hasell	William Dry	} Esquires
	Lewis DeRosset	Samuel Strudwick	
	John Sampson	Martin Howard	
	Alex ^r McCulloch	Samuel Cornell	

Received from the Assembly by Mr Montfort and Mr Alston

A Bill to continue "An Act for the more speedy recovery of all debts and demands under five pounds proclamation within this Province."

On motion read the third time and passed. Ordered to be engrossed.

On motion, The Bill to repeal part of an Act therein mentioned Was read the second time and rejected

Received from the Assembly by Mr Davison and Mr Montgomery

A Bill to continue an Act intituled, "An Act for building a Court House in the Town of Salisbury for the district of Salisbury," And

A Bill to amend an Act intituled "An Act for the regulation of the Town of Salisbury, securing the Inhabitants in their possessions and to encourage the settlement of the said Town."

On motion the above two Bills were read the second time and passed.

On motion The Bill to continue an Act intituled "An Act to alter the Method of working upon the roads in the County therein mentioned" Was read the second time and passed.

Received from the Assembly by Mr Hooper and Mr Harnett, the following Message Viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message of the 25th Instant, This House agree that those words in the Bill for the relief of insolvent Debtors &c. which confine the benefit of said Act to debtors above the sum of ten pounds be "*deleted*," And send Mr Hooper and Mr Harnett to see the same done,

JOHN HARVEY Speaker

By order. JAS GREEN JR Clk.

In the Assembly 25th Feb^r 1773.

The amendment proposed to the "Bill for the relief of insolvent debtors with respect to the imprisonment of their persons," was

accordingly made in presence of the Members sent for that purpose.

Then the said Bill was put and passed the third time, with the amendment. Ordered to be engrossed.

Received from the Assembly by Mr Neale and Mr Hatch, the following Message Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of yesterday relative to the amendment by you proposed to be inserted in the Bill for building a bridge over Trent River. This House agree thereto and send Mr Neale and Mr Hatch to see the proposed amendment inserted in the Bill.

JOHN HARVEY, Speaker.

By order JAS GREEN, JR CLK.

In the Assembly 26th Feb^r 1773.

The amendment proposed to the Bill to impower the Commissioners therein named to build a bridge over Trent River on the main road leading from New Bern to Wilmington was accordingly made in presence of the Members sent for that purpose.

Then the said Bill was put and passed the third time with amendments. Ordered to be engrossed.

Received from the Assembly by Mr Howe, Mr Harnett, Mr Caswell, Mr F. Campbell, Mr McNair, Mr Knox, Mr Lewis, Mr Rutherford, Mr Simpson, Mr Starkey, Mr Lanier, Mr Gray, Mr Hewes, Mr Johnston, Mr Martin Mr B. Harvey, Mr M. Moore, Mr Davis, Mr McCulloh, Mr Benbury, Mr Thos Person, Mr Lane, Mr Wynns, and Mr Robeson,

A Bill for establishing Triennial Assemblies.

Received from the Assembly by Mr Neale and Mr Hatch

A Bill for establishing a Public Seminary of Learning in the Western part of this Province and

A Bill for cutting a navigable canal from Mattamuskeet Lake to the head of Wesokin Creek in Hyde County.

Received from the Assembly by Mr Rutherford and Mr Montgomery.

A Bill to amend an Act intituled, "An Act for the regulation of the Town of Salisbury securing the Inhabitants in their possessions and to encourage the settlement of the said Town," &c

A Bill to continue the Tax imposed by an Act intituled, "An

Act for building a Court House in the Town of Salisbury, for the district of Salisbury.

On motion the above two Bills were read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Respass and Mr Evans.

A Bill for building a gaol in Beaufort County. On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Hooper and Mr Gray

A Bill for regulating the Borough of Campbelton and erecting public buildings therein.

Received from the Assembly by Mr Hooper and Mr Macknight the following Message, viz.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day relative to your passage of the Bill for dividing this Province into six several districts &c^a. We send Mr Hooper and Mr Macknight to see the amendment by you proposed inserted in the Bill.

JOHN HARVEY Speaker.

By order JAS GREEN JR Clk.

In the Assembly 24th February 1773.

On motion ordered 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 Borough of Campbelton and erecting Public Buildings therein" This House propose the following amendments viz^t. That the Court House, Gaol, Pillory and Stocks be and remain on the Public Lots allotted for that purpose in that part of the Borough heretofore called Campbelton and no where else, and that the clause in the Bill having reference thereto be altered accordingly. And that the names of the Commissioners in the Bill nominated, be *deled*, and the following inserted, viz. Alexander M^eAlister, Ferquhard Campbell, Richard Lyon, Robert Neilson, and Robert Cochran. To which amendments if your House agree, be pleased to send some of your Members to see the same made.

In the Upper House 26th February 1773.

The House adjourned till 10^oClock tomorrow morning.

Saturday Morning 27th February 1773.

The House met according to adjournment.

Present.

The Honble	{	James Hasell	William Dry	}	Esquires
		John Rutherford	Samuel Strudwick		
		Lewis DeRosset	Martin Howard		
		John Sampson	and		
		Alex ^r McCulloch	Samuel Cornell		

Received from the Assembly by Mr Gray and Mr Hines,

A bill to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

On motion read the second time amended and passed.

Received from the Assembly by Mr McCulloch and Mr Alston,

A Bill for repairing the Gaol for the district of Halifax in the Town of Halifax.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Gray and Mr Simpson.

A Bill to amend and continue an Act intituled an Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein, and for providing adequate salaries for the Chief Justice and the Associate Justices of the said Superior Courts.

Received from the Assembly by Mr Martin and Mr Kimbrough

A Bill of Pardon and oblivion to the persons concerned in the late insurrection, except such persons as are therein excepted.

Received from the Assembly by Mr Shepard and Mr Jos. Jones,

A Bill for preventing Persons who by devise or otherwise are invested with a Life Estate in any slave or slaves or other goods and chattles from doing injury to the person or persons in reversion.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Kenan and Mr W. Person,

A Bill to amend an Act intituled an Act for settling the bounds of Lands.

On motion read the third time and passed. Ordered to be engrossed.

On motion ordered the following Bills be read.

The Bill for establishing a Public Seminary of Learning in the Western part of this Province.

Read the second time amended and passed,

And The Bill for cutting a navigable Canal from Mattamuskeet Lake to the head of Wesokin Creek in Hyde County,

Read the second time and passed.

Received from the Assembly by Mr McNair and Mr Nash,

A Bill to amend an Act intituled "An Act for the regulation of the Town of Hillsborough."

On motion read the third time and passed. Ordered to be engrossed.

On Motion ordered the following Message be sent to the Assembly, Viz:

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On the third reading of the Bill of Pardon and Oblivion to the Persons concerned in the late Insurrection &c, We observe that you have *deled* the names of James Hunter, Samuel Deviney, and Ninian Bell Hamilton, As We do not agree thereto, We propose that those names should be *steted* in the Bill; to which amendment if your House agree be pleased to send two of your Members to see the same inserted in the Bill.

In the upper house 27th Februray 1773.

His Excellency the Governor having appointed John Hawks Esq^r Clerk in this House in the room of John Burgwin Esq^r in full confidence that the said John Burgwin had desired to resign said office and not from any disapprobation of his conduct,

This House taking the same into consideration do Resolve that during ten years Service as Clerk of this House the said John Burgwin hath ever acted with the strictest Integrity and Honor, and hath discharged all the duties of that Office with skill and ability.

And it is Ordered that this Resolve be entered on the Journals of this House as a Testimony of their unreserved approbation of his conduct.

The House adjourned till 10 o'clock on Monday morning.

Monday Morning 1st March 1773.

The House met according to adjournment,

Present

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex ^r McCulloch	Samuel Cornell	

Received from the Assembly by Mr Smith and Mr Evans

A Bill for cutting a navigable canal from Mattamuskeet Lake to the head of Wesokin Creek in Hyde County.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Phiher and Mr Davison

A Bill for establishing a Public Seminary of Learning in the Western part of this Province.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Montfort and Mr Caswell the following Message, Viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In reply to your message we cannot agree to confine the inspection of tobacco to that which shall be exported to Great Britain only, as the allowing uninspected tobacco to be cleared outwards to any other place will leave a door open to much fraud and abuse in his Majesty's customs and manifestly tend to depreciate that valuable staple. We will however agree that the following clause may be added to the Bill, viz^t

"And whereas the immediate execution of this Act may be very inconvenient to the persons at present concerned in shipping tobacco from the Ports of Brunswick, New Bern, and Bath for want of proper Warehouses and Inspectors at those ports—

Be it Enacted by the authority aforesaid, that nothing herein contained shall be construed to prohibit the Custom House Officers in any of the said Ports from Clearing out vessels with tobacco as usual until the first day of January next, at which time this Act shall take effect at those ports, any thing herein contained to the contrary notwithstanding."

We agree to the other part of your message for confining Slaves in the cultivation of tobacco for their own use, and if you will adopt the above amendment we will send two members to see the Bill altered agreeable thereto.

JOHN HARVEY Speaker

By order JAMES GREEN J^r Clk.

In the Assembly 25th Feb^r 1773.

On motion Ordered the following Message be sent to the Assembly Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We agree with the amendments proposed by you to the "Bill to amend the staple of Tobacco &c, and desire you would send two of your Members to see the same made.

In the upper House 1st March 1773.

On motion ordered the following Message be sent to the Assembly viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading the third time the Bill continuing the Act for dividing this Province into six several districts &c We observe you have *deled* the following Clause viz^t "And be it further enacted by the authority aforesaid that for the future the estate of no person whatsoever who hath never resided in this Province shall be liable to an attachment otherwise than according to the Laws and Statutes of England in like cases and that every clause and section in the before recited Act contrary thereto shall henceforth be Repealed."

We apprehend this Clause is so penned as to give to the people of this Province every benefit enjoyed by the People of England by the Method of Attachments, what that Benefit is, how far it may be extended, or how far restrained Will be left at large to the construction of the Courts of Law.

For these reasons and because without this Clause the Province is likely to be without any Courts of Justice we do not consent to part with it.

If your House agree to this alteration we conceive that the other clause respecting the twelve months continuance be *deled*.

We further propose to empower the Chief Justice and his Associates or either of them to open the Court of Salisbury on any of the first six days of the next succeeding Term.

If your House agree to these alterations be pleased to send two of your Members to see them made.

In the upper House 1st March 1773.

Received from the Assembly by Mr Thos. Person and Mr Rutherford,

A Bill to regulate and ascertain the Fees of the Clerks of the Pleas in the Superior and Inferior Courts in this Colony directing the Methods of paying the same and for taxing Law Suits.

Received from the Assembly by Mr Hatch and Mr Coor,

An Additional Bill to an Act intituled An Act for amending 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.

The Amendments proposed to "The Bill for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts, And for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province and regulating the proceedings therein" Were made in presence of the Members sent for that purpose.

Then the said Bill was put and passed the third time with amendments. Ordered to be engrossed.

On motion ordered the following Message be sent to the Assembly Viz^t.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading in this House the third time the Bill for appointing Public Treasurers &c, We propose the following amendments viz^t, That John Ashe Esquire the present Southern Treasurer be continued in office.

That the several Clauses inserted by this House at the second reading to compel the Treasurers to collect account for and pay the public Taxes be *stetel*.

That the several clauses at the same time by us *deled*, and at your third reading *stetel*, be again *deled*.

And that the new Clause by you added relative to the proceedings against Sheriffs for the nonpayment of Public Taxes be also *deled*.

We further propose that the following clause be inserted in the Bill, viz^t. "And be it further Enacted that in case of the death or departure out of this Province or other legal disability of the said Treasurers or either of them hereby appointed it shall and may be lawful for the Governor or Commander in Chief for the time being with the advice of His Majesty's Council to appoint and constitute any other person or persons in his or their place or stead to execute the said office until the next Session of Assembly. Such person appointed giving such Bond and security as herein before directed." To which amendments if your House agree be pleased to send two of your members to see them inserted in the Bill.

In the Upper House 1st March 1773.

On motion ordered the following Message be sent to the Assembly
Viz^t.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Upon the third reading of the Bill in addition to an Act for regulating the Town of New Bern We agrée to your Amendment, and we propose to add the two following Paragraphs viz^t—

“And whereas sundry idle and disorderly persons as well as slaves and children under age do make a practice of firing guns and pistols within the said Town, Be it enacted by the Authority aforesaid that if any such person shall for the future fire a gun or pistol within the said Town he shall pay a fine of ten shillings for each offence to be recovered as aforesaid. If the offender be under age the parent master or guardian shall pay the said fine, And if a slave, shall by order of the next Majestrate be whipped, not exceeding twenty lashes unless the master of such slave shall pay the said fine.

And be it further enacted by the authority aforesaid that the Commissioners of said town or a majority of them are hereby impowered and required to appoint two or more watch men whose duty shall be regulated by the Commissioners and who shall be paid out of the monies arising by virtue of this Act.”

To which if your House agree be pleased to send two of your Members to see the amendments inserted in the Bill

In the upper House 1st March 1773.

Received from the Assembly by Mr Robeson and Mr Brooks.

A Bill to amend an Act passed at New Bern in the Year 1771, intituled an Act for laying out a public road from the Frontiers of this Province through the Counties of Mecklenburg, Anson and Cumberland.

On motion read the second time and passed.

Received from the Assembly, the following Message, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONEBLE COUNCIL,

In reply to your Message of this day relative to the Bill to amend the Staple of Tobacco &c^s, this House have sent Mr Montfort and Mr Nash to see the same made.

JOHN HARVEY Speaker.

By order JAMES GREEN, JR, Clk.

In the Assembly 1st March 1773.

The amendment proposed to "The Bill to amend the staple of Tobacco, and prevent frauds in His Majesty's Customs" were accordingly made in the presence of the Members sent for that purpose.

Then the said Bill was put and passed the third time with amendments. Ordered to be engrossed.

Received from the Assembly by Mr Williamson and Mr Jarvis.

A Bill for vesting in certain persons therein named two acres of Land at the Indian Town in Currituck County as Trustees for building a Chapel thereon and for enclosing a burying ground.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Hooper and Mr Macknight the following message, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message relative to the Bill for regulating the Town of Campbelton and erecting public buildings therein, wherein you propose an alteration of the persons named as Commissioners, for laying out the said town, This house having in this respect nothing in contemplation but the interest of the County of Cumberland do not object to the amendment, Confident that the persons proposed by you are men of integrity and that nothing but an independent view to the public good has induced you to suggest the alteration. With respect to the second amendment proposed by you, We cannot consent that the public buildings should be erected in the place formerly called Campbelton as it is a measure in which the County of Cumberland is essentially interested and a majority of the Inhabitants of that County have supplicated the Legislature that the public buildings may be erected in the place formerly called Cross Creek, as by a Petition now in your House will appear, and the Inhabitants of that part called Cross Creek have subscribed largely for that purpose in order to lessen the County expence

But if it is a measure which your House conceive will be more beneficial to the Public that the buildings should be erected on the south side of the Creek called Cross Creek, this House consent to such an amendment.

JOHN HARVEY, Speaker.

By order, JAMES GREEN, JR, Cl^k.

In the Assembly 1st March 1773.

On motion the Bill for the regulation of the Town of Campbellton and erecting Public Buildings therein, was put the third time, and as this House do not recede from the amendments by them proposed, the same was rejected.

Received from the Assembly by Mr Starkey and Mr Williams, the following Message,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

The Chairman of the Committee of Public Accounts having reported that the Southern Treasurer hath paid into the Committee five hundred and eleven pounds four shillings in old money, five hundred and twenty eight pounds twelve shillings and six pence in old debentures; and nine hundred and twenty three pounds in new debentures, making in the whole the sum of nineteen hundred and sixty two pounds sixteen shillings and six pence on account of the sinking Fund, this House have appointed a Committee of the whole House to see the said sum burnt at the house of Thomas Sitgreaves in New Bern at four o'clock tomorrow in the afternoon in conjunction with such of your Honors as you may think fit to appoint.

JOHN HARVEY Speaker.

By order JAMES GREEN Jun^r Clk.

In the Assembly 1st March 1773.

Received from the Assembly by Mr B. Harvey and Mr Davison, the following Message, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day relative to the Bill for appointing Public Treasurers &c^a, We do not agree to the Alterations by you proposed, and desire your Honors to pass the Bill as it was sent you from this House.

JOHN HARVEY, Speaker.

By order JAMES GREEN JR Clk.

In the Assembly 1st March 1773.

On motion ordered the following message be sent to the Assembly, viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Upon reading the third time the Bill to regulate and ascertain the Fees of the Clerks of the Pleas &c^a, this House are of opinion

that the Fees as stated by the additional and explanatory Act passed Anno Dom. 1770, are barely equal to the services performed by the Clerks of the Superior and Inferior Courts, and therefore cannot agree to the reduction of them, which your House have made, in any one instance. If your House agree to let them stand upon the footing of the said recited Act please to send two of your members to see them made conformable thereto.

In the upper House 1st March 1773.

Received from the Assembly by Mr Respass and Mr Benbury

A Bill to amend an Act passed at New Bern in the year 1771, Intituled an Act for laying out a public road from the Frontiers of this Province through the Counties of Mecklenburg, Anson and Cumberland.

On motion read the third time and passed. Ordered to be engrossed.

And a Bill to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

On motion the Bill for appointing Public Treasurers and directing their duty in Office was put and passed the third time. Ordered to be engrossed.

Received from the Assembly the following message, viz^t

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

In answer to your message of this day relative to the Bill in addition to an Act for regulating the Town of New Bern, We agree to the Paragraphs by you proposed and send Mr Neale and Mr Hatch to see the same added to the said Bill.

JOHN HARVEY Speaker

By order JAMES GREEN J^r Clk.

In the Assembly 1st March, 1773.

The Paragraphs proposed to be added to the additional Bill to an Act intituled an Act for amending an Act intituled an Act for the better regulating of the Town of New Bern and for securing the Titles of Persons who hold lots in the said Town Were accordingly inserted in the presence of the members sent for that purpose.

Then the said Bill was put and passed the third time with amendments. Ordered to be engrossed.

Received from the Assembly by Mr Montfort and Mr Caswell the following Message viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL.

In answer to your message of this day for *stating* the names of James Hunter Samuel Deviney and Ninian Bell Hamilton in the Bill of Pardon and oblivion This House cannot agree thereto, and hope you will pass the Bill as it went from this House.

JOHN HARVEY, Speaker.

By order JAMES GREEN Jun^r Clk.
In the Assembly 1st March 1773.

Then the Bill of Pardon and Oblivion to the Persons concerned in the late insurrection except such persons as are therein excepted Was put the third time and rejected.

The House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning 2^d March 1773.

The House met according to adjournment.

Present

The Honble	{	James Hasell	Alexand ^r M ^c Culloch	} Esq ^{rs}
		John Rutherford	William Dry	
		Lewis DeRosset	Samuel Strudwick	
		John Sampson	Martin Howard	

Received from the Assembly by Mr T. Person and Mr Atherton,
A Bill for directing the method of appointing Jurors in all cases civil and criminal.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Kimbrough and Mr Williams,

A Bill to prevent malignant and infectuous distempers being spread by shipping importing distempered persons into this Province.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Neale and Mr B. Harvey,

A Bill to continue an Act passed the 15th day of January 1771 Intituled An Act to alter the method of working upon the roads in the County therein mentioned.

On motion read the third time and passed. Ordered to be engrossed.

On motion ordered the following Message be sent to the Assembly viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading in this House for the third time The Bill to establish Inferior Courts &c^a We propose the following proviso be inserted at the bottom of the clause ascertaining the proceedings on the return of *non est inventus* by the Sheriff viz^t

"Provided that no such attachment shall issue against the estate of any person who has never resided in this Province"

To which amendment if your House agree be pleased to send some of your Members to see the same made.

In the upper House 2^d March 1773.

On motion ordered the following Message be sent to the Assembly Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

This House have appointed the Honorable John Rutherford and Samuel Cornell Esquires a Committee of this House to join your Committee to see the sum of nineteen hundred and sixty two pounds sixteen shillings and six pence paid on the sinking Fund, Burnt at the place and time you mention in your Message of Yesterday.

In the upper House 2^d March 1773.

Received from the Assembly the following Message Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message of yesterday relative to the Bill to regulate and ascertain the Fees of the Clerks of the Pleas &c^a. This House agree that the Fees as stated by the additional and explanatory Act passed Anno Dom. 1770, for services performed by the Clerks of the Superior and Inferior Courts in every instance be inserted in the said Bill and send Mr Caswell and Mr Nash two of the Members of this House to see the Bill made conformable thereto.

JOHN HARVEY, Speaker.

By order JAMES GREEN JR Clk.

In the Assembly March 2^d 1773.

The amendments proposed to the said Bill were accordingly made in presence of the Members sent for that purpose.

The House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 3^d March 1773.

The House met according to adjournment.

Present

The Honble {	James Hasell	William Dry	} Esquires.
	John Rutherford	Samuel Strudwick	
	Lewis DeRosset	Martin Howard	
	John Sampson	and	
	Alexander McCulloch	Samuel Cornell	

On motion, "The Bill to regulate and ascertain the Fees of the Clerks of the Pleas in the Superior and Inferior Courts in this Colony directing the method of paying the same and for taxing Law Suits," having been amended agreeable to Message &c^a Was put and passed the third time with amendments. Ordered to be engrossed.

Received from the Assembly by Col Nash and Col Martin the following Message Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of the first Instant upon your reading in your House for the third time, "The Bill continuing An Act for dividing this Province into six several districts," &c.

This House agree to the amendment proposed by you with respect to empowering the Chief Justice and his associates or either of them to open the Court of Salisbury on any of the first six days of the next succeeding Term.

But we can by no means admit the clause which you inserted upon a former reading and which upon the most mature deliberation has been *deled* in our House, to wit,

"And be it further Enacted by the Authority aforesaid that for the future the Estate of no person whatsoever who hath never resided in this Province shall be liable to an attachment otherwise than according to the Laws of England in like cases and that every clause and section in the before recited Act contrary thereto, shall henceforth be repealed."

We are of opinion that it would be highly inconsistent with the Commercial Policy of this Province to relinquish the benefit of the attachment of the effects of those who are not resident here, as from the absence of their persons Creditors have no security but what is derived from their property in this Province upon the faith of which those debtors have in many instances obtained Credit.

We conceive that the Privilege we claim is exercised by many if not all of our Sister Colonies varied agreeable to the Circumstances

of each particular place and regulated by the Provincial Laws and in some instances by the municipal Customs in certain Liberties and Franchises of Great Britain, and as we can discover nothing in our own Constitution that can vindicate a distinction so injurious to this Country, We cannot in justice to ourselves and Constituents consent to it.

We notice that the Clause proposed by you is not confined to the Inhabitants of Great Britain but extends its influence to persons resident in the other Colonies whose Effects are thereby guarded from attachments for any debts they owe us, while ours may at any time be made the subject of attachments at their suits for any debts we may have contracted with them.

It is the sense of this House that by the Laws and Statutes of Great Britain no provision whatsoever is made for attachments, that as far as they are known in Great Britain they exist by Municipal Customs and are confined to Liberties and Franchises, Governed by the Particular circumstances of Place and People and so essentially local in the application of them as not to admit of being extended by any analogy of this Province, and as we must be referred (in case of your amendment taking place) to the Laws and Statutes of Great Britain for our remedy by attachment, such application must from what We have observed be altogether nugatory and fruitless.

We doubt not but that the Judges of our Courts of Law Zealous for the welfare of this Province would give a liberal construction to the Clauses proposed, but by the Laws in force must their decisions be confined and fettered with this restriction. We think that no legal, just interpretation could be formed but what must operate as a denial of the benefits we seek from the Attachment Law. To secure a privilege so important the mode of obtaining it should be grounded in certainty, the Law positive and express and nothing left for the exercise of doubt or discretion.

We mention as a circumstance that cannot have escaped the notice of your House that this Law is to continue in force only six months and from thence to the end of the next Session of Assembly, that in the manner this House have passed it, it is incumbent on the Creditor to give his foreign debtor twelve months notice before he can bind his effects by a Judgment, so that it is left altogether to the will of Government to prevent this Law having any effect whatsoever with respect to foreign debtors by putting an end to its

operation before twelve months, or which must necessarily be the case a longer time expire

This House bear the fullest Testimony to the necessity of Courts of Law and the many disadvantages which must arise from a failure of the due distribution of Justice on the Criminal and Civil side are too obvious to be mentioned. They doubt not that your House equally feel for the honor and interest of this Province and conscious of the benefits that have been derived to us from the Right we have hitherto had of attaching the effects of Foreigners that you will not part with a provision grounded in the principles of mutual reciprocal Justice the privation of which must necessarily destroy that confidence and credit to Foreigners and our neighbouring Colonies upon which the Trade and Prosperity of this Province essentially depend.

JOHN HARVEY, Speaker.

By order JAMES GREEN, Jr Clk.

3^d March 1773.

Received from the Assembly by Mr Gray and Mr Alston

The report of the Committee of Public Claims agreed to by the Assembly, which were read, concurred with and sent back.

Received from the Assembly by Mr Locke and Mr Montgomery the following Message Viz,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

The addition you propose to be made to the Clause of the Inferior Court Bill respecting Attachments we conceive to be unnecessary because by the Act of Assembly for appointing Sheriffs and directing their Duty in Office &c., No Sheriff can return upon a Writ that the defendant is not to be found within his Bailiwick unless such Sheriff shall actually have been at the House or place of abode of such Defendant so that Judicial Attachments cannot operate to the Injury of Persons who have never resided in this Province and as this addition contains nothing but what we conceive to be provided for by the Law above mentioned, We cannot agree thereto, especially as it would seem to imply an inclination entirely to relinquish the Right of attaching the Effects of Persons who have never resided here, which under proper Regulations might be made equitable to all parties and is essentially necessary to the well being of

this Colony. We therefore earnestly wish your Honors may pass the Bill as it went from this House.

JOHN HARVEY, Speaker.

By order JAMES GREEN JR Clk.

In the Assembly 2nd March 1773.

On motion, The Bill to amend an Act intituled "An Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and regulating the Proceedings therein, and for providing adequate salaries for the Chief Justice and the Associate Justices of the said Superior Courts," Was put the third time and rejected.

On motion, The Bill for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties within this Province, Was put the third time and passed. Ordered to be engrossed.

The House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 4th March 1773.

The House met according to adjournment.

Present

The Honble {	James Hasell	William Dry	} Esquires
	John Rutherford	Samuel Strudwick	
	Lewis DeRosset	Martin Howard	
	John Sampson	and	
	Alex ^r McCulloch	Samuel Cornell	

Received from the Assembly by Mr Mc^eNair and Mr Brooks the following Message and Resolve, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House send herewith a Resolve thereof for allowing the Ferry-men in this Province for Transporting the Post Riders and Mail Bearers across the séveral Ferries &c^a and desire your Honors Concurrence.

JOHN HARVEY Speaker.

In the Assembly 4th March 1773.

Resolved that every owner or keeper of a Public Ferry in this Province who shall on the arrival of any Post Rider or Bearer of a Mail from any of the Post offices in this Province immediately and with the utmost dispatch transport the said Post Rider or Mail bearer with his mail across the Ferry of which he is owner or keeper

in preference to any other person, such owner or keeper of a Ferry shall for every time he shall transport any post rider or mail bearer across his said Ferry be allowed double the sum allowed by Law for the like services in other instances on producing his account sworn to before a Justice of the Peace in the County where he resides to the Treasurer of the district who is hereby required to pay the same and such account with a receipt from the Ferryman shall be deemed a sufficient voucher for the Treasurer on his settlement with the Public, and that all Ferriages that have become due since the repeal of the Post Act shall be paid in like manner as aforesaid.

JOHN HARVEY, Speaker

By order JAMES GREEN Jr Clk.

In the upper House 4th March 1773. Read, concurred with and sent back. JA^s HASELL, P. C.

The House adjourned till 10 o'clock tomorrow Morning.

Friday Morning 5th March 1773.

The House met according to adjournment

Present

The Honble	{	James Hasell	William Dry	} Esq's
		John Rutherford	Samuel Strudwick	
		Lewis D ^r Rosset	Martin Howard	
		John Sampson	and	
		Alexander M ^c Culloch	Samuel Cornell	

Received from the Assembly by Mr Hines and Mr Montgomery the following Message and Resolve Viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We herewith send you a Resolve of this House for allowing Robert Hamilton Twenty pounds, who by accident received a wound in the late expedition, and desire your Honors concurrence thereto.

JOHN HARVEY, Speaker

In the Assembly 5th March 1773.

This House taking into consideration the distressed situation of Robert Hamilton, a soldier in the late Expedition against the Insurgents, who by accident received a wound which in all probability will render him a cripple for life, Do therefore Resolve that the said Robert Hamilton be allowed the sum of twenty pounds, and that

the Treasurers or one of them pay him the same out of the contingent Fund and be allowed in his account with the Public.

JOHN HARVEY Speaker

By order

JAMES GREEN Jr., Clk.

In the upper House 5th March 1773. Read, concurred with and sent back.

JAS. HASELL, P. C.

Received from the Assembly by Mr Gray and Mr Thompson the following Message and Resolve, viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House for allowing the Collectors of the duties on Rum, Wine and other spirits brought into this Province by Land the Commissions of twenty five Ɔ cent &c^a, and desire your Honors concurrence thereto.

JOHN HARVEY Speaker,

By order.

JAMES GREEN JR Clk.

In the Assembly 5th March 1773

This House taking into consideration the Act of Assembly passed at Wilmington in the year 1754 for granting an Aid to His Majesty, a duty of four pence per gallon was laid on all wines rum and other spirits that should be brought into this Province either by land or water, and whereas large quantities of wine rum and other spirits are brought into this Province by Land for which no duty is collected by reason of the smallness of the commission allowed by Law for collecting and receiving the same,

Resolved that every Collector appointed by His Excellency the Governor to receive the said duty on wine rum and other Spirits brought into this Province by Land shall for the future be allowed a Commission of Twenty five Ɔ cent out of the money he shall so receive and pay according to the directions of said Act.

JOHN HARVEY Speaker.

By order

JAS GREEN JR Clk.

In the upper House 5th March 1773. Read, Concurred with and sent back.

JAS. HASELL, P. C.

Received from the Assembly by Mr Smith and Mr Hatch the following Message and Resolve, Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send your Honors a Resolve of this House for allowing His Excellency the Governor the sum of one hundred and ninety pounds and two pence and desire your Honors concurrence thereto.

JOHN HARVEY Speaker

In the Assembly 5th March 1773.

Resolved that His Excellency the Governor be allowed the sum of one hundred and ninety pounds and two pence for sundry disbursements by him expended for the accommodation of the Palace and that the Treasurers or either of them pay the same and be allowed in their accounts with the Public.

JOHN HARVEY Speaker.

By order

JAMES GREEN, Jr. Clk.

In the upper House 5th March 1773. Read, concurred with and sent back

JAS HASELL, P. C.

The House adjourned till 10 o'clock tomorrow morning.

Saturday Morning 6th March 1773.

The House met according to adjournment.

Present

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex ^r McCulloch	Samuel Cornell	

Received from the Assembly by Mr Macknight and Mr Hooper the following message and resolve, viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House for allowing Col John Harvey Speaker one hundred pounds as a reward for his particular assiduity and attention to the business of this present Session of Assembly and desire your Honors concurrence thereto.

JOHN HARVEY Speaker.

In the Assembly 5th March 1773.

Resolved that Col. John Harvey Speaker be allowed one hundred pounds proclamation money for his extraordinary trouble, and as a reward for his particular assiduity and attention to the business of the House this present Session of Assembly, and that the Treasurers or either of them pay him the same immediately and be allowed the same in their accounts with the public.

JOHN HARVEY Speaker.

By order JAS GREEN, JR., Clk.

In the upper House 6th March 1773. Read, concurred with and sent back. JAS. HASELL, P. C.

Received from the Assembly by Mr Shepard and Mr Gray the estimate thereof.

The House adjourned till 4 °Clock this afternoon.

P. M. The House met according to adjournment

Present as in the morning.

On motion the Estimate of this House was taken under consideration approved of and sent to the Assembly for their Concurrence.

On motion the Estimate of the Assembly was read Concurred with and sent back.

Received from the Assembly the Estimate of this House Concurred with.

His Excellency the Governor was pleased by a Message to both Houses of Assembly to Command their attendance in the Council Chamber at 5 °Clock this afternoon—at which time they accordingly attended and the Speaker presented to His Excellency the following Bills for his assent viz^t

A Bill for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties within this Province and regulating the Proceedings therein.

The Bill to amend an Act for appointing Commissioners to build a Prison Pillory and stocks on the Lot whereon the Court House now stands in Duplin County.

The Bill to exonerate John Tygart and Francis Adams late Sheriffs of Tryon County from being Chargable with the Collection of Taxes taken into South Carolina.

The Bill to establish a Town on the Lands of Isaac Jones lying on the North West branch of Cape Fear River in Bladen County.

The Bill for erecting a public Gaol and Gaolers House in the Town of Wilmington for the district of Wilmington.

The Bill to dissolve the Vestry of Unity Parish in Guilford County.

The Bill for the relief of persons who have or may suffer by their deeds and *mesne* conveyances not being proved and registered within the time heretofore appointed by Law.

The Additional Bill to an Act intituled an Act for establishing a School House in the Town of New Bern.

The Bill to prevent the crime of Horse Stealing.

The Bill for granting a bounty on the exportation of Pot and Pearl Ash.

The Bill for annexing the North part of Rowan to the County of Surry and the further establishing and erecting the Parish of Dobbs into a separate and distinct parish.

The Bill to encourage the destroying of vermin in the several Counties therein mentioned.

The Bill to continue an Act intituled an Act to direct Sheriffs in levying executions and the disposal of lands goods and Chattles taken therein.

The Bill to prevent the Wilful and malicious killing of slaves.

The Bill to prevent burning the Woods at unseasonable times of the year in the several Counties therein mentioned.

The Bill for regulating the attendance of the Minister of Christ Church Parish at the Parish Church in New Bern and at the several Chapels in the said Parish.

The Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County and other purposes.

The Bill directing the Punishment of those persons who shall counterfeit the gold and silver coin circulating in this province and of those who shall utter the same or any false or Counterfeit debenture Bills in similitude of those emitted in the Years 1768 and 1771.

The Bill to prevent making hedges across the great Contentneae Creek, Little River of Pee Dee, Rockey River and Uahra River.

The Bill for erecting part of the Counties of Halifax and Tyrell into one distinct County and Parish and for other purposes.

The Bill for regulating the Town of Hertford and other purposes.

The Bill directing the boundary line between the Counties of Perquimans and Chowan and appointing Commissioners to see the same run.

The Bill to empower the executors of John McKildo late Sheriff of Tyrell to collect the Arrears of Taxes due for the said County in the years therein mentioned.

The additional Bill to an Act for erecting a Court House and prison for the use of the district of Edenton.

The Bill for laying out and establishing a public road from Charlotte Town in Mecklenburg County to Bladen Court House.

The Bill to amend and continue an Act passed in the General Assembly of this Province at New Bern the 5th day of December in the year of our Lord 1768 intituled an Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein and for providing adequate salaries for the Chief Justice and the Associate Justices of the said Superior Court.

The Bill to prevent hunting with a gun in the night by fire light.

The Bill for laying out a public road from Dan river through the Counties of Guilford, Chatham, and Cumberland to Campbellton and for a Public Road from the Shallow Ford in Surry County to join the same.

The Bill to alter the method of working upon the public roads in the County of New Hanover.

The bill for rendering the navigation of Trent River more useful and advantageous.

The Bill to continue an Act for the more speedy recovery of all debts and demands under five pounds proclamation money within this Province.

The Bill for the relief of insolvent debtors with respect to the imprisonment of their persons.

The Bill for empowering the Commissioners therein named to build a bridge over Trent River on the main Road leading from New Bern to Wilmington.

The Bill to amend an Act intituled an Act for the regulation of the Town of Salisbury securing the Inhabitants in their Possessions and to encourage the settlement of the said Town.

The Bill to continue the Tax imposed by an Act intituled an Act for building of Court House in the Town of Salisbury for the district of Salisbury.

The Bill for Building a Gaol in Beaufort County.

The Bill for repairing the Gaol for the district of Halifax in the Town of Halifax.

The Bill for preventing persons who by devise or otherwise are invested with a life Estate in any slave or slaves or other Goods and chattels from doing injury to the person or persons in reversion

The Bill to amend an Act intituled an Act for settling the bounds of Land.

The Bill to amend an Act intituled an Act for the regulation of the Town of Hillsborough.

The Bill for cutting a navigable canal from Mattamuskeet Lake to the head of Wesokin Creek in Hyde County.

The Bill for establishing a public seminary of Learning in the Western part of this Province.

The Bill to amend the staple of Tobacco and prevent Frauds in His Majesty's Customs.

The Bill for vesting in certain persons therein named two Acres of Land at the Indian Town in Currituck County as Trustees for building a Chapel thereon and for inclosing a burying ground.

The Bill to amend an Act for laying out a public road from the Frontiers of this Province to Campbelton.

The Bill for appointing Public Treasurers and directing their duty in Office.

The Bill for directing the method of appointing Jurors in all causes civil and criminal.

The Bill to prevent malignant and infectuous distempers being spread by shipping importing distempered persons into this Province.

The Bill to continue an Act intituled an Act to alter the method of working upon the roads in the County therein mentioned.

The Bill to regulate and ascertain the Fees of the Clerks of the Pleas in the Superior and Inferior Courts in this Colony directing the method of paying the same and for taxing Law Suits.

The Bill to Establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province and regulating the proceedings therein.

The additional Bill to an Act to amend an Act intituled an Act to amend 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.

To which said Bills His Excellency was pleased to give His Assent Except

The Bill to prevent the crime of horse stealing.

The Bill to continue an Act intituled an Act to direct Sheriffs in levying Executions and the disposal of Lands, Goods and Chattels taken thereon.

The Bill to prevent the willful and malicious killing of slaves.

The Bill to prevent burning the woods at unseasonable times of the year in the several counties therein mentioned.

The Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County and other purposes.

The Bill directing the punishment of those persons who shall counterfeit the gold and silver coin circulating in this Province and of those who shall utter the same or any false or counterfeit debenture Bills in similitude of those emitted in the Years 1768 and 1771.

The Bill for erecting part of the Counties of Halifax and Tyrill into one distinct County and Parish and other purposes.

The Bill directing the boundary line between the Counties of Perquimans and Chowan and appointing Commissioners to see the same run.

The Bill to amend and continue an Act passed in the General Assembly of this Province at New Bern the 5th day of December in the year of our Lord 1768, Intituled an Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein and for providing adequate salaries for the Chief Justice and the Associate Justices of the said Superior Courts.

The Bill for empowering the Commissioners therein named to build a bridge over Trent river on the main road leading from New Bern to Wilmington.

The Bill to amend an Act Intituled an Act for the regulation of the Town of Salisbury, securing the Inhabitants in their possessions and to encourage the settlement of the said Town.

The Bill for preventing persons who by devise or otherwise are invested with a life estate in any slave or slaves or other goods and chattles from doing injury to the person or persons in reversion.

The Bill for cutting a navigable canal from Mattamuskeet Lake to the head of Wesokin Creek in Hyde County.

The Bill for establishing a public seminary of learning in the Western part of this Province.

The Bill to amend the staple of Tobacco and prevent frauds in his Majesty's Customs.

The Bill for vesting in certain persons therein named two Acres of Land at the Indian Town in Currituck County as Trustees for building a Chapel thereon and for enclosing a burying ground.

The Bill to prevent malignant and infectious distempers being spread by shipping importing distempered persons into this Province

The Bill for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province and regulating the proceedings therein.

Which he was pleased to Reject, and they were accordingly rejected.

Then His Excellency the Governor was pleased to prorogue the General Assembly until Tuesday the 9th Instant.

NORTH CAROLINA—

At an Assembly begun and held at New Bern the Twenty fifth day of January in the Thirteenth 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^s, and in the year of our Lord One Thousand seven hundred and seventy three, being the first session of this Present Assembly.

In the House of Assembly.

The Clerk of the Crown having certified that the following persons were duly elected and returned Representatives for the respective Counties and Towns viz^t.

Anson — Charles Robinson, James Picket.

Bladen — William McRee, Thomas Robeson Jr.

Beaufort — Thomas Respass, Roger Ormond.

Bath — Wyriot Ormond.

Brunswick — Robert Howe, William Davis.

Bute — William Person, Benj^a Ward.

Carteret — William Thomson, Jacob Shepard.

Currituck — Henry White, Tho^s Macknight, Samuel Jarvis, John Woodhouse, Francis Williamson.

Craven — James Coor, Lemuel Hatch.

Chatham — Isaac Brooks, William Grave.

Chowan — Edward Vail, James Blount, Samuel Johnston, Thomas Oldham, Thomas Blount.

Campbelton — William Hooper.

Dobbs — Richard Caswell, Stephen Blackman.

Duplin — Thomas Gray, James Kenan.

Edgecombe — William Haywood, Aquila Sugg.

Granville — Robert Lewis, Thomas Person.

Guilford — Alexander Martin, John Kimbrough.

Halifax — Benj^a McCulloh, John Alston.

Halifax Town — Joseph Montfort.

Hyde — Samuel Smith, Edward McSwain.

Town of Hillsborough — Francis Nash.

Johnston — William Bryan, John Smith.

Mecklenburg — Martin Phifer, John Davidson.

New Bern — Christopher Neale.

New Hanover — John Ashe, James Moore.

Northampton — Allen Jones, Jephtha Atherton.

Orange — John Gray, Ralph McNair.

Onslow — Ezekiel Hunter, Edward Starkey.

Pasquotank — Lemuel Sawyer, Joseph Jones, Thomas Macknight, Jonathan Herring, Demsey Burgess.

Perquimans — Benjamin Harvey, John Harvey, Andrew Knox, Nat^h Williams, Thomas Harvey.

Rowan — Matthew Locke, Griffith Rutherford.

Surry — Robert Lanier, Jonathan Hampton.

Tyrrell — Thomas Steward, Benj^a Spruill, Jeremiah Frazier, William Slade, John Hooker.

Pitt — John Simpson, George Evans.

Wake — Joel Lane, Thomas Hines.

Wilmington — Corn^s Harnett.

Pursuant to which the following Members appeared Viz^t

Mr John Ashe, Mr Cornelius Harnett, Mr Robert Howe, Mr Thomas Person, Mr Henry White, Mr John Harvey, Mr Richard Caswell, Mr Alexander Martin, Mr Benjamin Harvey, Mr Jephtha Atherton, Mr Joel Lane, Mr John Smith, Mr Edward Starkey, Mr Martin Phifer, Mr Isaac Brooks, Mr Allen Jones, Mr William Haywood, Mr Joseph Montfort, Mr William Hooper, Mr Thomas Macknight, Mr Samuel Jarvis, Mr Francis Williamson, Mr Jacob Shepard, Mr Lemuel Hatch, Mr Benjamin Ward, Mr Mathew Locke, Mr William Grave, Mr Christopher Neale, Mr Ezekiel Hunter, Mr

Mr Stephen Blackman, Mr Roger Ormond, Mr Griffith Rutherford, Mr Jonathan Hampton, Mr John Simpson, Mr Aquilla Sugg, Mr William Person. Mr Benjamin Spruill, Mr Jeremiah Frazier, Mr John Alston, Mr Thomas Stewart, Mr Thomas Gray, Mr John Davidson, Mr James Coor, Mr Joseph Jones, Mr William M^cRee, Mr Thomas Robeson Jr, Mr John Kimbrough, Mr John Hooper, Mr William Bryan, Mr William Thomson, Mr James Kenan, Mr Samuel Smith, Mr John Gray, Mr Thomas Respass, Mr Robert Lanier, Mr Thomas Hines, Mr Charles Robinson, Mr Robert Lewis, Mr Jonathan Herring, Mr Lemuel Sawyer.

The Clerk of this House waited on His Excellency the Governor and acquainted him, that a sufficient number of Members to constitute a House were met, and to desire his Excellency to appoint some of the Members of Council to see them qualified, and being returned brought for answer, that his Excellency would appoint two of the Members accordingly.

The Honble Alexander M^cCulloch and Samuel Cornell Esquires two of the Members of Council came to the House and the above sixty Members were qualified by taking the Oaths by Law appointed for the qualification of Public Officers, and repeating and subscribing the Test.

Mr Caswell and Mr Howe waited on His Excellency the Governor to inform him that the Members had qualified, and that they waited to receive his Commands, who being returned reported to the House that His Excellency would send a Message for the Members to wait on him.

Rec^d from His Excellency the Governor a verbal Message by his S^ecretary desiring the immediate attendance of the Members in the palace.

The Members waited on His Excellency the Governor in the palace, when he was pleased to direct that they return to the House and make choice of a Speaker.

The Members being returned to the House. Mr Caswell proposed, and set up John Harvey Esquire, who was unanimously chosen Speaker, and placed in the Chair accordingly.

On motion ordered Mr Martin and Mr M^cRee wait on His Excellency the Governor, and acquaint him the House had made choice of a Speaker, and desire to know when they shall wait on His Excellency to present him; being returned informed the House His Excellency would send a Message when he would receive them.

Rec^d from His Excellency The Governor a verbal Message by Mr Biggleston his Secretary, requiring the immediate attendance of the House in the palace.

The House waited on His Excellency the Governor in the Palace and presented their Speaker, whom His Excellency was pleased to approve of.

Then Mr Speaker requested His Excellency to confirm the rights and privileges of the House, and that no mistake or error of his might be imputed to the House, to which His Excellency was pleased to answer, he would support the House in all their just rights and privileges; and then made a Speech to His Majesty's Council and this House.

Mr Speaker with the House being returned, Mr Speaker reported that His Excellency the Governor had made a Speech to the 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 said Speech be read, read the same and it is as follows, to wit.

[For the Governor's Speech see Journal of Upper House.—EDITOR.]

Then the House adjourned till tomorrow morning 10 o'clock.

Tuesday 26th January 1773.

The House met according to adjournment.

On motion James Green jr is appointed Clerk to this House, Benj Fordham Mace Bearer, and Francis Linaugh and Evan Swann Doorkeepers.

On motion ordered that Messrs Hooper, Montfort, Caswell, Martin and Howe be a committee to prepare an address in answer to His Excellency the Governors speech, and report the same to the House for approbation.

On motion ordered that Messrs Caswell, Macknight, Allen Jones, Coor, Jarvis, William Person, Neale, Thomson, Sawyer, Starkey, Thomas Gray, Stewart, Shepard, Simpson and Harnett be a Committee of priviledges and elections, and that they have power to send for persons, papers and records as the case may require.

On motion ordered that Messrs Harnett, Allen Jones, Simpson, Macknight, Thomson, Stewart, Coor, Lock, Thos. Person, Williamson, Lane, Starkey and Sawyer be appointed a Committee of Public accounts, And that Messrs Caswell, Hunter, Neale, Martin, Rutherford, W^m Bryan, Ormond, Kimbrough, Phifer, Brooks, Jarvis, Gray,

Shepard, John Alston, and Thomas Robinson be appointed a Committee of Public Claims in conjunction with such of the members of his Majesty's Honorable Council as they shall think fit; and that the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL.

This House have appointed Messrs Harnett, Allen Jones, Simpson, Macknight, Thomson, Stewart, Coor, Lock, Tho^s Person, Williamson, Lane, Starkey, and Sawyer on the Accounts, And that Messrs Caswell, Hunter, Neale, Martin, Rutherford, William Bryan, Ormond, Kimbrough, Plifer, Brooks, Jarvis, Gray, Shepard, John Alston, and Tho^s Robinson a Committee of this House to settle and allow Public Claims, in conjunction with such of your Honors as you may think fit to appoint.

JOHN HARVEY, Sp.

Sent by Mr Howe and Mr Hooper.

On motion ordered that William Marchmont, W^m Townley, Michael Condany, William Page, John Tarver, Thomas Watts, James M^cCasland Senior, Lawrence M^cManus, George Powell, Patrick Whenly, Jacob Craton, Rob^t Byars, Randal Alexander, Frederick Pfeil, John Freeman, Richard Hall, Moses Kennell, and Lambeth Syllivan be exempt from the payment of public taxes and doing public duties.

Mr Alexander M^cAlister one of the Members for the County of Cumberland appeared

On motion ordered that Messrs Blackman, Williamson, Hooker, Plifer, Roger Ormond, Herring, Thomson, Sam^l Smith, Ashe, Alston, M^cRee, Atherton, Hatch, Starkey, W^m Person, Grave, Hampton, Lock, Bryan, Kenan, Sugg, John Gray, Hines, Lewis, Simpson, Neale, Martin, Charles Robinson, Thomson, M^cAlister and Davis be appointed a Committee of Propositions and Grievances.

Then the House adjourned till tomorrow morning 10 o'clock.

Wednesday 27th January 1773.

The House met according to adjournment.

Mr William Davis one of the Members for the County of Brunswick, and Mr Benjamin McCulloh, one of the members for Halifax County appeared,

On motion ordered that William Steel, and Ignatious Wheeler, of Surry County, Loftin Quinn, William Barnes, James Hutchingson,

Joshua Mezzick, William Bevin, James Salter and Thomas Bragg, of Carteret County, and William Chandler of Currituck County be exempt from paying public taxes and doing public duties.

Mr Howe moved for leave to prepare and bring in a Bill of Pardon and oblivion to the persons concerned in the late Insurrection, except such persons as are therein exempted.

Ordered that Mr Howe and Mr Martin prepare and bring in the same.

The House being informed by the return of the Certificates from the Clerk of the Crown that Mr Thomas Macknight has been duly elected for the Counties of Currituck and Pasquotank, and having taken his seat for the aforesaid County of Currituck, by which there is a vacancy of one Member for the said County of Pasquotank; and that Mr Thomas Blount who was elected one of the Members for Chowan county and Mr Edward McSwain who was elected one of the members for Hyde County, and Mr John Woodhouse who was elected one of the Members for Currituck County are dead.

On motion ordered His Excellency the Governor be addressed to direct the Clerk of the Crown to issue Writs for electing members for the aforesaid counties to sit and vote in this present Assembly in the room and stead of the said Messrs. Thomas Macknight, Thomas Blount, Edward McSwain and John Woodhouse.

Ordered the following Message be sent to His Excellency the Governor.

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

This House having been informed by the return of the Certificates from the Clerk of the Crown, That Mr Thomas Macknight has been duly elected for the Counties of Currituck and Pasquotank, and having taken his seat for the former, occasions a vacancy of one member for the latter, and that Mr Thomas Blount who was elected one of the members of Chowan County, Mr Edward McSwain, who was elected one of the members for Hyde County, and Mr John Woodhouse who was elected one of the members for Currituck County are dead, Therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue Writs for electing Members for the said several Counties to sit and vote in this present Assembly

JOHN HARVEY Speaker.

Sent by Mr Macknight and Mr Herring.

On motion, Resolved that the Treasurers or either of them do furnish the Mace Bearers and Door keepers of the Council and this House, with decent Gowns immediately, and be allowed in their accounts with the public; And that the following Message be sent to the Council Viz^t,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House resolved that the Treasurers or either of them furnish the Mace Bearers and Doorkeepers of the Council and this House with decent Gowns immediately, and be allowed in their accounts with the public; and desire your Honors Concurrence thereto.

JOHN HARVEY Sp.

Sent by Mr Shepard and Mr Neale.

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, This House have appointed the Honble John Rutherford, Alexander McCulloch, William Dry, Samuel Strudwick, and Samuel Cornell Esquires a Committee of this House to examine state and settle the public Accounts; and the Honble Lewis DeRosset, John Sampson, and Martin Howard Esquires, a Committee of this House to settle and allow the public claims.

In the upper House 27th January 1773.

The Honble Alexander McCulloch and Martin Howard Esquires two of his Majestys Council came to the House, and Mr Alexander McAlister, Mr Benjamin McCulloh, and Mr William Davis, and James Green Jun, Clerk to this House were qualified by taking the several Oaths by Law appointed for qualification of Public Officers, repeating and subscribing the Test.

Then the House adjourned 'till 10 o'Clock tomorrow morning.

Thursday 28th January 1773.

The House met according to adjournment.

Mr. Hatch moved for leave to absent himself from the services of this House till tomorrow. Granted.

Mr Hooper from the Committee appointed to prepare an address to His Excellency the Governors Speech informed the House that

the said Committee had prepared the same, which he read in his place and delivered in at the Table.

Ordered the same stand the Address of this House and be entered on the Journals to wit,

TO HIS EXCELLENCY, JOSIAH MARTIN ESQUIRE CAPTAIN GENERAL,
GOVERNOR AND COMMANDER IN CHIEF IN AND OVER HIS MAJESTYS
PROVINCE OF NORTH CAROLINA,

We his Majestys dutiful and loyal subjects the Representatives of North Carolina in General Assembly met, return your Excellency our thanks for your Speech delivered at the opening of the Session.

The attention which you have given to the Convenience of the Members of this House, in the season which you have made choice of to call them together, merits their grateful Acknowledgements. With minds disengaged from the Avocations of their own Private employments, they will meet fewer obstacles to interrupt their Progress in the prosecution of the Public concerns.

We heartily concur with your Excellency in our wishes to extinguish the remembrance of that unhappy Insurrection which lately disturbed the peace property and security and aimed at the subversion of the Constitution of this Province. It is a mark of his Majesty's kind and paternal attention, that he has thought fit to extend mercy to several of the offenders, unwilling to make a sacrifice to the violated Laws of their Country more extensive than Exemplary vindictive justice unavoidably required.

That part which falls to the share of this House to make his Majesty's intentions effectual will be a subject meet for their consideration, and excite their endeavors to make the purposes purposed by it lasting and happy.

We are fully sensible that it is consistent with the principles of sound policy to prevent rather than punish Crimes, and that all Laws conducive to this end are beneficial to Society, whatever defects therefore our Criminal Laws may labour under we will with pleasure repair and add to our Infant stock whatever may be derived from the Constitution of our Mother Country and usefully adapted to the natural and Political Circumstances of this Province.

The Institution of Courts of Justice is the basis of Government, and claims attention equal to the importance of the object. In the formation of Laws to establish a system of Jurisdiction for this Province, we shall use our utmost endeavours to found them on

principles consistent with the circumstances of those who are to be Governed by them to make their scope liberal, their end beneficial, and these blessings permanent. Courts derive much respect from the character of those who preside in them; and the provision we may make for the support of Judges, we shall endeavour to render equal to the importance of the Trust, and not unworthy the acceptance of men of abilities and integrity.

The concern which your Excellency expresses at the present state of our public funds, gives us a convincing proof, that you warmly interest yourself for the benefit of this Province, in a matter of the utmost consequence to its internal policy, if from fraud or accident which at some time or other creep into the most refined political institutions our funds have been disordered, or their credit impaired, if the public monies have had an application inconsistent with the intention of the Legislature which emitted them, and injurious to the public faith, the evil is important, we will strive to discover the causes, redress the present grievances and prevent the repetition of them.

Sheriffs as the Executive officers of Public Justice or the receivers of the public revenue make an important part in the Constitution of this Country. As their power is considerable we shall guard against the undue exertion of it, and endeavour to place that office upon such a foundation as may prevent for the future the many abuses which have had their source in fraud and corruption and disturbed the quiet of this Colony.

The happy effects of his Majesty's most gracious interposition with respect to the deluded Inhabitants settled in the interior part of this Province, and the share your Excellency has had in making that peace and order which hath been restored permanent and effectual claim a tribute of thanks from this House. Abuses that flow from malicious prosecutions or holding to bail without cause of action argue the degeneracy of the Human mind, and are evils incident to a free constitution in this Province; they have been often the causes of discontent to individuals and have shocked the public peace. Consistent with the rights of British subjects we wish to apply a remedy. We shall give a suitable attention to the state of the Garrison at Fort Johnston, and make such provision for it, as the interest and security of this Province may require.

Our desires to promote unanimity and dispatch in the conduct of the business of the present session keep pace with your Excellency's

inclinations, and we shall be ready upon every occasion to contribute to make your Administration easy to yourself and happy to this Province, in the prosperity of which you so Benevolently interest yourself.

JOHN HARVEY, Sp.

Received from His Excellency the Governor the following message, Viz'

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Pursuant to the desire of your House by its Message of this date, I have directed the Clerk of the Crown to issue Writs forthwith for the Election of one Member in each of the Counties of Pasquotank, Chowan, Hyde, and Currituck, to sit and vote in the present Assembly.

JO. MARTIN.

New Bern, January 27th 1773.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send herewith for your consideration a petition from the United Brethren of Wachovia in this Province, whose sober industry; and orderly, peaceable and exemplary conduct engage me to recommend their case to your indulgent attention.

JO. MARTIN.

Rec^d at the same time the Petition referred to in the above Message. Ordered that the said petition lay for consideration.

On motion, Resolved that the House resolve into a Committee of the whole House to take under consideration the Court Laws.

The House resolved into a Committee of the whole House accordingly, and chose Mr William Haywood Chairman, after some time spent, the Committee came to several Resolutions thereon. Then on motion Mr Speaker resumed the Chair, and Mr Chairman reported to the House the resolutions of the Committee as follows, to wit,

Resolved that it is the opinion of this Committee that a Committee be appointed to prepare and bring in a Bill for dividing this Province into several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and for regulating the proceedings therein.

Resolved that it is the opinion of this Committee that a Committee be appointed to prepare and bring in a Bill for establishing Inferior Courts of pleas and quarter sessions in the several counties in this Province.

On motion ordered that Messrs Caswell, Starkey, Hooper, Macknight, Montfort, Martin, Harnett, Howe and Lane, be a Committee to prepare and bring in a 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.

On motion ordered that Messrs. Harnett, Gray, Howe, Ashe, Hooper, Lane, Roger Ormond, Tho^s Person, Benj. Harvey, Neale and Allen Jones, be a Committee to prepare and bring in a Bill for establishing Inferior Courts of pleas and quarter sessions in the several Counties in this Province.

On motion ordered that Messrs. Caswell, Macknight, Martin, Neale, Tho^s Gray, McCulloh, Roger Ormond, Hooper and Harnett be a Committee to enquire what laws are expired or are near expiring and report the same to the House with their opinion of such laws as are necessary to be revised amended or continued,

On motion ordered that Messrs. Haywood, Tho^s Person, and Allen Jones be a Committee to prepare and bring in a Bill for directing the method of appointing Jurors in all cases, civil and criminal,

On motion ordered that Messrs. Harnett, Thomas Person, Montfort, Allen Jones, Williamson, Coor, and Hooper be a Committee to prepare and bring in a Bill for appointing Sheriffs and Coroners and directing their duty in office.

Mr Hooper moved for leave to prepare and bring in a Bill for the relief of insolvent Debtors, with respect to the imprisonment of their persons.

Ordered he have leave accordingly.

Mr Howe moved for leave to prepare and bring in a Bill for establishing Triennial Assemblies in this Colony, and for regulating elections.

Ordered he have leave accordingly.

Mr Caswell presented the petition of William Cumming complaining of an undue election for the County of Pasquotank praying relief &c^a

Ordered that the said petition be referred to the Committee of priviledges and elections.

On motion ordered that Thomas Bird of Bute County, Robert Downing of Granville County, and Benjamin Wallers of Wake County be exempted from the payment of public taxes and doing public duties.

Then the House adjourned till tomorrow morning 10 o'clock.

Friday January 29th 1773.

The House met according to adjournment.

Rec^d from His Excellency the Governor the following Message
Viz^t

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have thought proper to communicate to you the Royal Instruction relating to attachments, of which I send a copy herewith, that you may be acquainted with the rule that must govern my conduct with respect to Laws touching those matters, and the generous principle upon which it is founded leaves me no room to doubt of your ready conformity thereto.

JO. MARTIN.

New Bern January 29th 1773.

Mr Lanier presented the petition of sundry inhabitants of the north part of Rowan County praying to be added to Surry County.

Mr Lanier moved for leave to bring in a Bill pursuant to the prayer of the said petition.

Ordered he have leave accordingly.

Mr Lanier presented the said 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 Lanier and Mr Hampton.

On motion ordered that Jeremiah McFaden, Major Burley, Walter Matthias, John Gossep, Robert Duff, Patrick Morrow, Thomas Ward, Randal Miller, Charles Mitchell, and Alexander Gilbreath of Guilford County, and Job Ives, Josiah Woods, and John Bright of Craven County be exempted from the payment of public taxes, and doing public duties.

Mr Andrew Knox one of the Members for Perquimans County, Mr James Blount and Mr Thomas Oldham two of the Members for Chowan County and Mr Benjamin Wynns and Mr Benjamin Wynns Jun^r. the two Members for Hertford County appeared.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday 30th January 1773.

The House met according to adjournment

Mr Stewart moved for leave to present a Bill for erecting part of the Counties of Halifax and Tyrrell into one distinct County and Parish, and for other purposes therein mentioned.

Ordered he have leave accordingly.

Mr Stewart presented the said 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 Stewart and Mr Spruill.

On motion ordered, Mr Martin and Mr Thomson wait on His Excellency the Governor and acquaint him this House have prepared an address in answer to His Excellencys speech, and desire to know when they shall present it, being returned brought for answer that His Excellency would receive the address on Monday at one o'clock.

The Honble Alexander McCulloch and Martin Howard Esquires, two of His Majesty's Council came to the House, and Mr Andrew Knox, Mr James Blount, Mr Thomas Oldham, Mr Benjamin Wynns, and Mr Benjamin Wynns Junr. were qualified by taking the several Oaths by Law appointed for the qualification of public officers and repeating and subscribing the test.

Mr Caswell Chairman from the Committee of Priviledges and Elections reported that the said Committee had taken under their consideration the petition of William Cumming to them referred by this House, and came to several resolutions thereon which he was directed to report, when the House would receive the same.

Resolved the House receive the same which is as follows, to wit,

It appears to your Committee that from the time of issuing the Writs of election to the County of Pasquotank to the day of election there was no Sheriff in that County.

That Dempsey Sawyer Esquire did execute the office of coroner of the said County at that time.

That Isaac Gregory Esquire was appointed Sheriff of Pasquotank County, and on the day of election qualified as such.

That as soon as the said Sheriff was qualified which was about twelve o'clock he opened the poll for the said election which was continued open until ten or fifteen minutes after sunset.

That the said Gregory previous to his qualification and to the

election had by advertisement given ten days notice that the said election was to be made on the day the election was held.

That on the day of election after opening the poll, and before closing the same, he did at two or three different times make proclamation for the Freeholders to come in, and give their votes, and had time to have taken a greater number of Suffrages than were given.

That two persons were appointed inspectors of the poll, who went off the Bench and handed about papers or lists containing the names of persons by them recommended to be voted for. But it does not appear to your Committee that the same had any undue influence in the said election.

Resolved that the said facts as they appear to this Committee be reported to the House for their consideration.

New Bern 29th January, 1773. RICH^d CASWELL, Chair.

The House taking the same into consideration

Resolved, That the said election of Pasquotank County is illegal, and that the following message be sent to His Excellency the Governor,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, GENERAL, GOVERNOR &c^s,

SIR,

It having been made appear to this House that the late election of Representatives for Pasquotank County was contrary to Law, We therefore desire your Excellency to direct the Clerk of the Crown to issue new Writs for electing five members for the said County duly qualified to sit and vote in this present Assembly.

JOHN HARVEY, Speaker.

Sent by Mr Martin and Mr Oldham.

Rec^d from the Council the Bill for annexing the north part of Rowan to the County of Surry and the further establishing and erecting the Parish of Dobbs into a separate and distinct Parish, and,

The Bill for erecting part of the Counties of Halifax and Tyrrell into one distinct County and Parish and for other purposes

Endorsed in the upper House 30th January 1773. Read the first time and passed.

Also the Resolve of this House regarding Gowns to be furnished the Mace Bearers and Doorkeepers of the Council and this House.

Endorsed in the upper House 30th January 1773. Concurred with.

JAS. HASELL P. C.

On motion, Ordered the following Message be sent to His Excellency the Governor Viz^t

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a,

We herewith send your Excellency a resolve of this House empowering the Treasurers or either of them to furnish the Mace Bearers and Doorkeepers of the Council and this House with proper Gowns. Concurred with by His Majestys Honble Council and request your Excellencys assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Martin and Mr Oldham.

Mr Hooper moved for leave to present a Bill to prevent the crime of Horse stealing.

Ordered he have leave accordingly.

Mr Hooper Presented the said 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 Rutherford and Mr Phiher.

Mr Rutherford presented the petition of sundry of the Inhabitants of the western part of Rowan County praying a division of the said County.

Mr Rutherford moved for leave to bring in a Bill pursuant to the prayer of the said petition.

Ordered he have leave accordingly.

Mr Rutherford presented the said 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 Rutherford and Mr Phiher.

On motion ordered Mr Samuel Smith have leave to absent himself from the service of this House 'till Thursday next.

On motion ordered that Richard Briggs, Hescoat Medlock, Tho^s Brown, John Simmons, William Jones, and William Washington Junr of Granville County be exempted from the payment of public Taxes and doing public duties.

On motion ordered that in all future Certificates from the Inferior Courts of this Province to this House, requiring an Exemption from Public Taxes, that the Circumstances of disability for which Exception is required, shall be particularly expressed therein.

Mr Hooper. moved for leave to prepare and bring in a Bill for regulating the Borough of Campbelton, and erecting public buildings therein.

Ordered he have leave accordingly.

Mr Phifer presented the petition of sundry of the Inhabitants of Rowan and Mecklenburg Counties praying a Law may pass for establishing a public Seminary of Learning in the Western part of this Province.

Ordered that Mr Phifer have leave to present a Bill pursuant to the prayer of the said petition.

Mr Phifer presented the said 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 Lock and Mr Davidson.

On motion ordered that Mr Andrew Knox be added to the Committee of Accounts.

Then the House adjourned 'till Monday Morning 10 o'Clock.

Monday 1st February 1773.

The House met according to adjournment

Mr Haywood moved for leave to present a Bill for keeping the Lord's Day commonly called Sunday, and for the more effectual suppression of vice and immorality.

Ordered he have leave accordingly.

Mr Haywood presented the said 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 W^m Person and Mr Hunter.

Mr Robinson presented sundry certificates from the Inferior Court of Anson County therein recommending that John Poston, Samuel Swearenger Sen^r. and Charles Powell of Anson County to be exempted from the payment of public taxes, and doing public duties

Ordered they be exempt accordingly.

Mr McRee presented a petition from Sundry of the Inhabitants of Bladen County, Praying a Law may pass for establishing a Town on

the land of Isaac Jones on the south west side of the north west branch of Cape Fear River

On motion ordered that, [Mr McRee have leave to prepare and bring in a Bill pursuant to the prayer of the said petition.

Mr McRee presented the said Bill which he read in his place and delivered in at the Table where the same was again read and passed, and ordered to be sent to the Council

Sent by Mr Davis and Mr McRee.

Rec^d from the Council the following Bills, to wit,

The Bill for establishing a public Seminary of Learning in the western part of this Province

The Bill for establishing the westward part of Rowan County into a separate and distinct County and Parish &c^a

The Bill to prevent Horstealing, Endorsed 30th January 1773, In the upper House, read the first time and passed.

Mr Rutherford moved for leave to present a Bill for the more easy and effectual method of collecting the Taxes in the counties therein mentioned,

Ordered he have leave accordingly.

Mr Rutherford presented the said 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 Davidson and Mr Ormond,

Mr Starkey presented a petition from sundry of the Inhabitants of Carteret County, Praying to be annexed to Onslow County &c^a

On motion, ordered that Mr Starkey have leave to prepare and bring in a Bill to annex part of Carteret County to Onslow County.

Mr Starkey presented the said 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 Davidson and Mr Ormond.

Mr Davis moved for leave to present a Bill for erecting a public gaol and gaolers House in the Town of Wilmington for the District of Wilmington.

Ordered he have leave accordingly.

Mr Davis presented the said 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 Neale and Mr Shepard.

Mr Martin moved for leave to present a Bill for the relief of Persons who have or may suffer by their deeds and *Mesne* conveyances

not being proved and registered within the time heretofore appointed by Law.

Ordered he have leave accordingly.

Mr Martin presented the said 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 Neal and Mr Shepard.

Rec^d from the Council the following Bills viz^t,

The Bill for keeping the Lords day, commonly called Sunday, and for the more effectual suppression of vice and immorality.

The Bill to annex part of Carteret to Onslow County.

The Bill for the more easy and effectual method of collecting the Taxes in the Counties therein mentioned.

Endorsed, In the upper House 1st Feb^y, 1773, read the first time and passed.

Mr Johnston one of the Members of Chowan County, Mr George Evans one of the Members of Pitt County, and Mr Joseph Hewes the Member for Edenton appeared.

The Honble John Sampson and Samuel Cornell Esquires two of His Majesty's Council came to the House and Mr Johnston, Mr Evans and Mr Hewes were qualified by taking the several oaths by Law appointed for qualification of Public officers, and repeating and subscribing the Test.

Rec^d from the Council the following Bills Viz^t,

The Bill for erecting a public gaol and gaolers house in the Town of Wilmington for the District of Wilmington.

The Bill for the relief of persons who have or may suffer by their deeds and *Mesne* conveyances not being proved and registered within the time heretofore appointed by Law. Endorsed, In the upper House 1st Feb^y 1773. Read the first time and passed.

Mr Martin moved for leave to present a Bill for the more effectual punishment of counterfeiters of the public Debenture Bills of Credit of this Colony and Coin.

Ordered he have leave accordingly.

Mr Martin presented the said 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 Atherton and Mr Evans.

Mr Martin presented the petition of John Tygart and Francis Adams late Sheriffs of Tryon County praying relief of being charge-

able with the collection of the Taxes taken into South Carolina by the dividing line between this Province and South Carolina.

Ordered that Mr Martin have leave to present a Bill pursuant to the prayer of the said petition.

Mr Martin presented the said 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 Atherton and Mr Evans.

Mr Speaker with the House waited on his Excellency the Governor and presented him with the address of this House, and being returned Mr Speaker reported that he with the House had waited on his Excellency and presented him with the address of this House, to which his Excellency was pleased to return an answer a copy of which he had obtained and laid the same before the House.

Ordered the same be read. The same was read, and ordered to be entered on the Journals, towit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Accept my hearty thanks for this Address. The assurance you give me of your attention, to the several important objects that I have recommended to your consideration, I consider as happy presages, that such lasting advantages will result to this Colony from your present deliberations, as will honorably distinguish this session in the annals of your Country, recommend you to the approbation of his Majesty, and entitle you to the grateful acknowledgements of your Constituents.

I receive with equal gratitude and satisfaction your obliging expressions towards myself, it is my duty, and it will ever be my study, by a conduct uniformly and steadily directed to the Honor of his Majesty's Government, and to the happiness of his people committed to my care, to making my Administration as much as possible, conducive to the good of this Country, sensible that these are the only means, by which I can hope to deserve the favor of my Sovereign, and to confirm you in your kind disposition towards me.

New Bern February 1st 1773.

JO. MARTIN.

On motion ordered that Mr Samuel Johnston, Mr Joseph Hewes and Mr. Thomas Respass be added to the Committee of Accounts, and that Mr James Blount be added to the Committee of Claims.

Mr Gray moved for leave to present a Bill to amend an Act, for

appointing Commissioners to build a prison, pillory and stocks on the lot whereon the Court House now stands in Duplin County.

Ordered he have leave accordingly.

Mr Gray presented the said 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 Hatch and Mr Gray.

Mr Howe from the Committee appointed to prepare and bring in a Bill of Pardon and Oblivion to the persons concerned in the late Insurrection except such persons as are therein excepted, presented the same, 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 Hatch and Mr Gray.

Then the House adjourned till tomorrow morning 10 o'clock.

Tuesday 2nd February 1773.

The House met according to adjournment.

Mr Thomson presented a petition from sundry of the Inhabitants of Carteret county praying a Law may pass for restraining the fishery in said county.

Mr Thomson presented a Bill pursuant to the prayer of the said Petition 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 Thomson and Mr Shepard.

Mr Caswell moved for leave to present a Bill to amend an Act, Intituled an Act for establishing a school house in the Town of New Bern.

Ordered he have leave accordingly.

Mr Caswell presented the said 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 Thomson and Mr Shepard.

Mr Kimbrough presented a petition from sundry Inhabitants of Guilford County praying a Law may pass for altering the place fixed upon by the Commissioners for building a Court House prison and stocks for the said County.

Mr Kimbrough presented a Bill pursuant to the prayer of the petition 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 Kimbrough and Mr Lanier.

Rec^d from His Excellency the Governor the following Message, Viz^t,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send herewith for your consideration a petition of sundry Freeholders and Inhabitants of the County of Guilford, by which it appears that the dissenters in that County think themselves aggrieved by an Act of the last Session of the General Assembly; whereby they are distinguished with disadvantages from the rest of their body in this Province, In remedy of which I would recommend to you to put that whole denomination of people, upon one uniform footing throughout the Province, agreeable to the Laws of England.

JO. MARTIN.

New Bern 1st February 1773.

Rec^d at the same time the petition referred to in the above message which was read.

Mr Martin moved for leave to present a Bill pursuant to the prayer of the said petition.

Ordered he have leave accordingly.

Mr Martin presented the said Bill which he read in his place and delivered in at the Table where the same was again read and passed.

Sent by Mr Martin and Mr Jarvis.

Rec^d from His Excellency the Governor the following Message, towit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

In consequence of the Message of your House of the 30th of last month setting forth that the election of Representatives for the County of Pasquotank had been found illegal, a new Writ hath issued for the Election of five Members for the said County, and the Writ before issued pursuant to the desire of your House for the Election of one Member in the room of Thomas Macknight Esquire who hath taken his seat for another County hath been recalled.

JO. MARTIN.

New Bern February 1st 1773.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY

I return herewith the resolve of your House Concurred in by His Majesty's Council empowering the Treasurers or either of them to provide proper gowns immediately for the Mace Bearers and Door-keepers of the two Houses, with my Assent thereto.

JO. MARTIN.

New Bern February 1st 1773.

Also the resolve referred to in the above Message. Endorsed, Assented to.

JO. MARTIN.

Rec^d from the Council the following Bills, Viz^t,

The Bill to amend an Act for appointing Commissioners to build a prison pillory and stocks on the Lot whereon the Court House now stands in Duplin County.

The Bill of pardon and oblivion to the persons concerned in the late insurrection except such persons as are therein excepted. Endorsed, Read the first time amended and passed.

The Bill for establishing a Town on the Land of Isaac Jones lying on the north west branch of Cape Fear River in Bladen County.

The Bill to restrain the fishery for a certain season in each year in the several places therein mentioned.

The Bill for altering the place fixed upon by the Commissioners for Building a Court House &c^a in the County of Guilford.

The Bill to amend an Act for Establishing a school house in the Town of New Bern.

The Bill for the more effectual punishment of counterfeiters of the public Debenture Bills of Credit of this Colony and Coin, and,

The Bill to exonerate John Tygart and Francis Adams late Sheriffs of Tryon County from being chargeable with the collection of Taxes taken into South Carolina.

Endorsed, In the upper House 2^d February 1773. Read the first time and passed.

Mr Hooper from the Committee appointed to prepare and bring in a 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, presented the same 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 Hooper and Mr Caswell.

Mr Thomas Person from the Committee appointed to prepare and bring in a Bill for directing the method of appointing Jurors in all causes Civil or Criminal presented the same 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 Hooper and Mr Caswell.

Mr Roger Ormond 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, presented the same 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 Hooper and Mr Caswell.

Mr Knox presented the petition of sundry of the Inhabitants of Perquimans and Chowan County praying a Law may be passed directing the Boundary Line between the Counties of Perquimans and Chowan and appointing Commissioners to see the same run.

Mr Knox presented a Bill pursuant to the prayer of the said petition 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 Hooper and Mr Caswell.

Then the House adjourned till tomorrow morning 10^oClock

Wednesday 3^d February 1773.

The House met according to adjournment.

Mr Ralph M^cNair one of the Members for Orange County and Francis Nash the Member for Hillsborough appeared.

Mr Starkey moved for leave to present a Bill to amend an Act to prevent the Exportation of Unmerchutable Commodities.

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 passed and ordered to be sent to the Council.

Sent by Mr Starkey and Mr Hunter.

On motion ordered the Bill to amend an Act for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the court house now stands in Duplin 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 Gray and Mr Kenan.

Mr McRee moved to present a Bill for preventing the frequent abuses in taking up and secreting stray horses in the Counties therein mentioned.

Ordered he have leave accordingly.

Mr McRee presented the said 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 McRee and Mr McAlister.

The Honble William Dry and Samuel Cornell Esquire two of his Majesty's Council came to the House and Mr Ralph McNair one of the Members for Orange County, and Mr Francis Nash the Member for Hillsborough appeared and were qualified by taking the several Oaths by Law appointed for the qualification of public officers and repeating and subscribing the test.

Rec^d from the Council the following Bills, viz^t.

The Bill to amend an Act Intituled an Act to prevent the exportation of unmerchantable commodities.

The Bill directing the boundary Line between the Counties of Perquimans and Chowan and appointing Commissioners to see the same run, and,

The Bill to dissolve the vestry of Unity Parish of Guilford County, and repeal an Act therein mentioned.

Endorsed, In the upper House, 3^d February 1773. Read the first time and passed.

The House being informed that Tyree Harris late Sheriff of Orange County had been guilty of a breach of the priviledges of this House by complaining of the determination of the House yesterday in respect to a claim he laid before the same, for an allowance of insolvents in the said County whilst he was Sheriff thereof, saying the Assembly had wronged him of one hundred pounds, and wanted to know how the Members would share it.

On motion ordered Mr Speaker issue his Warrant to the Serjeant at Arms commanding him to bring the said Tyree Harris to the Bar of the House to answer for such his contempt.

Mr Hooper moved for leave to present a Bill to prevent the wilful and malicious killing of Slaves.

Ordered he have leave accordingly.

Mr Hooper presented the said 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 Neale and Mr Hatch.

On motion resolved the House resolve into a Committee of the whole house to take under consideration certain claims against the public, said to be incurred in the late Expedition against the Insurgents.

The House resolved into a Committee of the House according, and chose Mr Thomas Respass Chairman who was accordingly placed in the Chair, and after much time spent the Committee came to several Resolutions.

On motion ordered Mr Speaker resume the Chair, and that Mr Chairman report the several resolutions of the Committee, but not having time to go through the business desired leave to sit again tomorrow.

On motion ordered the said Committee have leave to sit again tomorrow.

Then the House adjourned till tomorrow morning 10 o'clock.

Thursday 4th February 1773.

The House met according to adjournment

The Serjeant at Arms returned on the Speakers warrant issued against Tyree Harris as follows, to wit,

In obedience to the within warrant to me directed I have made diligent search for the within named Tyree Harris who is not to be found.

By BENJ^a FORDHAM, S. A.

On motion ordered Mr Sugg have leave to absent himself from the service of this House.

Rec^d from the Council the following Bills, to wit,

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.

The Bill for establishing Inferior Courts of pleas and quarter sessions in the several counties in this province.

The Bill for directing the method of appointing Jurors in all causes civil and criminal.

The Bill for preventing the frequent Abuses in taking up and secreting of stray horses in the counties.

Endorsed, 3rd February 1773. In the upper house, read the first time and passed; and,

The Bill to amend an Act for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the court house now stands in Duplin County. Endorsed, In the upper House 3^d February 1773. Read the second time amended and passed.

On motion ordered the Bill to amend an Act Intitled an Act for Establishing a school house 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.

Sent by Mr Neale and Mr Hatch,

On motion ordered the Bill to dissolve the vestry of Unity Parish in Guilford County and repeal 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 by Mr Martin and Mr Kimbrough.

Mr James Moore one of the members for New Hanover County appeared.

The order of the day being read, Resolved, the House resolve itself a committee of the whole House to take under consideration certain claims against the public said to be incurred in the late Expedition against the Insurgents, and chose Mr Thomas Respass Chairman who was placed in the Chair Accordingly, and after some time spent therein the committee came to several Resolutions, but not having time to reduce them into form, Mr Chairman was directed to report the same to the House, and desire leave to sit again on Monday next;

Then on motion ordered the said Committee have leave to sit again on Monday next.

On motion Mr Respass have leave to absent himself from the service of this House till Monday next.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday 5th February 1773.

The House met according to adjournment.

On motion ordered the Bill to amend an Act, Intitled an Act for the better observation and keeping the Lords day, commonly called Sunday, and for the more effectual suppression of vice and immorality be read the second time. Read the same a second time, amended and ordered to be sent to the Council.

Sent by Mr Jarvis and Mr Williamson.

Mr Jarvis moved for leave to present a Bill to continue an Act

Intituled an Act to direct Sheriffs in levying executions; and the disposal of Lands, goods and chattles taken thereon.

Ordered he have leave accordingly.

Mr Jarvis presented the said 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 Jarvis and Mr Williamson.

On motion ordered the Bill for erecting part of the Counties of Halifax and Tyrrill into one distinct County and Parish 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 by Mr Hooker and Mr Frazier.

Mr Ferquhard Campbell one of the Members for Cumberland county appeared.

On motion ordered the Bill for establishing a Town on the Land of Isaac Jones lying on the North West branch of Cape Fear River in Bladen 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 Robinson and Mr McRee.

Mr William Person presented the petition of sundry Inhabitants of Granville, Bute and Edgecombe praying a Law may pass to prevent obstructing the passage of fish in the rivers and creeks in the said Counties.

Ordered Mr William Person have leave to present a Bill pursuant to the prayer of the said Petition.

Mr Person presented the said 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 William Person and Mr Evans.

Mr Johnston moved for leave to prepare and bring in a Bill for granting a Bounty on the exportation of pot and pearl ash.

Ordered he have leave accordingly.

On motion ordered the Bill for erecting a public gaol and gaolers house in the Town of Wilmington for the District of Wilmington, be read the second time. Read the same a second time, amended passed, and ordered to be sent to the Council.

Sent by Mr Starkey and Mr Hunter.

Mr Thomas Person moved for leave to present a Bill to prevent burning the woods at unseasonable times of the year in the several Counties therein mentioned.

Ordered he have leave accordingly.

Mr Thomas Person presented the said 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 William Person and Mr Lewis.

Mr William Person moved for leave to present a Bill to encourage the destroying of vermin in the several Counties therein mentioned.

Ordered he have leave accordingly.

Mr William Person presented the said 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 Wm Person and Mr Lewis.

Mr Hooper according to order presented the Bill for the relief of insolvent debtors with respect to the imprisonment of their persons, presented the same 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 William Person and Mr Lewis.

Rec^d from the Council the following Bills viz^t

The Bill to amend an Act intituled an Act for establishing a School House in the Town of New Bern. Endorsed, in the upper House 5th February 1773. Read the second time and passed,—and

The Bill to continue an Act intituled an Act to direct Sheriffs in levying Executions and the disposal of Lands, Goods and Chattels taken thereon. Endorsed, in the upper House 5th February 1773. Read the first time and passed.

The Honble William Dry and Alexander McCulloch Esquires two of his Majesty's Council came to the House and Mr James Moore, one of the Members for New Hanover County, and Mr Ferquhard Campbell one of the Members for Cumberland County were qualified by taking the several Oaths by Law appointed for the qualification of public officers, and repeating and subscribing the test.

On motion ordered the Bill for annexing the north part of Rowan to the County of Surry and the further establishing and erecting the Parish of Dobbs into a separate and distinct Parish be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Lanier and Mr Hampton.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday Morning 6th February 1773.

The House met according to adjournment.

On motion ordered Mr Starkey have leave to absent himself from the service of the House for to day.

Mr Will^m Slade one of the members for Tyrrell County appeared.

On motion ordered the Bill to amend an Act for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the court house now stands in Duplin County be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Lanier and Mr Hampton.

Rec^d from the Council the following Bills, viz^t

The Bill for establishing a Town on the Land of Isaac Jones lying on the north west branch of Cape Fear River in Bladen County, Endorsed, In the upper House 5th February 1773, Read the second time, amended and passed,

The Bill to prevent obstructing the passage of fish in the rivers and creeks therein mentioned,

The Bill to prevent the wilful and malicious killing of slaves, Endorsed, In the upper House 5th February 1773, Read the first time and passed.

Mr William Picket one of the members for Anson County, and Mr Wyriot Ormond the member for Bath Town appeared.

The Honble John Sampson and Alexander McCulloch Esquires two of His Majesty's Council came to the House and Mr James Picket, one of the members for Anson County, Mr Wyriot Ormond the member for Bath Town, and Mr William Slade one of the members for Tyrrell County were qualified by taking the several Oaths by Law appointed for the qualification of public officers, and repeating and subscribing the test.

On motion ordered the Bill to exonerate John Tygart and Francis Adams late Sheriffs of Tryon County from being chargeable with the collection of Taxes taken into South Carolina be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Davidson and Mr Rutherford.

Whereas the sum of seven thousand seven hundred and sixteen pounds thirteen shillings and four pence proc. money was borrowed from the Honble Samuel Cornell Esquire bearing an interest of eight per cent. in consequence of an Act of Assembly for building

the edifice, and warrants given by the Governor on the Treasury for four thousand six hundred and thirty pounds sterling exchange being then settled at one hundred and sixty six pounds thirteen shillings and four pence, proclamation money, for one hundred pounds sterling

On motion Resolved that the public Treasurers be directed to pay immediately to the said Samuel Cornell the sum of eight thousand one hundred and two pounds ten shillings in proclamation money for the principal, together, with the interest due on the sterling money, Exchange being now rated at one hundred and seventy five pounds proclamation money, for one hundred pounds sterling.

Mr McNair presented a Certificate from the Inferior Court of Orange County therein recommending that Thomas Bowles, Nathaniel Carter, John Madkin, Derick Holsenpack, James McCune, John Conner, Hugh Wilson, Jacob Robinson, Senr., John Frazier, Richard Pound, Thomas Thomas, Robert Whitehead, Thomas Wilson, Michael Gellion, James Ball, Samuel Farres, David Copland, Robert Reed, and Joseph Powell be exempted from the payment of public Taxes and doing Public duties.

Ordered they be exempted accordingly.

On motion ordered Mr Thomson have leave to absent from the service of this House till Tuesday next.

On motion ordered that Mr Howe, Mr Hooper, Mr Martin, Mr Johnston and Mr Harnett have leave to withdraw the Superior and Inferior Court Bills, and to prepare such amendments as alterations, as the Committee shall think proper and report the same to the House on Monday next.

Then on motion, Resolved, that the House resolve itself into a Committee of the whole House to take under consideration the said Superior and Inferior Court Bills.

The House resolved itself into a Committée of the whole House accordingly, and chose Mr William Haywood Chairran, who was placed in the Chair, and after some time spent therein came to several Resolutions which Mr Chairman was directed to report to the House. Then on motion Mr Speaker resumed the chair, and Mr Chairman reported as follows Viz^t.

Resolved, a Bill for dividing this Province into several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and for establishing Inferior Courts of pleas and quarter

sessions in the several Counties in this province, and regulating the proceedings therein be in one Bill.

Resolved that the appointment of the Superior Court Clerks be in the Chief Justice and be inserted in the Bill.

Resolved that the clauses respecting the appointment of the Clerks of the Inferior Courts be retained in the Bill.

Resolved that the power of granting letters, testamentary and Administration, be invested in the Inferior Courts of pleas and quarter sessions, and, that the Superior Court of Justice have no Jurisdiction respecting the same.

Resolved, that the Clerk of the pleas (in case of vacancy) shall not sell or dispose of any clerkship in this Province, for any gratuity or reward whatsoever; and the Clerk so giving any gratuity or reward for such clerkship shall be rendered incapable of holding the said office.

Resolved, that in the Inferior Court Bill, a single Magistrate have the power of trying and determining the sum of five pounds proclamation money.

Then on motion Resolved that the House concur with the said several Resolutions, and that they be instructions to the select Committee appointed for that purpose.

Rec^d from the Council the following Bills, viz^t.

The Bill to encourage the destroying vermin in the several Counties therein mentioned.

The Bill for the relief of insolvent debtors with respect to the imprisonment of their persons.

The Bill to prevent burning the woods at unseasonable times of the year in the several Counties therein mentioned.

Endorsed, In the upper House 6th February, 1773. Read the first time and passed.

The Bill to exonerate John Tygart and Francis Adams late Sheriffs of Tryon County for being chargeable with the collection of Taxes taken in South Carolina. Endorsed, in the upper House 6th February 1773. Read the second time and passed.

The Bill to amend an Act for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the Court House now stands in Duplin County. Endorsed, in the upper House 6th February 1773. Read the third time and passed. Ordered to be engrossed.

Then the House adjourned till Monday morning 10 o'clock.

Monday 8th February 1773.

The House met according to adjournment

On motion ordered the Bill to exonerate John Tygart and Francis Adams late Sheriffs of Tryon County from being chargeable with the collection of Taxes taken into South Carolina, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr W^m Person and Mr Hatch.

On motion ordered the Bill for the more effectual punishment of counterfeiters of the public debenture bills of Credit of this Colony and coin, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr W^m Person and Mr Hatch.

On motion ordered the Bill for the relief of persons who have or may suffer by their deeds and *mesne* conveyances not being proved and registered within the time heretofore appointed by Law, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Martin and Mr McNair.

Mr Neale moved for leave to present a Bill to regulate the attendance of the Minister of Christ Church parish at the parish Church in the Town of New Bern, and at the several Chapels in the said Parish.

Ordered he have leave accordingly.

Mr Neale presented the said 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 Neale and Mr Shepard.

On motion ordered the following message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a resolve of this House directing the Treasurers to pay immediately to the Honble Samuel Cornell the sum of eight thousand one hundred and two pounds ten shillings proc. money for the principal together with the Interest due on the sterling money &c^a, and desire your Honors concurrence thereto.

JOHN HARVEY Speaker,

Sent by Mr Macknight and Mr Kenan.

On motion Resolved that the present establishment in the Garrison of Fort Johnston be continued in his Majesty's service twelve months, and from thence to the end of the next session of Assembly, and that the following Message be sent to the Council.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a resolve of this House for continuing the Garrisoning of Fort Johnston twelve months, and from thence to the end of the next session of Assembly, and desire your Honors Concurrence thereto.

JOHN HARVEY Speaker.

Sent by Mr Howe and Mr Davis.

On motion ordered the Bill to prevent burning the woods at unseasonable times of the year in the several Counties therein mentioned be read the second time. Read the same a second time amended, passed and ordered to be sent to the Council.

Sent by Mr T. Person and Mr Ward.

On motion ordered the Bill for altering the place fixed upon by the Commissioners for building a court house, prison and stocks in the county of Guilford, be read the second time. Read the same a second time and rejected.

The order of the day being read, Resolved that the House resolve itself into a Committee of the whole House to take under consideration sundry claims against the public, said to be incurred in the late Expedition against the Insurgents, tomorrow morning.

On motion ordered the Bill for establishing a Town on the land of Isaac Jones lying on the North West branch of Cape Fear 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 by Mr M^cRee and Mr Robinson.

Rec^d from the Council the resolve of this House directing the Treasurers to pay immediately to Samuel Cornell Esquire eight thousand one hundred and two pounds ten shillings &c^a.

In the upper House February 8th 1773. Concurred with.

JAS. HASELL, P. C.

On motion ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN, GOVERNOR
&c^a,

SIR,

We herewith send your Excellency a resolve of this House directing the Treasurers to pay immediately to Samuel Cornell the sum of eight thousand one hundred and two pounds ten shillings in proc. money for the principal, together with the interest, on the sterling money &c^a to which his Majesty's Council have concurred, and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Macknight and Mr Atherton.

Rec^d from the Council the following Bills, to wit,

The Bill for Erecting a public gaol and gaolers house in the town of Wilmington for the District of Wilmington. Endorsed, In the upper House 8th February 1773 Read the second time and passed.

The Bill to regulate the attendance of the minister of Christ Church parish at the parish Church in the Town of New Bern, and at the several Chapels in the said Parish. Endorsed, In the Upper House, 8th February 1773. Read the first time and passed.

The Bill to exonerate John Tygart and Francis Adams late Sheriffs of Tryon County from being chargeable with the collection of Taxes taken into South Carolina. Endorsed, In the upper House 8th February 1773. Read the third time and passed. Ordered to be engrossed.

Mr Nathaniel Williams one of the Members for Perquimans County and Mr Hugh Montgomery the Member for the Town of Salisbury appeared.

The Honble William Dry and Alexander McCulloch Esquires two of his Majesty's Council came to the House, and Mr Nathaniel Williams and Hugh Montgomery were qualified by taking the several oaths by law appointed for the qualification of public officers, and repeating and subscribing the test.

On motion Resolved that James Ransom Jun^r who was by this House appointed Serjeant at Arms, be allowed the sum of ten pounds for his own and four others their expence and trouble in endeavouring to apprehend Philip Alston gunsmith who was suspected of counterfeiting the Debenture Bills of this Province and that the Treasurers or either of them pay him the same and be

allowed in their accounts with the public, and that the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a resolve of this House for allowing James Ransom Jun^r who was by this House appointed Serjeant at Arms, the Sum of ten pounds for his own and four others, their expence and trouble in endeavouring to apprehend Philip Alston who was suspected of counterfeiting the Debenture Bills of this province &c^a and desire your Honors concurrence thereto.

JOHN HARVEY, Sp.

Sent by Mr Alston and Mr Graves.

The House adjourned till tomorrow morning 10 o'clock.

Tuesday 9th February 1773.

The House met according to adjournment

Mr Caswell presented the petition of sundry inhabitants of Dobbs County praying an Act may pass to prevent making hedges across Contentnea Creek.

Ordered Mr Caswell have leave to prepare and bring in a Bill pursuant to the prayer of the said petition.

Mr Caswell presented the said 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 Blackburn and Mr Wynns Jun^r.

On motion ordered the Bill to amend an Act Intituled an Act for establishing a school house in the Town of New Bern be read the third time.

Then on motion Ordered the title of the said Bill be altered, to an Additional Bill &c^a. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Harvey and Mr Evans

On motion ordered the Bill to continue an Act Intituled an Act to direct Sheriffs in levying executions and the disposal of lands, goods and chattles taken thereon be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Jarvis and Mr Pickett.

On motion ordered the Bill to encourage the destroying vermin in the several Counties therein mentioned be read the second time.

Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Kimbrough and Mr Starkey.

On motion ordered Mr Wynns Jun^r have leave to absent himself from the service of the House.

On motion ordered the Bill for erecting a public gaol and gaolers house in the Town of Wilmington for the district of Wilmington be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Davidson and Mr F Campbell.

Mr Johnston according to order presented the Bill for granting a bounty on the exportation of pot and pearl ash, 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 Respass and Mr R. Ormond.

Rec^d from the Council the resolve of this House in favour of James Ransom Jun^r for the sum of ten pounds. Endorsed, In the upper House 9th February 1773. Concurred with.

JAMES HASELL, P. C.

Ordered the following Message be sent to his Excellency the Governor &c^a

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE CAPTAIN GENERAL,
GOVERNOR &c^a

SIR,

We herewith send your Excellency a resolve of this House for allowing James Ransom Jun^r (who was by this House appointed Sergeant at Arms) the sum of ten pounds, concurred with by his Majesty's Council, and request your Excellency's assent thereto.

JOHN HARVEY Speaker

Sent by Mr Thomas Person and Mr Alston.

Rec^d from the Council the following Bills, towit,

The Bill for erecting part of the Countys of Halifax and Tyrrel into one distinct County and Parish &c^a Endorsed, In the upper House, 9th February, 1773. Read the second time, amended and passed.

The Bill for annexing the north part of Rowan to the County of Surry and the further establishing and erecting the Parish of Dobbs into a separate and distinct Parish.

The Bill for the relief of Persons who have or may suffer by their deeds and *mesne* conveyances not being proved and registered within the time heretofore appointed by Law.

The Bill to prevent burning the Woods at unseasonable times of the year in the several Counties therein mentioned. Endorsed, In the upper House 8th February 1773. Read the second time and passed, and,

The Bill for establishing a Town on the Land of Isaac Jones, lying on the North West branch of Cape Fear River in Bladen County. Endorsed in the upper House 8th Feby 1773. Read the third time and passed. Ordered to be engrossed.

The Bill to continue an Act intituled an Act to direct Sheriffs in levying executions and the disposal of lands, goods and chattels taken thereon.

The Bill to encourage the destroying of vermin in the several counties therein mentioned. Endorsed, In the upper House 9th February 1773. Read the second time and passed.

The additional Bill to an Act Intituled an Act for establishing a school house in the Town of New Bern. Endorsed, In the upper House 9th February 1773. Read the third time and passed. Ordered to be engrossed.

Also the following Message, towit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading the third time the Bill for erecting a public gaol, and gaolers house in the Town of Wilmington for the District of Wilmington; We observe that the materials to be used therein are left to the election of the Commissioners, instead of which we propose that they should be confined to build with brick or stone; to which amendments if you agree, you will send such of your members as you shall think proper to see the same inserted.

In the upper House 9th February 1773.

On motion ordered the following Message be sent to the Council viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message regarding the Bill for erecting a public gaol and gaolers House in the Town of Wilmington, This House

agree to the amendments by you proposed, and send Mr Harnett and Mr Hewes to see the same inserted in the Bill.

JOHN HARVEY, Speaker.

Mr Hooper from the select Committee to whom the Bills for establishing Superior and Inferior Courts were referred, presented a Bill for dividing the Province into several Districts and for establishing Inferior Courts of pleas and quarter sessions in the several Counties in this Province, and regulating the proceedings therein, Then on motion ordered the same be read. Read the same, passed and ordered to be sent to the Council

Sent by Mr W. Ormond and Mr McCulloh

Mr Hewes moved for leave to present an additional Bill to an Act for erecting a Court house and prison for the use of the District of Edenton

Ordered to have leave accordingly

Mr Hewes presented the said 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 Harnett and Mr Hewes.

On motion Résolved that Mr Joseph Hewes, Mr Thomas Macknight and Mr Andrew Knox be appointed a Committee to receive the Treasurers accounts or a copy thereof, and state them agreeable to the resolves of the first session of last Assembly in order that they may be laid before the Committee of Accounts for their Examination, And that Mr Cornelius Harnett, Mr Richard Caswell, and Mr W^m Hooper be a Committee to make a state of the sinking fund, and lay the same before the House immediately.

Mr Lane moved for leave to present a Bill for appointing public Treasurers and directing their duty in office

Ordered he have leave accordingly

Mr Lane presented the said 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 Lane and Mr Neale,

On motion ordered the Bill for directing the boundary Line between the Counties of Perquimans and Chowan and appointing Commissioners to see the same run, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr B Harvey and Mr Williams

The order of the day being read the House resolved itself into a Committee of the whole House tomorrow morning to take under consideration sundry claims against the public said to be incurred in the late Expedition against the Insurgents.

Then the House adjourned till tomorrow morning 10 o'clock.

Wednesday 10th February 1773.

The House met according to adjournment.

On motion ordered Mr Atherton have leave to absent himself from the service of the House till Monday week.

Rec^d from the Council the following Bills, viz^t.

The Bill to prevent making hedges across Contentnea Creek.

The additional Bill to an Act for erecting a court house and prison for the use of the District of Edenton.

The Bill for dividing this Province into several Districts, and for establishing a superior Court of Justice in each of the said districts and for establishing Inferior Courts of pleas and quarter sessions in the several Counties in this Province and regulating the proceedings therein.

Endorsed, in the upper House 10th February 1773. Read the first time and passed.

The Bill to dissolve the vestry of Unity Parish in Guilford County, and repeal an Act therein mentioned.

The Bill directing the boundary line between the Counties of Perquimans and Chowan and appointing Commissioners to see the same run.

Endorsed, In the upper House 10th February 1773. Read the second time and passed, and,

The Bill to erect a public gaol and gaolers house in the Town of Wilmington for the District of Wilmington. Endorsed, In the upper House, 10th February 1773. Read the third time, amended and passed. Ordered to be engrossed.

Rec^d from his Excellency the resolve of this House directing the Treasurers to pay immediately to the Honble Samuel Cornell Esquire the sum of eight thousand one hundred and two pounds ten shillings &c^a.

Endorsed, assented to.

JO. MARTIN.

Also the following Message, to wit.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the resolve of your House of the 8th instant, Concurred in by his Majesty's Council directing the Treasurers to pay immediately to the Honble Samuel Cornell Esquire the sum of money therein mentioned, with my assent thereto.

JO. MARTIN.

The order of the day being read, Resolved the House resolve itself into a Committee of the whole House to take under consideration Sundry Claims against the public said to be incurred in the late Expedition against the Insurgents.

The House resolved itself into a Committee of the whole House accordingly and chose Mr Thomas Respass Chairman, who was placed in the Chair and after some time spent therein the Committee came to several resolutions which Mr Chairman was directed to report to the House. Then on motion Mr Speaker resumed the Chair, and Mr Chairman reported that the Committee had taken under consideration sundry claims laid before them to wit,

		£	s.	d.
William Graves	Claim-----	44	17	10
David Hart	do -----	15	4	10
David Hart	do -----	--	--	--
Henry Paris	do -----	2	10	0
Martin M ^c Grew	do -----	--	--	--
Mathew Jont	do -----	--	--	--
James Bars	do -----	6	6	0
John Husband	do -----	--	--	--
Nathaniel Hart	do -----	16	19	0
William Rainey	do -----	12	15	0
John Cates	do -----	3	12	0
Solomon Cox	do -----	1	2	0
William Skinner	do -----	0	6	0
Hermon Cox	do -----	--	--	--
Jacob Hollingsworth	do -----	--	--	--
Thomas Lows	do -----	210	18	0
William Wiley	do -----	1	3	8
Gabriel Freeman	do -----	18	0	0
James Nealy	do -----	--	--	--
Joseph Dobson	do -----	0	6	0
John Cox	do -----	--	--	--

		£	s.	d.
Mr Edwards	Claim	---	---	---
The Drunkards	do	---	---	---
William Robans	do	1	4	6
William Rainy	do	4	16	0
Thomas Swift	do	---	---	---
Hugh Montgomery	do	20	13	4
Mary Mavis	do	10	3	0
W ^m Archibald & C ^o	do	---	---	---
Ditto & Company	do	---	---	---
Duval Beck	do	---	---	---
John M ^c Gee	do	164	18	0
Mrs Beasleys	do	14	10	14
Solomon Rowry	do	---	---	---
John Orr	do	---	---	---
Solomon Taylor	do	---	---	---
David Flint	do	---	---	---

Sundry Claims for Requisitions, Viz^t,

		£	s.	d.
Martin Armstrong	Claim	10	10	0
Joseph Allison	do	15	0	0
John Stanfield	do	20	5	0
Henry Lea	do	6	3	0
Henry M ^c Coy	do	3	0	0
William Combs	do	5	5	0
William Thelford	do	8	0	0
Joseph Dunkin	do	---	---	---
Richard Hailey	do	3	10	0
John Hogan	do	7	10	0
Joshua Stroud	do	15	0	0
William Clark	do	1	15	0
John Hannah	do	1	15	0

Resolved, that it is the opinion of this Committee that the said claims be disallowed.

And it is also the opinion of this Committee that the following claims be referred to a select Committee to be appointed by the House, to wit,

		£	s.	d.
James Thomson	Claim	20	0	0
Henry Sloan	do	17	10	0

		£	s.	d.
Jacob Mitchell	Claim -----	--	--	--
James Butner	do -----	5	0	0
The Quakers between	Reedy fork and Haw River -----	27	15	0
Col Hunt and Morgan	Bryant claim -----	--	--	--
Robert Simonton	claim -----	--	--	--
Thomas Crawford	do -----	3	6	8
Benjamin Milner	do -----	17	13	4
Valentine Fry	do -----	--	--	--
John Oliphant	do -----	--	--	--
James Morrison	do -----	23	13	4
William Sharrel	do -----	--	--	--
James Poar	do -----	--	--	--
James Lee	do -----	--	--	--
Emphro Wheeler	do -----	--	--	--
Abel Green	do -----	--	--	--
William Patrick	do -----	--	--	--
James Sampson	do -----	--	--	--
Richard Brocus	do -----	--	--	--
Gabriel Homes	do -----	--	--	--
Thos Sitgreaves	do -----	10	0	0
Walter Lindsay	do -----	64	18	2
William Hatch	do -----	--	--	--
James Paul	do -----	15	0	0
Moses Martin	do -----	23	13	0
James Thomson	do -----	20	0	0
Henry Sloan	do -----	--	--	--

Mr Chairman further Reported that the said Committee had under consideration sundry other claims referred by the last session of Assembly to the present Assembly, and by the House to the said Committee, to wit,

		£	s.	d.
Benjamin Piggots	Claim -----	20	0	0
Samuel Thomson	do -----	40	11	4
David Lowe	do -----	19	17	0
Daniel Cloud	do -----	10		
Alexander Russell	do -----	22	6	0
Thomas Lindley	do -----	30	0	0
James Kennedy	do -----	1	15	0
Samuel Means	do -----	46	2	8

		£	s.	d.
Alexander Maughen Claim	-----	10	9	0
George Sharpe	do -----	1	5	0
William Rainey	do -----	13	9	10
Francis Kennen	do -----	13	6	8
William Lee Senior	do -----	1	16	6
Lawrence Vanhook	do -----	6	2	10
John Browning	do -----	5	15	6
Thomas Thomson	do -----	3	18	0
George Summers	do -----	5	12	6
John Allen	do -----	2	12	0
Jacob Reilys	do -----	2	0	0
John McNunn	do -----	3	0	0
John Moore	do -----	2	6	6
John Mexidon	do -----	1	15	0
John Hodge	do -----	2	0	0
John Smith	do -----	11	18	8
John Richmond	do -----	8	15	0
Charles Stevens	do -----	3	0	0
John Bowls	do -----	1	18	8
Hugh Finley	do -----	4	13	4
William Robinson	do -----	1	16	0
Andrew Mitchell	do -----	2	6	8
Andrew Harrison	do -----	6	14	0
Henry Frolliner	do -----	14	12	4
John Homes	do -----	3	0	0
John Nicks	do -----	3	10	0
Jacob Buily	do -----	3	0	0
Henry Hill	do -----	3	0	0
Nathan Grimes	do -----	4	8	0
Thomas Swift	do -----	10	0	0
William Savage	do -----	28	0	0
George Glass	do -----	13	0	0
George Nees	do -----	12	14	0
Christopher Spoon	do -----	10	0	0
Mary Vess	do -----	4	14	3
Isaac Harris	do -----	7	0	0
John Gunter	do -----	15	0	0

Guilford, Acco ^{ts} :	£	s.	d.
George Mexidon.....	6	18	0
Geo. Alexander Jr.....	0	14	0
Joseph Kerr.....	18	0	0
James Dugan.....	6	0	0
Charles Harden.....	2	5	0
Nathaniel Kerr.....	3	5	0
	£37	2	0
Simon Dickson and others Rocky River, Viz:			
10 Barrels flour	15	0	0
34 head of cattle	85	0	0
	100	0	0
Inhabitants between Reedy Fork and Haw River:			
10 steers.....	27	15	0
Thomas Lindley and others:			
39 barrels flour.....	58	10	0

Resolved, that it is the opinion of this Committee that the said last mentioned Claims be disallowed.

Resolved, that it is the opinion of this Committee that the following Claims be referred to the Consideration of the House, to wit,

Hunt & Bryan for Corn, Wheat and Stears	£96	4	4
Robert Lanier for flour, Wheat and Stears	58	8	8
William Few for a field of Wheat, Barley & Oats	37	10	0

Resolved, that it is the opinion of this Committee that after the rise thereof, no future claim relative to the late Expedition against the Regulators (not heretofore laid before the House or a Committee thereof) shall hereafter be allowed by the House.

Which Resolutions being severally read,

Resolved, that the House do concur therewith, and that the above three claims of Hunt & Bryan, Robert Lanier, and William Few be allowed by this House.

Then the House adjourned till tomorrow morning 10 o'Clock.

Thursday 11th February 1773.

The House met according to adjournment.

Mr Caswell moved that James Blount have leave to absent himself after this day from the service of the House this Session.

Ordered he have leave accordingly.

Mr Oldham moved for leave to absent himself from the service of the House during this Session.

Ordered he have leave accordingly.

Mr. Robert Blackburn one of the members for Tryon County appeared.

Rec^d from the Council the following Bills, Viz^t

The Bill for granting a bounty on the Exportation of pot and pearl ash. Endorsed, In the upper House 11th February 1773. Read the first time and passed.

The Honble Martin Howard and Samuel Cornell Esquires two of His Majesty's Council came to the House and Mr Robert Blackburn was qualified by taking the several Oaths by Law appointed for qualification of Public officers, and repeating and subscribing the Test.

Mr Howe moved for leave to present a Bill for preventing persons who by devise or otherwise are intrusted with a life Estate in any Slave or Slaves, or other goods and chattles from doing injury to the person or persons in reversion.

Ordered he have leave accordingly.

Mr Howe presented the said 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 Lanier and Mr Montgomery

On motion ordered 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 be read the second time. Read the same a second time and ordered to lie on the Table.

On motion ordered the Bill for dividing the Province into six several districts and for establishing a Superior Court of Justice in each of the said districts, and for establishing Inferior Courts of pleas and quarter sessions in the several Counties in this Province, and regulating the proceedings therein, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council

Sent by Mr Gray and Mr Lane.

Then the House adjourned till tomorrow morning 10 °Clock.

Friday 12th February 1773.

The House met according to adjournment.

Mr Gray moved for leave to present a Bill to amend an Act to prevent stealing cattle and hogs, and altering and defacing marks and Brands, and mismarking and misbranding horses, cattle and hogs unmarked and unbranded.

Ordered he have leave accordingly.

Mr Gray presented the said 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 Gray and Mr Lane.

Mr William Bryan moved for leave to absent himself from the service of the House during this Session, Granted.

On motion ordered the Bill to prevent the wilful and malicious killing of slaves be read a second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Gray and Mr Lane

On motion ordered the Bill to prevent the crime of horse stealing be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Gray and Mr Lane

On motion ordered the Bill for the relief of insolvent debtors, with respect 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.

Sent by Mr Simpson and Mr Thomson.

Mr Johnston moved for leave to present a Bill for allowing a salary to the Speakers of the House of Assembly.

Ordered 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, passed and ordered to be sent to the Council.

Sent by Mr Simpson and Mr Thomson.

Mr Martin moved for leave to present a Bill for laying out a public road from Dan river through the Counties of Guilford, Chatham and Cumberland to Campbellton.

Ordered he have leave accordingly.

Mr Martin Presented the said 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 Simpson and Mr Thomson.

Mr John Gray moved for leave to absent himself from the service of this House during the Session. Granted.

Rec^d from the Council the following Bills, to wit,

The Bill to prevent the willful and malicious killing of slaves. Endorsed, In the upper House 12th February 1773. Read the second time, amended and passed.

The Bill to prevent the crime of horse stealing. Endorsed in the Upper House 12th February-1773. Read the second time and passed.

Mr Maurice Moore, the Member for the Town of Brunswick, Mr Rotheas Latham one of the Members for Hyde County, and Mr Thomas Benbury one of the members for Chowan County appeared.

The Honble John Rutherford and Martin Howard Esquires two of His Majestys Council came to the House and Mr Maurice Moore the Member for the Town of Brunswick, Mr Rotheas Latham one of the Members for Hyde County, and Mr Thomas Benbury one of the Members for Chowan County were qualified by taking the several Oaths by Law appointed for qualification of Public Officers and repeating and subscribing the Test.

Mr Davidson presented a petition from sundry inhabitants of Mecklenburg County praying a Law may pass for establishing a court house in the Town of Charlotte in Mecklenburg County and other purposes.

On motion ordered Mr Davidson have leave to present a Bill pursuant to the prayer of the said petition.

Mr Davidson presented the said 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 Davidson and Mr Rutherford.

On motion ordered the Bill to amend an Act Intituled an Act to prevent the exportation of unmerchantable commodities be read the second time. Read the same a second time and rejected.

On motion ordered that Mr Harnett, Mr Hewes, Mr Caswell, Rutherford, Mr Allen Jones, Mr Howe, Mr Macknight, Mr Martin, Mr Lanier, Mr T. Person, and Mr. Gray be a Committee to examine and report their opinion on sundry Claims referred by the Committee of the whole House.

On motion ordered the Bill to dissolve the vestry of Unity Parish in Guilford county, and repeal an Act therein mentioned be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Martin and Mr Kimbrough.

Mr Martin moved for leave to present a Bill directing the punishment of those persons who shall forge or counterfeit the gold and silver coin circulating in this Province, and of those who shall utter the same, or any false or counterfeit Debenture Bills in similitude of those emitted in the years 1768 and 1771.

Ordered he have leave accordingly.

Mr Martin presented the said 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 Martin and Mr Kimbrough.

On motion ordered the Bill to regulate the attendance of the Minister of Christ Church Parish at the parish Church in the Town of Newbern, and at the several Chapels in the said Parish be read the second time. Read the same a second time passed and ordered to be sent to the Council.

Sent by Mr Martin and Mr Kimbrough.

On motion ordered the Bill for granting a bounty on the Exportation of pot and pearl ash be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Mr Hooper moved for leave to prepare and bring in a Bill for the appointment of Associate Justices of the Supreme Courts of Justice in the several Districts of this Province, and for providing adequate salaries for the Chief Justice and such Associates, and for other purposes therein mentioned.

Ordered he have leave accordingly.

On motion ordered the Bill to prevent making hedges across Contentnea Creek, be read the second time. Read the same a second time passed and ordered to be sent to the Council.

Sent by Mr W. Ormond and Mr Evans.

On motion ordered the Bill to prevent obstructing the passage of fish in the rivers and creeks therein mentioned, be read the second time. Read the same a second time and rejected.

On motion, ordered the Bill for the relief of persons who have or may suffer by their deeds and *mesne* conveyances not being proved and registered within the time heretofore appointed by Law, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr White and Mr Brooks.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday 13th February 1773.

The House met according to adjournment

Mr Caswell presented sundry Certificates from the Inferior Court of Dobbs County therein recommending John Mazingo, Robert Hamilton, Abraham Hays, George Hinson, James Grant, and Mark Standley: And also the female children of Edward Carter, to wit, Tamer Deaver, Margaret Carter, Rachael, Ann, Sally, Patience and Elizabeth Carter, to be exempted from the payment of Public Taxes and doing Public duties.

Ordered they be exempt accordingly.

Mr Knox moved for leave to present a Bill for regulating the Town of Hertford and other purposes.

Ordered he have leave accordingly.

Mr Knox presented the said 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 B. Harvey and Mr. Williams.

On motion ordered the Bill for annexing the north part of Rowan to the County of Surry, and the further establishing and erecting the Parish of Dobbs into a separate and distinct Parish, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr B Harvey and Mr Williams.

Mr Starkey moved for leave to present a Bill to continue an Act Intituled an Act to prevent hunting for and killing deer in the manner therein mentioned.

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, passed and ordered to be sent to the Council.

Sent by Mr Starkey and Mr Hunter.

Mr Martin presented the petition of John Smith of Hyde County complaining of an undue election of a Representative in said county in the room of Edward M^cSwain deceased.

Ordered the same be referred to the Committee of Priviledges and Elections.

Rec^d from His Excellency the Governor the following Message
Viz^t

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send herewith for your consideration the petition of Elizabeth Strange who as an object of compassion I recommend to your charitable attention.

JO. MARTIN.

New Bern 13th February, 1773.

On motion resolved, that Elizabeth Strange whose Husband was wounded in the late expedition against the Insurgents, and since drowned, be allowed the sum of fifteen pounds, and that the Treasurers or either of them pay her the same, and be allowed in their accounts with the Public, and that the following Message be sent to the Council to wit,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We herewith send you a resolve of this House for allowing Elizabeth Strange widow of John Strange whose husband was wounded in the Expedition against the Insurgents and since drowned, the sum of fifteen pounds and desire your Honors concurrence thereto.

JOHN HARVEY Speaker.

Rec^d from his Excellency the Governor the following Message, viz^t,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send herewith a petition from a meeting of the people called Quakers at Cane Creek in Orange County, together with the original Requisition of the late Governor of supplies for the public service, upon which their application to the Legislature is founded, and I recommend it to your consideration.

JO. MARTIN.

New Bern 13th February, 1773.

The House taking the same under consideration ordered the following message be sent to His Excellency the Governor, towit,

TO HIS EXCELLENCY, JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a.

SIR,

In answer to your Excellency's Message of this day regarding the petition from a Meeting of the people called Quakers at Cane Creek in Orange County, together with the original requisition of the late Governor of supplies for the public service, Inform your Excellency

that previous to your Message, this House had under their Consideration the claim of the said people, which was disallowed.

JOHN HARVEY, Sp.

Sent by Mr McRee and Mr Robinson.

Rec^d from the Council the following Bills, towit,

The Bill for preventing persons who by devise or otherwise are invested with a life estate in any slave or slaves or other goods and chattels from doing injury to the person or persons in reversion.

The Bill for establishing the court house in the Town of Charlotte in Mecklenburg County and other purposes.

The Bill for allowing a salary to the Speaker of the House of Assembly.

The Bill directing the punishment of those persons who shall forge or counterfeit the gold or silver coin &c^a. Endorsed, In the upper House 13th February 1773. Read the first time and passed.

The Bill to regulate the attendance of the Minister of Christ Church parish at the Parish Church in the town of New Bern and at the several Chapels in the said parish. Endorsed, In the upper House 13th February 1773. Read the second time and passed.

The Bill for Granting a bounty on the Exportation of pot and pearl ash. Endorsed, In the upper House 13th February 1773. Read the second time amended and passed.

The Bill for the relief of persons who have, or may suffer by their deeds and *Mesue* conveyances not being proved and registered &c^a, and,

The Bill to dissolve the vestry of Unity Parish in Guilford County and repeal an Act therein mentioned. Endorsed, In the upper House 13th February 1773. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to continue an Act Intituled an Act to direct Sheriffs in levying executions, and the disposal of lands goods and chattels taken thereon be read the third time. Read the same a third time passed and sent to the Council by Mr Jarvis and Mr Sam Smith.

Mr Montfort moved for leave to present a Bill to amend the staple of Tobacco, and prevent frauds in His Majestys Customs.

Ordered he have leave accordingly.

Mr Montfort presented the said 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 Alston and Mr M^cCulloch.

On motion ordered the Bill to encourage the destroying of vermin in the several Counties therein mentioned be read the third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr W^m Person and Mr Ward.

On motion ordered the Bill to restrain the fishery for a certain season in each year in the several places therein mentioned be read the second time. Read the same a second time amended passed and ordered to be sent to the Council.

Sent by Mr Thomson and Mr Shepard.

On motion ordered the Bill to prevent the wilful and malicious killing of slaves be read the third time. Read the same a third time amended passed and ordered to be sent to the Council.

Sent by Mr Simpson and Mr Benbury.

On motion Ordered the Bill to prevent the crime of horse stealing be read the third time. Read the same a third time passed and ordered to be sent to the Council.

Sent by Mr Simpson and Mr Benbury.

Mr Coor moved for leave to present a Bill to amend an Act for encouraging the building of public mills and directing the duty of millers.

Ordered he have leave accordingly.

Mr Coor presented the said 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 Simpson and Mr Benbury.

Mr Coor moved for leave to present an Additional Bill to an Act Intituled an Act to prevent the exportation of Unmerchantable Commodities.

Ordered he have leave accordingly.

Mr Coor presented the said 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 Simpson and Mr Benbury.

Mr. Rutherford presented a petition from sundry Inhabitants of Rowan County praying a public ferry may be established across the Yadkin river at the plantation of James Smith

Ordered Mr Rutherford have leave to prepare and bring in a Bill pursuant to the prayer of the said petition

Mr. Rutherford presented the said 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 Simpson and Mr Benbury.

On motion ordered an Additional Bill to an Act for erecting a court house and prison for the use of the district of Edenton, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Simpson and Mr Benbury.

Mr Martin from the Committee appointed to enquire what Laws are expired or are near expiring, and report the same to the House with their opinion of such Laws as are necessary to be revised, amended or continued reported as follows, viz^t.

That "an additional and explanatory Act to an Act Intituled an Act for regulating the several officers fees within this province and ascertaining the method of paying the same, and for taxing Law suits," will expire this session of Assembly, your Committee recommend that the same and the Act therein mentioned, be reduced to one Act and continued.

It is the opinion of your Committee that an Act passed in the year 1729 for settling the titles and bounds of Lands might be more beneficial to the Freeholders of this Colony and better answer the end of the Legislature to prevent disputes that the Inferior Court of every County should be impowered wholly, with laying out their respective Counties into districts, and appointing proceSSIONERS to mark out the bounds of each Freeholders Land rather than the Vestry of each parish who as it seems a matter originally foreign to their office have heretofore neglected so essential a duty.

It is also the opinion of your Committee that the Laws now in force are not sufficient to prevent the spreading of epidemical and pestilential disorders among the Inhabitants of this country, so destructive to the Southern Colonies and recommend the Act Intituled, "An Act to prevent malignant and infectious distempers being spread by shipping importing distempered persons into this Province" may be enacted with such necessary alterations and amendments for such a Salutary purpose, more especially to put a stop to, and prevent the contagious spreading of the small-pox now ripe in the eastern parts of this Colony.

It is also the opinion of your Committee that the clauses in the Act directing the method of appointing Jurymen in causes Criminal and Civil respecting the appointment of special Juries where the titles or bounds of land may come in question have not answered the design; We therefore recommend that the same may be omitted in the present Jury Law. As the Jurors being chosen by the parties often think themselves obliged as arbitrators never to give up that side of the cause of him by whom they are appointed to the great delay and forbearance of Justice; and as to the costs and expences attending such Juries have really been distressing and ruinous to many unhappy suitors in this Colony.

It is the opinion of your Committee that the Collection of the public revenues lodged in the hands of the Sheriffs have not answered the intention of the Laws, but is a general grievance to this Colony. We therefore recommend that the mode of collecting the same be altered in such a manner that the public faith may be preserved, our funds supported, and put on a more respectable footing.

R. CASWELL
CORN^s HARNETT
B. McCULLOCH
CHRIS^r NEALE
ALEX. MARTIN

12th February, 1773.

Then the House Adjourned till Monday Morning 10 o'Clock.

Monday 15th February 1773.

The House met according to adjournment.

On motion ordered the Bill for establishing the court house in the Town of Charlotte in Mecklenburg County 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 by Mr Phifer and Mr Blackburn.

On motion ordered the Bill for the more easy and effectual method of collecting the Taxes in the counties therein mentioned be read the second time. Read the same a second time and ordered to lie on the Table.

On motion ordered the Bill directing the Punishment of those persons who shall forge or counterfeit the gold and silver coin circulating in this Province and of those who shall utter the same or any false or counterfeit Debenture Bills in similitude of those emitted in

the years one thousand seven hundred and sixty eight, and one Thousand seven hundred and seventy one be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Phifer and Mr Blackburn.

On motion ordered the Bill to prevent burning the woods at unseasonable times of the year in the several Counties therein mentioned be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Thos. Person and Mr M^cNair.

Mr Benjamin Harvey moved for leave to present a Bill to continue an Act Intituled an Act for appointing an Agent to solicit the affairs of this Province at the several Boards in England.

Ordered he have leave accordingly.

Mr Benjamin Harvey presented the said 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 B. Harvey and Mr B. McCulloh.

Rec^d from His Excellency the Governor the following Message Vizt.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send herewith the petition of John Nuckols, late under Sheriff of the County of Tryon, which I recommend to your favorable consideration.

JO. MARTIN.

New Bern 15th February 1773.

Rec^d at the same time the petition therein referred, and the House taking the same into consideration,

Ordered that Mr Howe, Mr Macknight, Mr Martin, Mr Mau. Moore and Mr Hooper be a Committee to consider the petition of the said John Nuckols together with their opinion of the methods necessary for this province to take for remedying the evil consequences arisen to this Province from the dispute concerning the boundary Line betwixt North and South Carolina, and report their opinion to the House, and that the following message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL
GOVERNOR &c^a,

SIR,

In answer to your Excellency's message of this day accompanying the petition of John Nuckols late under Sheriff of the County of Tryon, This House have referred the same to a select Committee to consider and state the facts therein set forth and report on the same to this House.

JOHN HARVEY. Sp.

Sent by Mr Knox and Mr Benbury.

Mr Maurice Moore informed the House that he had a claim against the public for the sum of ----- in consequence of his being security for William Walker late Sheriff of New Hanover County.

Then on motion ordered that Mr Johnston, Mr Hewes and Mr Macknight be a Committee to state and settle the several matters therein contained and report on same to the House.

Rec^d from the Council the Bill for dividing the Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts and for establishing Inferior Courts of pleas and quarter sessions in the several Counties in this Province and regulating the proceedings therein. Endorsed, In the upper House 15th February, 1773. Read the second time amended and passed.

The Bill to amend an Act to encourage the building of public mills and directing the duty of millers. Endorsed in the upper House 15th February 1773 Read the first time amended and passed.

The additional Bill to an Act Intituled an Act to prevent exportation of unmerchantable commodities.

The Bill for laying out a public road from Dan River through the Counties of Guilford, Chatham and Cumberland to Campbelton.

The Bill for regulating the Town of Hertford.

The Bill to continue an Act Intituled an Act to prevent hunting for and killing Deer in the manner therein mentioned.

The Bill to continue an Act Intituled an Act for appointing an Agent to solicit the affairs of this Province at the several Boards in England. Endorsed, In the upper House 25th February 1773. Read the first time and passed.

The Bill directing the punishment of those persons who shall forge or counterfeit the gold and silver coin circulating in this Prov-

ince, and of those who shall utter the same or any false or counterfeit Debenture Bills in similitude of those emitted in the years 1768 and 1771. Endorsed, In the upper House, 15th February 1773. Read the second time and passed.

Mr Hewes moved for leave to present a Bill to Impower the Executors of Jno. McKillo late Sheriff of Tyrrell County to collect the arrears of taxes due for the said County in the years therein mentioned.

Ordered he have leave accordingly.

Mr Hewes presented the said 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 Benbury and Mr Oldham.

On motion ordered the Bill for granting a Bounty on the Exportation of pot and pearl ash be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Lane and Mr R. Ormond.

Mr Williamson presented a petition from sundry of the Freeholders of Currituck County praying a Law may pass for building a bridge over Tull's Creek and repairing the causeway thereunto adjoining.

Ordered that Mr Williamson have leave to present a Bill pursuant to the prayer of the said Petition.

Mr Williamson presented the said 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 Lane and Mr R. Ormond.

Mr Benbury presented a certificate from the Inferior Court of Chowan County therein recommending Thomas Muns to be exempted from the payment of Public taxes and doing public duties. Granted.

Rec^d from the Council the following Bills, towit,

The Bill to prevent making hedges across great Contentnea Creek.

The Bill to restrain the fishery for a certain season in each year in the several places therein mentioned.

The Bill for establishing the court house in the Town of Charlotte in Mecklenburg County and other purposes.

The additional Bill to an Act for erecting a court house and prison for the District of Edenton.

Endorsed, In the upper House 15th February 1773. Read the second time and passed. Also,

The Bill for the relief of insolvent debtors with respect to the

Imprisonment of their persons. Endorsed, In the upper House 15th February 1773. Read the second time, amended and passed.

Rec^d at the same time two resolves of this House the one for allowing Elizabeth Strange the sum of fifteen pounds; the other for the continuing the Garrison of Fort Johnston twelve months &c^a. Endorsed, In the upper House 15th February 1773. Concurred with.

JAMES HASELL, P. C.

Ordered the following Message be sent to His Excellency the Governor Viz^t,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

We herewith send your Excellency a resolve of this House for allowing Elizabeth Strange whose Husband was wounded in the late Expedition against the Insurgents and since drowned the sum of Fifteen pounds.

Also a resolve of this House for continuing the Garrison of Fort Johnston in his Majesty's service twelve months and from thence to the end of the next session of Assembly which hath been concurred with by His Majesty's Honble Council, and request your Excellencys assent thereto.

JOHN HARVEY Speaker.

Sent by Mr Knox and Mr Benbury.

Rec^d at the Council the following Bills, Viz^t

The Bill to prevent burning the woods at unseasonable times of the year in the several Counties therein mentioned.

The Bill for granting a Bounty on the Exportation of pot and pearl ash.

The Bill to prevent the wilful and malicious killing of slaves.

The Bill to continue an Act intituled an Act to direct Sheriffs in levying Executions and the disposal of Lands, Goods and Chattels taken thereon.

The Bill for annexing the North part of Rowan to the County of Surry &c^a.

The Bill to prevent the crime of horse stealing.

The Bill to encourage the destroying vermin in the several Counties therein mentioned.

Endorsed, In the upper House 15th February 1773. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill for regulating the Town of Hertford 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 by Mr B. Harvey and Mr Williams.

Mr Neale moved for leave to present an Additional Bill to 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,

Ordered he have leave accordingly.

Mr Neale presented the said 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 Neale and Mr Coor.

On motion ordered the Bill to regulate the attendance of the minister of Christ Church parish at the Parish Church in the Town of New Bern, and at the several chapels in the said parish be read the third time. Read the same a third time passed and ordered to be sent to the Council.

Sent by Mr Neale and Mr Coor.

Then the House adjourned till tomorrow morning 10 o'clock.

Tuesday 16th February 1773.

The House met according to adjournment.

Received from His Excellency the Governor the following message, Viz^t

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the resolve of your House dated 5th Instant for allowing James Ransom Junr. the sum of ten pounds with my assent thereto.

JO. MARTIN.

New Bern February 16th 1773.

Also the resolve referred to in the above Message. Endorsed Assented to.

JO. MARTIN.

On motion ordered the Bill for establishing the court house in the Town of Charlotte in Mecklenburg County and other purposes be read the third time. Read the same a third time passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Davidson.

On motion ordered the Additional Bill to an Act Intituled an Act to prevent the exportation of unmerchutable commodities be read

the second time. Read the same a second time amended passed and ordered to be sent to the Council.

Sent by Mr Coor and Mr R. Ormond.

On motion ordered the Bill for erecting part of the Counties of Halifax and Tyrrill into one distinct County and Parish and for other purposes therein mentioned be read the third time. Read the same a third time amended, passed, and ordered to be sent to the Council.

Sent by Mr Stewart and Mr Frazier.

On motion ordered the Bill to restrain the fishery for a certain season in each year in several places therein mentioned be read the third time. Read the same a third time and rejected.

On motion ordered the Bill to prevent making hedges across Great Contentnea Creek, Little River, of P. D., Rocky River and Uahra River be read the third time. Read the same a third time amended, passed and ordered to be sent to the Council.

Sent by Mr Blackburn and Mr Coor

On motion ordered the Bill to continue an Act Intitled, an Act to prevent hunting for and killing Deer in the manner therein mentioned be read the second time. Read the same a second time and rejected.

On motion ordered the Bill to annex part of Carteret to Onslow County be read the second time. Read the same a second time and rejected.

On motion ordered the Bill for establishing the westward part of Rowan County into a separate and distinct county and Parish by the name of ----- County and ----- Parish to be read the second time. Read the same a second time and rejected.

Then the House adjourned till tomorrow morning 10 o'clock.

Wednesday 17th February 1773.

The House met according to adjournment

Mr Montgomery moved for leave to present a Bill to amend an Act for the regulation of the Town of Salisbury, securing the Inhabitants in their possessions and to encourage the settlement of the said Town.

Ordered he have leave accordingly.

Mr Montgomery presented the said 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 Montgomery and Mr Davison.

On motion ordered the Bill to amend an Act for encouraging the building of Public Mills and directing the duty of millers be read the second time. Read the same a second time and rejected.

On motion ordered the Bill directing the punishment of those persons who shall Counterfeit the gold and silver coin circulating in this Province, and of those who shall utter the same, or any false or counterfeit Debuture Bills in similitude of those emitted in the years 1768 and 1771, be read the third time. Read the same a third time amended passed and ordered to be sent to the Council.

Sent by Mr Nash and Mr Hines.

Rec^d from His Excellency the Governor the following Message to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send herewith a petition of the Reverend Mr Theodorus Swaine Drage late Rector of St. Lukes Parish in the County of Rowan whose peculiar hard circumstances will I hope recommend him to your benevolence.

JO. MARTIN.

New Bern, 17th February 1773.

Rec^d at the same time the petition referred to in the above Message, Ordered the same be taken into consideration on Friday next.

Rec^d from the Council the following Bills Viz^t,

The Bill to empower the Executors of John M^cKildo late Sheriff of Tyrrel to collect the arrears of Taxes due from the said County in the years therein mentioned.

The Bill to amend the staple of Tobacco and prevent Frauds in his Majesty's customs.

The Bill for building a bridge over Tulls Creek and repairing the causeway thereunto adjoining.

The additional Bill to an Act Intituled an Act for amending an Act for the better regulation of the Town of New Bern &c^a. Endorsed, In the upper House 17th of February 1773, read the first time and passed.

The Bill for regulating the Town of Hertford. Endorsed, In the upper House, 17th February 1773. Read the second time, amended and passed, and

The Bill to regulate the attendance of the Minister of Christ Church Parish at the Parish Church in the Town of New Bern and

at the several Chapels in the said Parish. Endorsed, In the upper House 17th February 1773. Read the third time and passed. Ordered to be engrossed.

The bill for appointing public Treasurers and directing their duty in office. Endorsed, In the upper House 17th February 1773. Read the first time and passed,

The Bill for establishing the court house in the Town of Charlotte in Mecklenburg County and other purposes,

The Bill to prevent making hedges across Great Contentnea Creek, Little River of P. D., Rokey River and Uahra River

The Bill directing the punishment of those persons who shall counterfeit the gold and silver coin circulating in this Province and of those who shall utter the same or any false or Counterfeit Deben-ture Bills in similitude of those emitted in the years 1768, and 1771.

Endorsed In the upper House 17th February 1773. Read the third time and passed. Ordered to be engrossed.

Mr Howe from the Committee to consider the petition of John Nuckols together with their opinion of the methods necessary for the province to take for remedying the evil consequences arisen to this Province from the dispute concerning the boundary Line Betwixt North and South Carolina, reported as follows, Viz^t.

The Committee having taken into consideration the petition of John Nuckols, finds that the facts contained therein are true and being apprehensive that the public will be sufferers by the difficulty that must issue in collecting the Arrears of Taxes due from the Inhabitants belonging to this Colony before the alteration of the boundary line between North and South Carolina, recommend that the House address His Excellency the Governor, requesting him to write to the Governor of South Carolina desiring him to recommend to the Assembly of that Province the passing of an Act empowering the Collectors of Public taxes of this Colony to Levy and collect the Taxes due from the Inhabitants of this Province before the alteration of the said line. It is also our opinion that John Nuckols being an officer of this Colony, and having suffered in its service is intitled to the allowance he claims from the Public for the injuries he has sustained

The House taking the same under consideration resolved that the House do not concur with the said reports.

A Claim upon the public for one hundred and seventy two pounds ten shillings being presented to the House in behalf of Thomas Polk

for services said to be done this Colony as surveyor in running the dividing line between North and South Carolina, the House having taken the same into consideration,

Resolved, That as the last Assembly so fully exprest the sense they had of the injury that would accrue to this Colony, should the Line then proposed to be run, be carried into execution, and as this House are actuated by the same sentiments they cannot by any means consider any persons employed in that service as the servants of this Community and consequently cannot think them Intitled to any allowance from this Colony for lending aid to execute a measure so detrimental to its interest.

On motion ordered the Bill for dividing the Province into six several districts and for establishing a Superior Court of Justice in each of the said Districts, and for establishing Inferior Courts of pleas and quarter sessions in the several Counties in this Province and regulating the proceedings therein be read the second [third] time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Gray and Mr W. Ormond.

Then the House adjourned till tomorrow morning 10 o'clock.

Thursday 18th February 1773.

The House met according to adjournment

Mr B. McCulloch moved for leave to present a Bill for repairing the gaol for the District of Halifax in the Town of Halifax.

Ordered he have leave accordingly.

Mr B. McCulloch presented the said 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 Gray and Mr W. Ormond.

Mr McRee moved for leave to present a Bill for laying out and establishing a public road from Charlotte Town in Mecklenburg County to Bladen Court House.

Ordered he have leave accordingly.

Mr McRee presented the said 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 Gray and Mr W. Ormond.

Mr Robinson moved for leave to present a Bill to prevent hunting with a gun in the night by fire light.

Ordered he have leave accordingly.

Mr Robinson presented the said 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.

Mr Lane moved for leave to present a Bill to impower the Inferior Courts of the several counties within this Province to lay a tax to defray the expence of their respective Members attending the General Assembly.

Ordered he have leave accordingly.

Mr Lane presented the said 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 Robinson and Mr Lane.

Mr Sam^l Smith presented a petition from sundry Inhabitants of Hyde County praying a Law may pass for building a court house, prison and stocks at Slades Creek in Hyde County, and removing the Court from Woodstock thereto.

Ordered that Mr Smith have leave to present a Bill pursuant to the prayer of the said petition.

Mr Sam^l Smith presented the said 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 Robinson. and Mr Lane.

Mr Jarvis moved for leave to present a Bill to amend an Act Intituled an Act for Regulating the several officers fees therein mentioned and ascertaining the method of paying the same.

Ordered he have leave accordingly.

Mr Jarvis presented the said 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 Robinson and Mr Lane.

Mr Harnett from the Committee of public accounts reported that the Southern Treasurer had paid into the Committee on Account of the Sinking fund seven thousand four hundred and forty eight pounds eighteen shillings and two pence; and the Treasurer of the Northern District the sum of three thousand and sixty five pounds and five pence on the same fund.

On motion ordered the following message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

The Chairman of the Committee of Public accounts having reported that the Southern Treasurer hath paid into the Committee on account of the Sinking fund seven thousand four hundred and forty eight pounds eighteen shillings and two pence, and the Treasurer of the Northern District the sum of three thousand and sixty five pounds and five pence on the same fund.

The House have appointed a Committee of the whole House to see the said two sums amounting in the whole to ten thousand five hundred and thirteen pounds eighteen shillings and seven pence burnt at the House of Thomas Sitgreaves in New Bern at one o'clock this afternoon, in conjunction with such of your Honors as you shall think fit to appoint.

JOHN HARVEY, Sp.

Sent by Mr T. Person and Mr Coor.

Rec^d from the Council the following Bills, to wit,

The Bill to amend an Act Intituled an Act for regulating the several officers fees therein mentioned, and ascertaining the method of paying the same.

The Bill to prevent hunting with a gun in the night by fire light.

The Bill for repairing or rebuilding the gaol for the district of Halifax in the Town of Halifax.

The Bill to impower the Inferior Courts of the several Counties within this Province to lay a Tax to defray the expence of their respective members in attending the General Assembly.

The Bill for laying out and establishing a public road from Charlotte Town in Mecklenburg County to Bladen Court House.

The Bill for building a court house prison and stocks at Slades Creek in Hyde County and removing the Court House from Woodstock thereto, Endorsed, In the upper House, 18th February 1773. Read the first time and passed.

Mr Martin from the Committee &c^a moved for leave to present a Bill to regulate and ascertain the fees of the Clerks of the pleas and crown in the Superior and Inferior Courts in this Colony directing the method for paying the same and for taxing Law Suits.

Ordered he have leave accordingly.

Mr Martin presented the said Bill which he read in his place and delivered in at the Table where the same was again read and ordered to be sent to the Council.

Sent by Mr Kimbrough and Mr Latham.

Mr Macknight moved for leave to present a Bill for vesting in certain persons therein named two acres of land at the Indian Town in Currituck County as Trustees for erecting a Chapel thereon and for inclosing a burying ground.

Ordered he have leave accordingly.

Mr Macknight presented the said 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 Kimbrough and Mr Latham.

Mr Martin moved for leave to present a Bill to enable the several Inferior Courts in this Province to lay a tax to defray the expence of Negroes convicted capitally in their respective Counties.

Ordered he have leave accordingly.

Mr Martin presented the said 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 Martin and Mr Kimbrough.

Mr Hewes presented a claim whereby it appears to this House by the Testimony of indifferent and disinterested persons that three hundred and eighty seven pounds proc. Bill money of this Province the property of Robert Sinclear and Daniel Stiles of New York, Merchants was lost and destroyed on board the Sloop *Jenny*, James Thomas, Master at Ocacoke Bar in a violent gale of wind on the first day of September last when the said vessel was cast away and entirely lost, and most of the seamen and mariners drowned.

Resolved, That the Treasurers or either of them pay to the said Robert Sinclear and Daniel Stiles or such person as they have or may impower to receive the same the sum of three hundred and eighty seven pounds out of the Sinking fund and be allowed in their Accounts with the Public, and that the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a resolve of this House for allowing Robert Sinclear and Daniel Stiles or such persons as they have or may impower to receive the same the sum or three hundred and eighty seven pounds out of the sinking fund, and desire your Honors Concurrence thereto.

JOHN HARVEY Speaker.

Sent by Mr Hewes and Mr Macknight.

On motion ordered the Bill to impower the Executors of John M^cKildo late Sheriff of Tyrrel to collect the arrears of Taxes due for the said County in the years therein mentioned be read the second time. Read the same a second time amended passed and ordered to be sent to the Council.

Sent by Mr Benbury and Mr Oldham.

On motion ordered the Bill for laying out a public road from Dann River through the counties of Chatham, Guilford and Cumberland to Campbellton, and for a public road from the shallow ford in Surry County to join the same be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Martin and Mr Kimbrough.

Resolved that no Bill shall be received by this House after Monday next during this Session.

Rec^d from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

This House have appointed the Honble John Rutherford and William Dry Esquires a Committee of this House to join your Committee to see the sum of Ten thousand five hundred and thirteen pounds eighteen shillings and seven pence paid on the Sinking fund burnt at the place and time you mention. Endorsed, In the upper House 18th February 1773.

Then the House adjourned till tomorrow morning 10 o'clock.

Friday 19th February 1773.

The House met according to adjournment.

Mr W. Ormond moved for leave to present a Bill for building a gaol in Beaufort County.

Ordered he have leave accordingly.

Mr Ormond presented the said 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 Respass and Mr W. Ormond.

Mr Respass moved for leave to absent himself from the service of this House till Monday next.

Mr W. Ormond moved for leave to absent himself from the service of this House.

Ordered they have leave accordingly.

Mr W. Ormond moved for leave to present a Bill to amend and continue an Act passed in the General Assembly of this Province at New Bern the fifth day of December in the year of our Lord 1768, Intituled an Act for dividing this Province into six several Districts, and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein, and for providing adequate Salaries for the Chief Justice, and the Associate Justices of the said Superior Courts.

Ordered he have leave accordingly.

Mr W. Ormond presented the said 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 Respass and Mr W. Ormond.

On motion Ordered the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House send you a resolve thereof for allowing Hunt and Bryan ninety six pounds four shillings and four pence, Robert Lanier the sum of fifty eight pounds eight shillings and eight pence, and William Few the sum of thirty seven pounds ten shillings for expenses incurred in the late Expedition, and desire your Honors Concurrence thereto.

JOHN HARVEY, Sp.

Sent by Mr Hewes and Mr Macknight.

On motion ordered the Bill for building a court house and prison and stocks at Slades Creek in Hyde County and removing the court house from Woodstock thereto, be read the second time. Read the same a second time and rejected.

Rec^d from the Council the Bill for erecting part of the Counties of Halifax and Tyrrel into one distinct County and Parish and for other purposes therein mentioned. Endorsed, In the upper House 19th February 1773. Read the third time and passed. Ordered to be engrossed.

Mr Harnett moved for leave to present a Bill to alter the method of working upon the public roads in the County of New Hanover.

Ordered he have leave accordingly.

Mr Harnett presented the said Bill which he read in his place and

delivered in at the Table where the same was again read and passed.

Sent by Mr Slade and Mr B. McCulloch.

Rec^d from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Upon reading the third time the Bill for dividing the province into six several Districts &c^a This House propose the following amendments Viz^t.

Then the District of Hillsborough be abolished, and that a District at Campbellton be erected in its stead to be held on the same day as mentioned in the Bill for Hillsborough for the Counties of Cumberland, Chatham, Anson, Guilford, and Wake, and that the Counties of Orange and Granville be added to Halifax District and Cumberland taken out of New Hanover District.

That in all cases of original Attachments against persons residing in Europe the Court to which the same is brought shall continue it twelve months, and if the defendants appear, plead and put in bail within that time, in such case his Estate may be liberated, and the garnishee discharged.

That the Justices of the Quorum shall constitute and be sole Judges of the Inferior Court of common pleas. That the said Justices of the *quorum* together with all the others named in the commission shall constitute the Court of general and quarter sessions of the peace. That two days in each Term be set apart by the Justices of the *quorum* for the tryal of pleas of the Crown and other Business of the quarter session.

That the clauses relating to the Clerk of the pleas shall run thus, "And be it further enacted by the authority aforesaid that the Clerk of the pleas for the time being shall nominate and appoint skilful and discreet persons to serve as Clerks for the several counties hereby established and each of the said Clerks shall give bond to the Justice of their respective Courts, with two sufficient securities in the penalty of one hundred pounds for the safe keeping the records and the faithful discharge of his duty in his said office, which said bond shall be recorded and lodged in the Secretary's office, and in case of a breach of the condition thereof, may be put in suit for the benefit of, and at the proper costs and charges of the party or parties injured and shall not become void upon the first recovery, if judgment be

given against the said Justices, but may from time to time be put in suit by action of debt *Scire Facias* until the whole penalty shall be recovered, and when any judgment shall be obtained upon such bond the damages assessed shall by order of the Court be paid to the person or persons injured.

And be it further enacted by the authority aforesaid that nothing herein contained shall be construed to lessen or take away the power of the Justices of the said Courts over the Clerks thereof, any thing herein contained to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid that the Clerk of the pleas for the time being shall not expect or take any gratuity, gift, fee or reward in consideration of his appointing any person to the office of Clerk of the Inferior Court of pleas and quarter sessions under pain of forfeiting five hundred pounds sterling money of Great Britain to be recovered by action of debt, bill, plaint or information, and to be applied one half for the benefit of the Informer and the other half to defray the contingent charges of Government, and the person so appointed shall be rendered incapable of holding the said office, Provided nevertheless that the said Clerk of the pleas may reserve a reasonable proportion of the profits and emoluments of the said office. If your House approve of these amendments be pleased to send two of your members to see that the said Bill be altered and amended accordingly.

In the upper House 19th February 1773.

Ordered the same be taken into consideration tomorrow morning. Rec^d from the Council the following Bills, to wit,

The Bill for laying out a public road from Dann River through the Counties of Guilford, Chatham and Cumberland to Campbelton and for a public road from the Shallow Ford in Surry County to join the same.

The Bill to enable the several Inferior Courts in this Province to lay a tax to defray the expence of negroes convicted capitally in their respective counties.

The Bill for vesting in certain persons therein named, two acres of Land at the Indian Town in Currituck County as Trustees for erecting a Chapel thereon, and for inclosing a burying ground.

Endorsed, In the upper House 19th February 1773. Read the first time and passed.

The Bill to regulate and Ascertain the fees of the Clerks of the

pleas and Crown in the Superior and Inferior Courts in this Colony, directing the method of paying the same, and for taxing Law Suits. Endorsed, In the upper House 19th February, 1773. Read the first time, amended and passed. And,

The Bill to impower the Executors of John McKildo late Sheriff of of Tyrril to collect the arrears of Taxes due for the said County in the years therein mentioned. Endorsed, In the upper House 19th February 1773. Read the second time and passed.

On motion ordered the Bill for appointing Public Treasurers and directing their duty in 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 Gray and Mr Lewis.

On motion ordered Mr R. Ormond have leave to absent himself from the service of this House. Granted.

The order of the day being read ordered the same to be deferred 'till tomorrow morning.

On motion ordered the Bill for regulating the Town of Hertford and 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 Harvey and Mr Williams.

On motion ordered the Bill for allowing a Salary to the Speaker of the House of Assembly be read the second time. Read the same a second time amended passed and ordered to be sent to the Council.

Sent by Mr B. Harvey and Mr Williams.

The House being informed that ----- Sheriff of Bertie County hath neglected to send to the Clerk of the Crown the Writ for electing the Members for the said County.

On motion ordered the Speaker issue his warrant to the Sergeant at Arms to bring the said Sheriff to the Bar of this House, towit,

Whereas complaint hath been made to this House that ----- Sheriff of the county of Bertie hath neglected to return to the Clerk of the Crown the Writ of Election for electing the Members for the said County according to Law, whereby they are deprived of a seat in the General Assembly, for want of the due return thereof. These are therefore to Authorize, impower and command you to take the said ----- into your Custody and him safely keep so that you bring him before this House to answer for the above complaint, and

for your so doing this shall be your sufficient Warrant. Given under my hand this 19th day of February 1773.

JOHN HARVEY Speaker

Then the House adjourned till tomorrow morning 10^o Clock

Saturday 20th February 1773.

The House met according to adjournment.

Mr Caswell moved for leave to present a Bill to prevent malignant and infectious distempers being spread by shipping importing distempered persons into this Province.

Ordered he have leave accordingly.

Mr Caswell presented the said 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 Caswell and Mr Gray.

Mr Hatch moved for leave to present a Bill to empower the commissioners therein named to build a bridge over Trent River on the main road leading from New Bern to Wilmington.

Ordered he have leave accordingly.

Mr Hatch presented the said 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 Hatch and Mr Coor.

On motion ordered the Bill to prevent hunting with a gun in the night by fire light, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Hatch and Mr Coor.

Mr Coor presented a petition from sundry Inhabitants of Craven County praying a Law may pass for rendering the navigation of Trent river more useful and advantageous.

Ordered Mr Coor have leave to present a Bill pursuant to the prayer of the said petition.

Mr Coor presented the said 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 Kenan and Mr Starkey.

On motion ordered the Bill for laying out and establishing a public road from Charlotte Town in Mecklenburg County to Bladen

Court House be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Robinson and Mr McRee.

On motion ordered Mr Picket have leave to absent himself from the service of this House.

Mr Gray moved for leave to present a Bill to repeal part of an Act therein mentioned.

Ordered he have leave accordingly.

Mr Gray presented the said 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 F Campbell and Mr Rutherford.

Rec^d from the Council the following Bills, to wit,

The Bill to amend and continue an Act passed in the General Assembly of this Province at New Bern &c^a, Intituled an Act for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein, and for providing adequate Salaries for the Chief Justice and the Associate Justices of the said Superior Courts, Endorsed, In the upper House, 20th February 1773. Read the first time amended and passed.

The Bill to empower the commissioners therein mentioned to build a bridge over Trent River on the main road leading from New Bern to Wilmington.

The Bill for rendering the navigation of Trent River more useful and advantageous.

The Bill to alter the method of working upon the public roads in the County of New Hanover.

The Bill to prevent Malignant and infectious distempers being spread by shipping importing, distempered persons into this Province.

The Bill for building a gaol in Beaufort County. Endorsed, in the upper House 20th of February. Read the first time and passed.

The Bill to prevent hunting with a gun in the night by fire light.

The Bill for allowing a Salary to the President of the Council and the Speaker of the House of Assembly. Endorsed, In the upper house, 20th February 1773. Read the second time amended and passed.

The Bill for laying out and establishing a public road from Charlotte Town in Mecklenburg County to Bladen Court House.

Endorsed, In the upper House 20th February 1773. Read the second time and passed.

The Bill for regulating the Town of Hertford and other purposes. Endorsed, In the upper House 20th February 1773. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill directing the boundary line between the counties of Perquimans and Chowan, and appointing Commissioners to see the same run, be read the second time. Read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr Benbury and Mr B. Harvey.

Mr Rutherford moved for leave to present a Bill to continue an Act for the more speedy recovery of all debts and demands under five pounds proc money within this Province.

Ordered he have leave accordingly.

Mr Rutherford presented the said 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 Rutherford and Mr W. Person.

The order of the day being read for taking under consideration His Excellencys Message regarding the petition of the Rev^d Mr Drage, The House took the same under their consideration and ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a,

SIR,

In consequence of your Excellency's Message respecting the petition of the Reverend Theodorus Swaine Drage, The House have taken the same under consideration and are of opinion that the Laws of the Province now in force are sufficient to remove the grievances complained of.

JOHN HARVEY, Sp.

Sent by Mr Rutherford and Mr Lock.

Rec^d from the Council the resolve of this House in favour of Sinclair and Stiles of New York, and in favour of Hunt and Bryan, Robert Lanier, and William Few.

Endorsed, In the upper House 20th February 1773. Concurred with.

JAS. HASELL, P. C.

On motion ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN, GOVERNOR &c^a,

SIR,

We herewith send your Excellency Resolves of this House for allowing Robert Sinclair and Daniel Stiles of New York the sum of three hundred and eighty pounds, for so much money destroyed on Board the Sloop *Jenny*, James Thomas Master, and Hunt and Bryan, ninety six pounds four shillings and four pence, Robert Lanier fifty eight pounds eight shillings and eight pence, and William Few thirty seven pounds ten shillings, it being for so much furnished the Troops on the late Expedition. Concurred with by his Majesty's Honorable Council and request your Excellencys assent thereto.

JOHN HARVEY Speaker,

Rec^d from the Council the Bill to repeal part of an Act therein mentioned. Endorsed, In the upper House, 20th February 1773. Read the first time and passed.

The Bill directing the boundary line between the Counties of Perquimans and Chowan and appointing Commissioners to see the same run. Endorsed, In the upper House 20th February 1773. Read the third time and passed. Ordered to be engrossed.

On motion ordered Mr Blackburn and Mr John Smith have leave to absent themselves from the service of this House.

Rec^d from His Excellency the Governor the following Message, together with the Resolves, therein mentioned Viz^t.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the resolves of your House for continuing the establishment of Fort Johnston, and for allowing fifteen pounds to Elizabeth Strange concurred in by his Majesty's Council with my assent thereto.

JO. MARTIN.

New Bern February 20th 1773.

On motion ordered the Bill to amend and continue an Act passed in the General Assembly of this Province at New Bern &c^a Intitled an Act for dividing this Province into six 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.

Sent by Mr Neale and Mr Jarvis.

On motion ordered the additional Bill to an Act for Erecting a Court House and prison for the use of the District of Edenton be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council

Sent by Mr Neale and Mr Jarvis.

On motion ordered the Bill for vesting in certain persons therein named two acres of Land at the Indian Town in Currituck County as Trustees for erecting a Chapel thereon and for inclosing a burying ground be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Williamson and Mr Jarvis

On motion ordered the Bill for building a bridge over Tulls Creek and repairing the causeway thereunto adjoining be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council

Sent by Mr Williamson and Mr Jarvis

On motion ordered the Bill to empower the Executors of John McKildo, late Sheriff of Tyrrel to collect the Arrears of Taxes due for the said County in the years therein mentioned, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council

Sent by Mr Williamson and Mr. Jarvis.

On motion ordered the Bill for directing the method of appointing Jurors in all causes civil and criminal be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council

Sent by Mr Thomas Person and Mr Haywood.

The order of the day being read for taking under consideration the Message from the Council respecting the court bills, Ordered the same be referred 'till Monday next

Then the House adjourned till Monday morning 10 o'clock.

Monday 22nd February 1773.

The House met according to adjournment

On motion ordered the Bill to amend the staple of Tobacco and prevent frauds in his Majesty's customs be read the second time.

Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Mr M'Culloch and Mr Kenan.

Mr Martin moved for leave to present a Bill to amend an Act intituled an Act for settling the bounds of Lands.

Ordered he have leave accordingly.

Mr Martin presented the said 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 Frazier and Mr Latham.

Mr Neale presented a petition from the Inhabitants of that part of Hyde County called Matamuskeet, praying a Law may pass for cutting a navigable canal from Matamuskeet Lake to the head of Wesokin Creek in Hyde County.

Ordered he have leave to prepare and bring in a Bill pursuant to the prayer of the said petition.

Mr Neale presented the said 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 Frazier and Mr Latham.

Mr Nash moved for leave to present a Bill to amend an Act for the regulation of the town of Hillsborough.

Ordered he have leave accordingly.

Mr Nash presented the said 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 Nash and Mr Evans.

Mr Coor moved for leave to present a Bill to repeal an Act therein mentioned.

Ordered he have leave accordingly.

Mr Coor presented the said Bill which he read in his place and delivered in at the Table where the same was again read and Rejected.

On motion ordered the Bill for laying out and establishing a public road from Charlotte Town in Mecklenburg County to Bladen Court House, be read the third time. Read the same a third time, amended, passed and sent to the Council by Mr M'Ree and Mr Robinson.

Rec^d from the Council the Bill to impower the Executors of John M'Kildo late Sheriff of Tyrril to collect the arrears of Taxes due for the said County in the years therein mentioned, and,

The Additional Bill intitled an Act for erecting a Court House and prison for the use of the District of Edenton.

Endorsed, In the upper House 20th February 1773: Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill for repairing or rebuilding the gaol for the District of Halifax in the Town of Halifax, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Alston and Mr McCulloch.

Mr Howe moved for leave to present a Bill to continue an Act Intitled an Act to alter the method of working upon the roads in the county therein mentioned.

Ordered to have leave accordingly

Mr Howe presented the said 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 Davis and Mr Moore.

Rec^d from the Council the following Bills, Viz^t

The Bill for directing the method of appointing Jurors in all Causes, Civil and Criminal.

The Bill for building a bridge over Tulls Creek and repairing the causeway thereunto Adjoining.

Endorsed, In the upper House 22^d February 1773. Read the second time and passed.

The Bill for vesting in certain persons therein named, two Acres of Land in the Indian Town in Currituck County as Trustees for erecting a Chapel thereon and for inclosing a burying ground. In the upper House 22^d February, 1773. Read the second time, amended and passed.

The Bill to continue an Act for the more speedy recovery of all debts and demands under five pounds proclamation money within this Province.

The Bill to amend an Act Intitled an Act for the regulation of the Town of Hillsborough. Endorsed, In the upper House, 22^d February, 1773. Read the first time and passed.

The Bill to amend and continue an Act passed in the General Assembly of this Province at New Bern &c^a, Intitled an Act for dividing this Province into six several Districts, and for establishing a Superior Court of Justice &c^a and regulating the proceedings therein and for providing adequate salaries for the Chief Justice

and the Associate Justices of the said Superior Courts Endorsed in the upper House 20th February 1773. Read the first time, amended and passed.

The order of the day being read for taking into consideration the message from the Council regarding the Court Bills, took the same under their consideration, and ordered the following message be sent to the Council, Viz,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your message of the 19th Instant with respect to the Bill for dividing the province into six several Districts &c. We agree that the amendment proposed by you as to the attachment of the effects of persons residing in Europe shall be inserted in the Bill, and as to every other part of your message we cannot agree. With that amendment we have the fullest confidence you will pass the Bill upon which the peace and happiness of this Province essentially depends, to which if you agree we will send two of our members to see the amendments inserted in the Bill.

JOHN HARVEY, Speaker.

Sent by Mr Gray and Mr Benbury.

Mr Howe moved for leave to present a Bill for establishing Triennial Assemblies.

Ordered he have leave accordingly.

Mr Howe presented the said 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 B. Harvey and Mr Thomson.

Mr Macknight moved for leave to present a Bill to establish Inferior Courts of pleas and quarter sessions in the several Counties in this Province.

Ordered he have leave accordingly.

Mr Macknight presented the said 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 Hines and Mr W. Person.

Mr Hooper according to order presented the Bill for regulating the Borough of Campbelton and erecting the public buildings therein 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 Montgomery and Mr M^cAlister.

Mr Montgomery moved for leave to present a Bill to continue the Tax imposed by an Act Intitled an Act for Building a Court House in the Town of Salisbury for the District of Salisbury.

Ordered he have leave accordingly.

Mr Montgomery presented the said 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 Montgomery and Mr M^cAllister.

On motion ordered the Bill to amend and continue an Act passed in the General Assembly of this Province &c^a, Intitled an Act dividing this Province into six 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 by Mr M^cNair and Mr Martin.

On motion ordered the Bill for the relief of insolvent debtors with respect 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.

Sent by Mr Tho^s Person and Mr Jarvis.

Rec^d from the Council the following Bills, Viz^t,

The Bill to establish Inferior Courts of pleas and quarter sessions in the several Counties in this Province.

The Bill to amend an Act Intitled an Act for settling the bounds of Lands.

The Bill for cutting a navigable Canal from Mattamuskeet Lake to the head of Wesokin Creek in Hyde County. Endorsed, In the upper House 22^d February 1773. Read the first time and passed.

The Bill for repairing the gaol for the District of Halifax in the Town of Halifax.

The Bill to amend the Staple of Tobacco and prevent frauds in his Majesty's Customs. Endorsed, In the upper House, 22^d February 1773. Read the second time and passed.

The Bill for laying out and establishing a public road from Charlotte Town in Mecklenburg County to Bladen Court House. Endorsed, In the upper House, 22^d February 1773. Read the third time and passed. Ordered to be Engrossed.

Mr Harnett from the Committee appointed to take under consideration sundry claims said to be incurred in the late Expedition, reported as follows Viz^t

£ s. d.

Jacob Mitchells Claim for himself and overseer two wag- gons and horses 10 days on the late Expedition-----	8	0	0
Thomas Butner for 1 rifle gun pressed in the Service----	5	0	0
Robert Simonton for 1 horse and bell-----	10	0	0
Thomas Crawford for 1 saddle and bridle pressed-----	3	6	8
Benj ^a Milner for his service in the late Expedition-----	17	13	4
John Oliphant for himself and 12 men on an Expedition to Silver Creek the Quakers Meadow and the three Creeks & order Genl Waddell-----	32	10	0
William Morrison for himself & 10 men in like service--	20	10	0
William Sherrell for himself & 10 men on the like service	27	15	0
James Lea for a gun lost in the service -----	1	10	0
Emperur Wheeler for 1 ditto-----	1	15	0
Able Gower for 1 ditto-----	1	6	8
James Sampson for 10 days pay and expences in the Expedition -----	6	5	0
Richard Brocus for 42 days pay in the late Expedition--	10	10	0
Gabriel Homes for 11 days pay in the late Expedition---	2	15	0
Walter Lindsay for the Ball ^a of his Acc ^t in the Expe- dition-----	64	18	2
William Hatch for 118 days service as steward & gunner in ditto-----	25	0	0
Samuel Paul for himself, waggon and team in ditto-----	15	0	0
Moses Martin for himself & ten mens pay & for horse hire & provisions -----	22	3	8

It is also the opinion of your Committee that the following Claims be disallowed Viz^t

£ s. d.

Thomas Thomsons Acc ^t for 1 mare pressed in the Expe- dition-----	20	0	0
Henry Sloans ditto for a horse and Saddle-----	16	0	0
Quakers between Reedy Fork and Haw River for 10 steers -----	27	15	0
Valentine Frys ditto for 3 steers & 100 lb bolted flour---	9	12	6
William Patrick ditto for 8 steers & 2 cows-----	--	--	--
Thomas Sitgreaves for guarding the baggage, Artillery and ammunition waggons on the return of the Craven Detachment-----	10	0	0

Then on motion resolved that the House do concur with the said reports, and that the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL.

We herewith send you a resolve of this House for allowing Jacob Mitchel the sum of eight pounds, Thomas Butner five pounds, Robert Simonton ten pounds, Thomas Crawford three pounds six shillings and eight pence, Benjamin Milner seventeen pounds thirteen shillings and four pence, John Oliphant for himself and twelve men thirty two pounds ten shillings, William Morrison for himself and ten men twenty pounds ten shillings, William Sherrel for himself and ten men twenty seven pounds fifteen shillings, James Lea, one pound ten shillings, Emperer Wheeler one pound fifteen shillings, Abel Gower one pound six shillings and eight pence, James Sampson six pounds five shillings, Richard Brocus ten pounds ten shillings, Gabriel Homes two pounds fifteen shillings, Walter Lindsay sixty four pounds eighteen shillings and two pence, William Hatch five pounds, Samuel Paul fifteen pounds and Moses Martin for himself and ten mens pay and for horse hire and provisions twenty two pounds three shillings and eight pence, and desire your honors concurrence thereto.

JOHN HARVEY, Speaker.

Sent by Mr Lanier and Mr S. Smith.

Then the House adjourned till tomorrow morning 10 o'clock.

Tuesday 23rd February 1773.

The House met according to adjournment

On motion ordered the Bill to prevent malignant and infectious distempers being spread by shipping importing distempered persons into 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 M^cAlister and Mr Benbury.

On motion ordered the Bill to repeal part of 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 by Mr M^cAlister and Mr Benbury.

On motion ordered the Bill to continue an Act for the more speedy recovery of all debts and demands under five pounds proce

money 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 by Mr M^eAlister and Mr Benbury.

On motion ordered the Bill to prevent hunting with a gun in the night by fire light be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr M^eAlister and Mr Benbury.

Rec^d from the Council the Bill to continue an Act Intitled an Act to alter the method of working on the roads in the County therein mentioned, and,

The Bill for establishing triennial Assemblies.

Endorsed, In the upper House 23rd February 1773. Read the first time and passed.

On motion ordered the Bill to empower the Commissioners therein named to build a bridge over Trent river on the main road leading from New Bern to Wilmington, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Hatch and Mr Coor.

On motion ordered the Bill for laying out a road from Dan river through the Counties of Guilford, Chatham and Cumberland to Campbellton and for a public road from the Shallow Ford in Surry County to join the same, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Hatch and Mr Coor.

On motion ordered the Bill for rendering the navigation of Trent River more useful and advantageous be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Hatch and Mr Coor.

On motion ordered the Bill to amend an Act Intitled an Act for regulating the several officers fees therein mentioned and ascertaining the method of paying the same, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Jarvis and Mr Lewis.

Rec^d from the Council the Bill to amend and continue an Act passed in the General Assembly of this Province at New Bern the fifth day of December in the year of our Lord 1768, Intitled an Act for dividing the Province into six several districts and for estab-

lishing a Superior Court of Justice in each of the said districts, and regulating the proceedings therein, and for providing adequate salaries for the Chief Justice and the Associate Justice of the said Superior Courts. Endorsed in the upper House, 23rd February 1773. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to regulate and ascertain the fees of the Clerks of the pleas in the Superior and Inferior Courts in this Colony, directing the method of paying the same and for taxing Law Suits, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council

Sent by Mr Jarvis and Mr Lewis.

On motion ordered the Bill to amend the staple of Tobacco, and prevent frauds in his Majesty's Customs, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council

Sent by Mr McNair and Mr Stewart.

On motion ordered that Mr. M. Moore, Mr Howe, Mr Nash, Mr Martin and Mr Caswell be a Committee of this House to take into consideration Lord Granville's Territory in this Province, with respect to the settlement of the same, and to propose some plan to quiet the Inhabitants in their possessions, and report their opinion to the House.

On motion ordered the Bill to alter the method of working upon the public roads in the county of New Hanover 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 regulation of the Town of Hillsborough be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr McNair and Mr Hines.

On motion ordered the Bill for establishing triennial Assemblies be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Howe, Mr Harnett, Mr Caswell, Mr Campbell, Mr McNair, Mr Knox, Mr Lewis, Mr Rutherford, Mr Simpson, Mr Starkey, Mr Lanier, Mr Gray, Mr Hewes, Mr Johnson, Mr Martin, Mr B. Harvey, Mr M. Moore, Mr Davis, Mr McCulloch, Mr Benbury, Mr Thos. Person, Mr Lane, Mr Wynns and Mr Robeson.

On motion ordered the Bill to amend an Act Intituled an Act for

settling the bounds of Lands, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Latham and Mr Slade.

On motion ordered the Bill of Pardon and oblivion to the persons concerned in the late Insurrection except such persons as are therein excepted, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Martin and Mr Kimbrough.

On motion ordered Mr Lane have leave to absent himself from the service of this House during the Session.

Then the House adjourned 'till tomorrow morning 10 o'clock.

Wednesday 24th February 1773.

The House met according to adjournment.

On motion ordered the additional Bill to an Act Intituled an Act for amending 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, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Hatch and Mr Evans,

On motion the Bill for building a bridge over Tulls Creek and repairing the Causeway thereunto adjoining, be read the third time. Read the same a third time, and ordered Mr Williamson have leave to withdraw the said Bill.

On motion ordered the Bill to empower the Inferior Courts of the several Counties within this Province to lay a tax to defray the expence of their respective Members in attending the General Assembly, be read the second time. Read the same a second time and rejected.

Rec^d from the Council the following Bills, to wit.

The Bill for appointing Public Treasurers and directing their duty in office.

The Bill to amend an Act Intituled an Act for amending 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.

Endorsed, In the upper House 24th February 1773. Read the second time and passed.

The Bill of pardon and oblivion to the persons concerned in the late Insurrection except such persons as are therein excepted.

Endorsed, In the upper House 24th February 1773. Read the second time and passed.

The Bill to prevent hunting with a gun in the Night by firelight.

The Bill for laying out a public road from Dan River through the Counties of Guilford, Chatham and Cumberland to Campbelton, and for a public road from the Shallow Ford in Surry County to join the same. Endorsed, In the upper House 24th February 1773. Read the third time and passed. Ordered to be engrossed.

Mr Justice Moore moved for leave to present a Bill to amend an Act passed at New Bern in the year 1771, Intituled an Act for laying out a public road from the frontiers of this Province through the Counties of Mecklenburg, Anson and Cumberland.

Ordered he have leave accordingly.

Mr Justice Moore presented the said 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 Martin and Mr Lanier.

Rec^d from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We agree with your Answer to our Message of the 19th Instant upon the Bill for dividing the Province into six several Districts &c^a and we will pass the Bill with that amendment only which respects attachments of persons Estates who reside in Europe; we therefore desire you to send two of your members to see that amendment inserted. In the upper House 24th of February 1773.

The House taking the same under consideration ordered the following message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day relative to your passage of the Bill for dividing this province into six several districts &c^a, We send Mr Hooper and Mr Macknight to see the amendment you propose inserted in the Bill.

JOHN HARVEY Sp.

On motion ordered the Bill for preventing persons who by devise or otherwise are invested with a life Estate in any slave or slaves or other goods and chattles from doing injury to the person or persons in reversion be read the second time. Read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Shepard.

On motion ordered Mr Caswell and Mr Person wait on his Excellency the Governor and acquaint him the House have prepared a Bill to amend and continue an Act passed in the General Assembly of this Province at New Bern the fifth day of December in the year of our Lord One Thousand seven hundred and sixty eight, Intituled an Act dividing this province into six several Districts, and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein, and for providing adequate salaries for the Chief Justice, and the Associate Justices of the said Superior Courts, and desire to know when they shall wait on him to present it being returned informed the House His Excellency would receive them in an hour.

Rec^d from the Council the following message, towit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill to amend the staple of Tobacco &c^a, We propose that the inspection be confined to Tobacco exported to Great Britain only, and that the Bill be made consonant thereto.

We further purpose that the last clause in the Bill for preventing Slaves cultivating Tobacco be *deleted*, and the following clause inserted instead thereof, Viz^t "And wherea^s many mischiefs have arisen by slaves cultivating large quantities of Tobacco, Be it enacted by the Authority aforesaid, that no slave shall cultivate more than five hundred hills of Tobacco under the penalty of five pounds proclamation money to be recovered from the Master owner or overseer of such slave by Action of debt before any jurisdiction having cognizance thereof, one half to the informer, and the other half to the use of the Colony [county] where such slave shall reside" to which amendments if your House agree be pleased to send two of your members to see the same inserted in the Bill.

The House taking the same into consideration, ordered the following message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your message of this day relative to the amendments by you proposed to be inserted in the Bill to amend the Staple of Tobacco, &c^a, This House cannot agree to the amendments proposed by you, as the first clause tends to render useless the whole Bill, the

latter from its general expression tends to prohibit both master and slave from cultivating more than five hundred hills of Tobacco.

JOHN HARVEY, Speaker.

Sent by Mr Montfort and Mr M^cNair.

Rec^d from the Council the Bill for regulating the Borough of Campbellton and erecting public buildings therein be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Campbell and Mr M^cAlister.

Rec^d from his Excellency the Governor the following Message, (together with the return of the stores therein mentioned) to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

To give you the information of the state of the Magazine of Fort Johnston, I promised in my Speech, I send herewith the last return of the stores made to me by the Captain of the Fort.

New Bern February 24th 1773.

JO. MARTIN.

Rec^d from His Excellency the Governor the following Message, towit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send herewith for your consideration a petition of the pilots of Ocacock Bar, submitting it to your consideration, whether it may not be expedient to provide by Law for prevention of the grievances of which they complain. As far as it depends on me I shall take care to obviate an evil that may be productive of the worst consequences to the navigation of the several parts of this province to which Ocacock Inlet is the Key.

JO. MARTIN.

New Bern 24th February, 1773.

Mr Speaker with the House waited on His Excellency the Governor in the palace and presented him with the Bill to amend and continue an Act passed in the General Assembly of this Province at New Bern the fifth day of December in the Year of our Lord one thousand seven hundred and sixty eight, Intituled an Act for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said districts, and regulating the proceedings therein and for providing adequate salaries for the Chief Justice and the Associate Justices of the said Superior Courts, which his Excellency was pleased to reject.

Mr Caswell moved for leave to present a Bill to amend and continue an Act Intituled an Act for dividing this Province into six several districts, and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein, and for providing Adequate Salaries for the Chief Justice and the Associate Justices of the said Superior Courts.

Ordered he have leave accordingly

Mr Caswell presented the said 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 Lock and Mr Rutherford

Rec^d from the Council the following Bills, to wit,

The Bill to continue the Tax imposed by an Act Intituled an Act for building a Court House in the Town of Salisbury for the District of Salisbury. Endorsed, In the upper House 24th February 1773. Read the first time and passed

The Bill to empower the commissioners therein named to build a bridge over Trent River on the main road leading from New Bern to Wilmington,

The Bill for establishing Triennial Assemblies.

The Bill to amend an Act Intituled an Act for the regulation of the Town of Hillsborough

The Bill to amend an Act Intituled an Act for settling the Bounds of Lands.

The Bill for rendering the navigation of Trent River more useful and advantageous

The Bill to continue an Act for the more speedy recovery of all debts and demands under five pounds proc money within this Province. Endorsed, in the upper House 24th February 1773. Read the second time and passed, and,

The Bill to alter the method of working upon the public roads in the County of New Hanover. Endorsed In the Upper House 24th February 1773. Read the second time, amended and passed.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the resolve of your House of the 10th and 18th Instant for allowing certain sums of money to sundry persons therein

mentioned. Concurred in by His Majesty's Council with my assent thereto.

JO. MARTIN.

New Bern 23rd February, 1773.

Rec^d at the same time the resolves mentioned in the above Message of the 10th and 18th instant.

Endorsed, assented to.

JO. MARTIN.

On motion ordered the Bill to enable the several Inferior Courts in this Province to lay a tax to defray the expence of Negroes convicted capitally in their respective Counties, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Hooker and Mr Slade.

On motion ordered the Bill to continue an Act Intituled an Act to alter the method of working upon the roads in the County therein mentioned be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Hooker and Mr Slade.

Rec^d from the Council the resolve of this House for allowing Jacob Mitchell, Thomas Butner, Robert Simonton, Tho^s Crawford, Benjamin Milner, John Oliphant, William Morrison, James Lee, William Sharrell, Emperor Wheeler, Abel Gower, James Sampson, Richard Brocus, Gabriel Homes, Walter Lindsay, William Hatch, Samuel Paul, and Moses Martin, the sums therein mentioned.

Endorsed in the upper House, 24th February 1773. Concurred with.

JAMES HASELL, P. C.

On motion ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE CAPTAIN GENERAL GOVERNOR &C^a

SIR,

We herewith send you a resolve of this House for allowing Jacob Mitchell, Thomas Butner, Robert Simonton, Tho^s Crawford, Benj^a Milner, John Oliphant, William Morrison, James Lee, William Sharrell, Emperor Wheeler, Abel Gower, James Sampson, Richard Brocus, Gabriel Homes, Walter Lindsay, William Hatch, Samuel Paul, and Moses Martin, the several sums therein mentioned, Concurred with by his Majesty's Honble Council, and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Lanier and Mr Williams.

Then the House adjourned till tomorrow morning 10 o'clock.

Thursday 25th February 1773.

The House met according to adjournment.

On motion ordered the Bill to alter the method of working upon the public road in the county of New Hanover be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Davis and Mr Robeson.

On motion ordered the Bill for building a gaol in Beaufort 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 Hatch and Mr Coor.

On motion ordered the Bill for rendering the navigation of Trent River more useful and advantageous be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Hatch and Mr Coor.

On motion ordered the Bill to empower the commissioners therein named to build a bridge over Trent River on the main road leading from Wilmington to New Bern be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Hatch and Mr Coor.

Rec^d from the Council the following Bills, to wit,

The Bill to amend an Act Intituled an Act for the regulation of the Town of Salisbury securing the Inhabitants in their possessions and to encourage the settlement of the said Town.

The Bill to amend an Act passed at New Bern in the year 1771, Intituled an Act for laying out a public road from the frontiers of this Province through the Counties of Mecklenburg, Anson and Cumberland.

Endorsed, in the upper House 25th February 1773. Read the first time and passed.

The Bill for preventing persons who by devise or otherwise are invested with a life Estate in any slave or slaves or other goods and chattles from doing injury to the person or persons in reversion.

The Bill for regulating the Borough of Campbelton and erecting public buildings therein.

Endorsed, In the upper House 25th February 1773. Read the second time and passed.

Also the following Message,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

The House continue of opinion that the benefit of the insolvent Act should be extended to all those who are indebted in a less sum than ten pounds as well as those indebted above that sum and therefore desire if it be agreeable to your House that you would send two of your Members to see those words which confine the benefit of said Act to debtors above the sum of ten pounds *deleted*.

In the upper House 25th February 1773.

The House taking the same into consideration ordered the following Message be sent to the Council Viz^t,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message of the 25th Instant, This House agree that those words in the Bill for the relief of insolvent debtors &c^a which confine the benefit of said Act to debtors above the sum of ten pounds *deleted*, and send Mr Hooper and Mr Harnett to see the same done.

JOHN HARVEY Sp.

Received from the Council the following Bills, to-wit,

The Bill to alter the method of working upon the public roads in the County of New Hanover. Endorsed, In the upper House 25th February 1773. Read the third time and passed. Ordered to be engrossed.

The Bill to amend an Act Intituled an Act for regulating the several officers fees therein mentioned, and ascertaining the method of paying the same. Endorsed, In the upper House 25th February 1773. Read the second time and passed.

Also the following Message,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Having received your answer to our Message proposing amendments to the Bill to amend the Staple of Tobacco &c^a and maturely considered thereof, this House cannot recede from the first amendment proposed, as to the other they agree that it should extend only to slaves cultivating Tobacco for their own benefit. You will therefore be pleased if you approve thereof to send two of your Members to see the amendment made in the Bill.

In the upper House 25th February 1773.

The House taking the same in consideration ordered the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In reply to your Message to confine the inspection of Tobacco to that which shall be exported to Great Britain only, as the allowing uninspected Tobacco to be cleared outwards to any other place will leave a door open for much fraud and abuse in His Majesty's customs, and manifestly tend to depreciate that valuable Staple, We will however agree that the following clause may be added to the Bill Viz', "And whereas the immediate execution of this Act may be very inconvenient to the persons at present concerned in shipping Tobacco from the ports of Brunswick, New Bern and Bath for want of proper ware houses and inspectors at those ports, Be it enacted by the Authority aforesaid that nothing herein contained shall be construed to prohibit the Custom House officers in any of the said ports from clearing out vessels with Tobacco as usual until the first day of January next at which time this Act shall take effect in those ports anything herein contained to the contrary notwithstanding." We agree to the other part of your Message for confining Slaves in the cultivation of Tobacco, for their own use and if you will adopt the above amendment, we will send two of our Members to see the Bill altered agreeable thereto.

JOHN HARVEY, Sp.

Sent by Mr Montfort and Mr Caswell.

On motion ordered the Bill to amend and continue an Act Intituled an Act for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts, and regulating the proceedings therein and for providing Adequate Salaries for the Chief Justice, and the Associate Justices of the Superior Courts be read the second time. Read the same a second time, amended and passed and ordered to be sent to the Council.

Sent by Mr Gray and Mr Simpson.

On motion ordered the Bill to continue an Act for the more speedy recovery of all debts and demands under five pounds proc. money within this Province be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Montfort and Mr Alston.

Rec^d from the Council the following Bills, Viz',

The Bill for building a gaol in Beaufort County. Endorsed, In the upper House 25th February 1773. Read the second time, and passed.

The Bill to amend and continue an Act Intitled an Act for dividing this Province into six several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and regulating the proceedings therein, and for providing adequate salaries for the Chief Justice and the associate Justices of the said Superior Courts. Endorsed, In the upper House 25th February. Read the second time, amended, and passed, and,

The Bill for rendering the navigation of Trent River more useful and advantageous. Endorsed, In the upper House 25th February 1773. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill for Triennial Assemblies be read the third time. Read the same a third time, passed and ordered to be sent to the Council

Sent by Mr Howe, Mr Harnett, Mr Caswell, Mr F. Campbell, Mr McNair, Mr Knox, Mr Lewis, Mr Rutherford, Mr Simpson, Mr Starkey, Mr Lanier, Mr Gray, Mr Hewes, Mr Johnston, Mr Martin, Mr B. Harvey, Mr M. Moore, Mr Davis, Mr McCulloch, Mr Benbury, Mr Tho^s Person, Mr Lane, Mr Wynns, and Mr Robeson.

On motion ordered the Bill to amend an Act Intitled an Act for the regulation of the Town of Hillsborough be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Nash and Mr McNair.

On motion ordered the Bill for regulating the Borough of Campbellton and erecting public buildings therein be read the third time. Read the same a third time amended passed and ordered to be sent to the Council.

Sent by Mr Hooper and Mr Gray.

On motion ordered Mr Kenan and Mr Gray have leave to absent themselves from the service of the House after the rise thereof on Saturday next.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the resolve of your House of the 22^d Instant

for allowing certain claims of money to persons therein mentioned, concurred in by his Majesty's Council with my assent thereto.

JO. MARTIN.

Rec^d at the same time the resolve mentioned in the above message, Endorsed Assented to.

JO. MARTIN.

Rec^d from his Excellency the following message (together with the Instruction therein mentioned) to wit

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

This will accompany a copy of his Majesty's Royal instructions relative to a Law for the establishment of a post office in this Province, which I have it in command to propose to you, And I hope you will see it expedient to pass a Law conformable thereto, for the preservation of an institution of so great utility and advantage to this Colony.

JO. MARTIN.

New Bern February 23^d, 1773.

Also the following Message, to wit.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Colonel Armstrong of the County of Surry (now in this Town) having received some advice that the Indian Nations on the Frontiers of this Province are meditating Hostilities, and informed me that there is certain intelligence of violence already committed upon some of his Majesty's subjects who from his relation, I am inclined to think have been aggressors by encroaching on the Indian Territory.

I wish your House may think it proper to hear Mr Armstrong's account of the matter from himself, and if it shall appear that the Indians have any hostile intentions, that you will consider of proper measures to be taken for the security and defence of this Province.

New Bern February 25th 1773.

JO. MARTIN.

Then the House adjourned till tomorrow morning 10 o'Clock.

Friday 26th February 1773.

The House met according to adjournment.

On motion ordered the Bill to continue the tax imposed by an Act Intituled an Act for building a Court House in the Town of Salisbury

for the District of Salisbury be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Davidson and Mr Montgomery.

On motion ordered the Bill to amend an Act Intituled an Act for the regulation of the Town of Salisbury, securing the Inhabitants in their possessions and to encourage the settlement of the said Town be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Davison and Mr Montgomery.

Received from the Council the following Message, towit,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Upon reading a third time the Bill for building a bridge over Trent River, This House are of opinion that the commissioners should be impowered to get timber on the lands convenient thereto for building said bridge but not for repairs of the same at all times thereafter. If your House concur with us in this amendment, we desire you to send two of your members to see it inserted.

In the upper House 25th February 1773.

The House taking the same into consideration ordered the following Message to be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

In answer to your Message of yesterday relative to the amendment by you proposed to be inserted in the Bill for building a bridge over Trent River, This House agree thereto, and send Mr Neale and Mr Hatch to see the proposed amendments inserted in the said Bill

JOHN HARVEY Sp.

On motion ordered the Bill for cutting a navigable canal from Mattamuskeet Lake to the head of Wesokin Creek in Hyde 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 Neale and Mr Hatch.

On motion ordered the Bill for establishing a public Seminary of learning in the Western part 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 by Mr Neale and Mr Hatch.

On motion ordered Mr Blackman have leave to absent himself from the service of the House.

Rec^d from the Council the following Bills, to wit,

The Bill to continue an Act Intituled an Act to alter the method of working upon the roads in the county therein mentioned.

The Bill to continue the Tax imposed by an Act Intituled an Act for building a court house in the Town of Salisbury for the district of Salisbury.

The Bill to amend an Act Intituled an Act for the regulation of the Town of Salisbury, securing the Inhabitants in their possessions, and to encourage the settlement of the said Town. Endorsed, In the upper House, 26th February 1773. Read the second time and passed.

The Bill to continue an Act for the more speedy recovery of all debts and demands under five pounds proe money within this Province. Endorsed, In the upper House 26th February 1773. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to continue the Tax imposed by an Act Intituled an Act for building a court house in the Town of Salisbury for the district of Salisbury be read the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Montgomery.

On motion ordered the Bill to amend an Act Intituled an Act for the regulation of the Town of Salisbury securing the Inhabitants in their possessions, and to encourage the settlement of said Town be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Montgomery.

On motion ordered the Bill for building a gaol in Beaufort County be read the third time. Read the same a third time, passed and ordered to be sent to the Council,

Sent by Mr Respass and Mr Evans.

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, amended, passed and ordered to be sent to the Council

Sent by Mr Gray and Mr Hines.

On motion ordered the Bill for repairing the gaol for the district of Halifax in the town of Halifax be read the third time. Read the

same a third time, amended, passed and ordered to be sent to the Council,

Sent by Mr McCulloch and Mr Alston.

Rec^d from the Council the following Bills Viz^t,

The Bill for building a gaol in Beaufort County

The Bill to empower the Commissioners therein named to build a bridge over Trent River on the main road leading from New Bern to Wilmington.

The Bill to amend an Act Intitled an Act for the regulation of the Town of Salisbury, securing the Inhabitants in their possessions and to encourage the settlement of the said Town.

The Bill to continue the tax imposed by an Act Intitled an Act for building a Court House in the Town of Salisbury for the District of Salisbury.

The Bill for the relief of insolvent debtors with respect to the imprisonment of their persons.

Endorsed In the upper House 26th February 1773. Read the third time and passed. Ordered to be engrossed.

Also the following message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

On reading the third time the Bill for regulating the Borough of Campbelton and erecting public buildings therein, this House propose the following Amendments, Viz^t, That the Court House, Gaol, Pillory and Stocks be and remain on the public lots allotted for that purpose on the part of the Borough heretofore called Campbelton, and nowhere else, and that the clauses in the Bill having reference thereto be altered accordingly, and that the names of the commissioners in the Bill mentioned be *deled*, and the following inserted, Viz^t Alexander M^cAlister, Ferquhard Campbell, Richard Lyon, Robert Nelson and Robert Cochran, to which amendments if your House agree be pleased to send some of your members to see the same made. In the upper House 26th February 1773.

The House taking the same under consideration ordered the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your message to the Bill for regulating the Town of Campbelton, and erecting public buildings therein, wherein you

propose an alteration of the persons named as commissioners for, laying out the said Town, This House in this respect [having] nothing in contemplation but the interest of the County of Cumberland do not object to the amendment, confident that the persons proposed by you are men of integrity, and that nothing but an independant view to the public good has induced you to suggest the alteration. With respect to the second amendment proposed by you, We cannot consent that the public buildings should be erected in the place formerly called Campbellton as it is a measure in which the County of Cumberland is essentially interested, and a majority of the Inhabitants of the County have supplicated the Legislature that the public buildings may be erected in the place formerly called Cross Creek [which] by a petition now in your House will appear, and the Inhabitants of that part called Cross Creek have subscribed largely for that purpose in order to lessen the County expence, but if it is a measure which your House conceive will be more beneficial to the public that the buildings should be erected on the south side of the Creek called Cross Creek, this House consent to such an amendment.

JOHN HARVEY, Sp.

Sent by Mr Hooper and Mr Macknight.

On motion ordered the Bill to amend and continue an Act Intitled an Act for dividing this Province into six several districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein and for providing adequate Salaries for the Chief Justice and the Associate Justices of the said Superior Courts, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Lock and Mr Davidson.

On motion ordered the Bill of Pardon and oblivion to the persons concerned in the late Insurrection except such persons as are therein excepted be read the second [third] time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Martin and Mr Kimbrough.

Col^l Armstrong being called to the Bar of this House and hearing his relation of the matter respecting the violence of some Indians (as informed this House by his Excellencys Message of yesterday) and the violence appearing to have been committed on persons near the mouth of Green Briar in the Government of Vir-

ginia, the House taking the same into consideration ordered the following Message be sent to His Excellency the Governor, Viz^t

TO HIS EXCELLENCY, JOSIAH MARTIN, ESQUIRE CAPTAIN GENERAL,
GOVERNOR &c^a.

SIR,

This House agreeable to your Excellency's Message have examined Col^o Armstrong as to the facts respecting the Indians, and tho' there seems to be from his information a disposition of discontent in those people it does not appear to us of such importance as to require any immediate provision.

JOHN HARVEY Speaker.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday 27th February 1773.

The House met according to adjournment.

On motion ordered the Bill for preventing persons who by devise or otherwise are invested with a life estate in any slave or slaves, or other goods and chattels from doing injury to the person or persons in reversion be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Shepard and Mr J. Jones.

On motion ordered the Bill to amend an Act Intituled an Act for settling the bounds of Land be read the third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr Kenan and Mr W. Person.

Rec^d from the Council the following Bills, Viz^t

The Bill for establishing a Public Seminary of Learning in the Western part of this province,

The Bill to establish Inferior Courts of pleas and quarter sessions in the several Counties in this Province, Endorsed, In the upper House 27th February 1773, Read the second time amended and passed.

The Bill to prevent malignant and infectious distempers being spread by shipping importing distempered persons into this Province.

The Bill for Cutting a navigable Canal from Mattamuskeet Lake to the head of Wesokin Creek in Hyde County,

Endorsed, In the upper House 27th February 1773, Read the second time and passed,

The Bill for preventing persons who by devise are invested with a life Estate in any slave or slaves or other goods and chattles, from doing injury to the person or persons in reversion.

The Bill for repairing the gaol for the district of Halifax in the Town of Halifax.

The Bill to amend an Act Intituled an Act for the regulation of the Town of Hillsborough.

The Bill to amend an Act Intituled an Act for settling the Bounds of Lands.

Endorsed, In the upper House 27th February 1773. Read the third time and passed. Ordered to be engrossed.

Also the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On the third reading of the Bill of pardon and oblivion to the persons concerned in the late Insurrection &c^a, We observe that you have *deled* the names of James Hunter, Samuel Deviney, and Nineon Bell Hamilton, as we do not agree thereto, we propose that those names should be *stated* in the Bill, to which amendment if your House agree be pleased to send two of your Members to see the same inserted in the Bill.

The House taking the same into consideration ordered the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day for *stetting* the names of James Hunter, Samuel Deviney and Nineon Bell Hamilton in the Bill of pardon and oblivion, This House cannot agree thereto, and hope you will pass the Bill as it went from this House.

JOHN HARVEY Speaker.

Sent by Mr Montfort and Mr Caswell.

On motion ordered the Bill for appointing public Treasurers and directing their duty in office, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Montfort and Mr Caswell.

On motion ordered the Bill for allowing a Salary to the Speaker of the House of Assembly, be read the third time. Read the same a third time and rejected.

On motion ordered Mr Johnston, Mr A. Jones, Mr Wynns, and Mr

Oldham have leave to absent themselves from the service of the House.

Received from His Excellency the Governor the following message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

On representation made to me in the month of March last by many Judicious Gentlemen well wishers to this Country, that the prosecutions carrying on by the attornies of Mr Fanning against sundry persons Inhabitants thereof, for great injuries done to his property, during the late unhappy Insurrection, had a tendency to keep alive the dissensions that have recently thrown this Province into Civil commotions, I did in tender regard to the public peace and welfare, recommend it to that gentleman to withdraw his prosecutions, and rather expect reparation of his losses sustained during that time of public calamity, from the equity of the Legislature, In consequence whereof I am to inform you that Mr Fanning sacrificing his interest, and resentment to the public tranquility, with a generosity that must be remembered to his Honor, ordered immediately, all the suits brought upon this account by himself or his Attornies be discontinued and he now throws himself upon the public Justice of his Country, which I have no doubt you will dispense with just liberality. Mr Fanning estimates his losses to amount at a low computation to £1500 proclamation money.

The Justice of making public amends to a Gentleman who has renounced all Legal remedy for such injuries as he suffered, in a time of public convulsion and distress, from motives of affection to this Country, I am persuaded must strike you as forcibly as me. I shall therefore content myself with earnestly recommending his sufferings, and his generosity to your consideration

JO. MARTIN.

Ordered the said Message be taken under consideration on Monday morning next.

Then the House Adjourned till Monday Morning 10 o'Clock.

Monday 1st March 1773

The House met according to adjournment.

On motion ordered the Bill for cutting a navigable canal from Mattamuskeet Lake to the head of Wesokin Creek in Hyde County

be read the third time. Read the same a third time, passed, and ordered to be sent to the Council

Sent by Mr S. Smith and Mr Evans.

On motion ordered the Bill for establishing a public Seminary of Learning in the Western part of this Province be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Phifer and Mr Davison.

On motion ordered the additional Bill to an Act Intituled an Act for amending 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 be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Hatch and Mr Coor

On motion ordered the Bill to regulate and ascertain the fees of Clerks of pleas in the Superior and Inferior Courts in this Colony, directing the method of paying the same, and for taxing Law Suits, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr T Person and Mr Rutherford

Mr Harnett Chairman from the Committee of Public Accounts further reported that the Southern Treasurer had paid into the Committee five hundred and eleven pounds four shillings in old money, five hundred and twenty eight pounds eleven shillings and six pence in old Debentures, and nine hundred and twenty three pounds in new Debentures, making in the whole the sum of nineteen hundred and sixty two pounds sixteen shillings and six pence on accounts of the sinking fund.

On motion ordered the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

The Chairman of the Committee of Public accounts having reported that the Southern Treasurer hath paid into the Committee five hundred and eleven pounds four shillings in old money, five hundred and twenty eight pounds twelve shillings and six pence in old debentures, and nine hundred and twenty three pounds in new Debentures, making in the whole the sum of nineteen hundred and sixty two pounds sixteen shillings and six pence on account of the sinking fund, This House have appointed a Committee of the

whole House to see the said sum burnt at the house of Thomas Sitgreaves in New Bern at four o'clock tomorrow in the afternoon in conjunction with such of your Members as you shall think fit to appoint.

JOHN HARVEY, Sp.

Sent by Mr Starkey and Mr Williamson.

On motion ordered that Mr Lewis and Mr J. Moore have leave to absent himself from the service of this House. Also Mr Hooper have leave after Wednesday next. Also Mr Haywood have leave to absent himself.

Rec^d from the Council the following Message to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

We agree with the amendments proposed by you to the Bill to amend the staple of Tobacco &c^a and desire you would send two of your Members to see the same made. In the upper House 1st March 1773.

Ordered the following Message be sent to the Council viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In reply to your Message of this day relative to the Bill to amend the Staple of Tobacco, &c^a, This House have sent Mr Montfort and Mr Nash to see the same made.

JOHN HARVEY, Sp.

Rec^d from the Council the following Message, Viz^t,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Upon reading the third time the Bill continuing an Act for dividing this Province into six several districts &c^a, We observe that you have *dedd* the following clause Viz^t, "And be it further enacted by the Authority aforesaid that for the future the estate of no person whatsoever who hath never resided in this Province shall be liable to an attachment otherwise than according to the Laws and Statutes of England in like cases, and that every clause and section in the before recited Act contrary thereto, shall thenceforth be repealed."

We apprehend this clause is so penned as to give to the people of this Province every benefit enjoyed by the people of England by the method of Attachments, what that benefit is or how far restrained will be left at large to the construction of the Courts of Law. For

these reasons and because without this clause the province is like to be without any Courts of Justice, we do not consent to part with it. If your House agree to this alteration, we conceive the other clause respecting the twelve months continuance may be *deled*.

We further propose to empower the Chief Justice and his associates or either of them to open the Court of Salisbury on any of the first six days of the next succeeding term. If your House agree to these alterations be pleased to send two of your members to see the same made.

In the upper House 1st March 1773.

On motion ordered the Bill to amend an Act passed at New Bern in the year 1771, entitled an Act for laying out a public road from the frontiers of this Province through the Counties of Mecklenburg, Anson and Cumberland, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Robinson and Mr Brooks.

Received from the Council the Bill for dividing the Province into six several districts and for establishing a Superior Court of Justice in each of the said districts, and for establishing Inferior Courts of pleas and quarter sessions in the several Counties in the Province, and regulating proceedings therein. Endorsed, In the upper House, 1st March 1773. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill for vesting in certain persons therein named two acres of Land at the Indian Town in Currituck County as Trustees for erecting a Chapel thereon, and for inclosing a burying ground be read the third time. Read the same a third time amended passed and ordered to be sent to the Council.

Sent by Mr Williamson and Mr Jarvis.

The order of the day being read, ordered the following Message be sent to his Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

In answer to your Excellencys Message relative to Mr Fanning, This House is entirely sensible of your Excellencys good intentions as recommending the measure by you proposed, but apprehend making Mr Fanning an allowance for injuries he sustained in those

times of public calamity would be productive of discontent to the Inhabitants of this Province in general, therefore do not think themselves Justifiable in making him any allowance.

JOHN HARVEY, Speaker.

Sent by Mr Knox and Mr Neale.

Rec^d from the Council the following Bills, Viz^t

The Bill to amend the staple of Tobacco and prevent frauds in his Majesty's Customs. Endorsed, In the upper House 1st March 1773. Read the third time and passed with amendments. Ordered to be engrossed.

The Bill to amend an Act passed at New Bern in the year 1771, Intituled an Act for laying out a public road from the frontiers of this Province through the Counties of Mecklenburg, Anson and Cumberland. Endorsed, In the upper House 1st March 1773. Read the second time and passed.

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 Respass and Mr Benbury.

On motion ordered the Bill to amend an Act passed at New Bern in the year 1771 Intituled an Act for laying out a public road from the frontiers of this Province through the Counties of Mecklenburg, Anson and Cumberland be read the third time. Read the same a third time passed and ordered to be sent to the Council.

Sent by Mr Respass and Mr Benbury.

Rec^d from the Council the following Bills, Viz^t

The Bill for establishing a public Seminary of Learning in the Western part of this Province.

The Bill for cutting a navigable Canal from Mattamuskeet Lake to the head of Wesokin Creek in Hyde County, and

The Bill for vesting in certain persons therein named two acres of Land at the Indian Town in Currituck County as Trustees for erecting a Chapel thereon and for inclosing a burying ground.

Endorsed, In the upper House 1st March, 1773. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill for directing the method of appointing Jurors in all causes Civil and Criminal be read the third time.

Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Thos. Person and Mr Atherton.

Rec^d from the Council the following Bills, to wit,

The Bill for appointing public Treasurers and directing their duty in Office

The additional Bill to an Act, Intituled an Act for amending 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.

Endorsed, In the upper House 1st March 1773. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to amend an Act Intituled an Act for regulating the several officers fees therein mentioned and ascertaining the method of paying the same, be read the third time. Read the same a third time and rejected.

On motion ordered the Committee appointed for stating and settling several matters referred to them in consequence of Mr M. Moore's being security for William Walker late Sheriff of New Hanover County be dissolved.

On motion ordered the Committee to prepare and bring in a Bill for appointing Sheriffs and Coroners, and directing their duty in office be dissolved.

Rec^d from the Council the following message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading in this House for the third time the Bill for appointing public Treasurers &c^a We propose the following amendments, Viz^t That John Ashe Esquire the present Southern Treasurer be continued in office.

That the several clauses inserted by the House at the second reading to compel the Treasurers to collect, account for and pay the public Taxes be *stetd*.

That the several clauses at the same time by us *deled* and at your third reading *stetd*, be again *deled*.

And that the new clause by you added relative to the proceedings against Sheriffs for the non payment of public Taxes, be also *deled*. We further propose that the following clause be inserted in the Bill, viz^t, "And be it further enacted that in case of the death or departure out of this Province, or other legal disability of the said Treasurers, or either of them hereby appointed, it shall and may be lawful

for the Governor or Commander in Chief for the time being with the advice of his Majesty's Council to appoint and constitute any other person or persons in his or their place or stead, to execute the said office until the next session of Assembly, such person appointed giving Bond and security as herein before is directed," to which amendments if your House agree be pleased to send two of your Members to see them inserted in the Bill.

In the upper House 1st March 1773.

The House taking the same into consideration ordered the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day relative to the Bill for appointing public Treasurers &c^s. We do not agree to the alterations by you proposed and desire your Honors to pass the Bill as it was sent you from this House.

JOHN HARVEY Sp.

Rec^d from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Upon the third reading of the Bill in addition to an Act for regulating the Town of New Bern, we agree to your amendments, and we propose to add the two following paragraphs.

"And whereas sundry idle and disorderly persons as well as slaves and children under age do make a practice of firing guns and pistols within the said Town, Be it enacted by the authority aforesaid that if any such person shall for the future fire a gun or pistol within the said Town he shall pay a fine of ten shillings for every offence to be recovered as aforesaid. If the offender be under age the parent or master or guardian shall pay the said fine, and if a slave shall by order of the next Magistrate be whipped not exceeding twenty lashes unless the master of the said slave shall pay the said fine."

"And be it further enacted by the authority aforesaid that the commissioners of the said Town or a Majority of them are hereby impowered and required to appoint two or more watchmen whose duty shall be regulated by the commissioners, and who shall be paid out of the monies arising by virtue of this Act." To which amendments if your House agree be pleased to send two of your Members to see them inserted in the Bill.

In the upper House 1st March 1773.

The House taking the same into consideration ordered the following Message be sent to the Council, Viz^t,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message of this day relative to the Bill in Addition to an Act for regulating the Town of New Bern, We agree to the paragraphs by you proposed, and send Mr Neale and Mr Hatch to see the same added to the Bill. JOHN HARVEY. Sp.

Received from the Council the following Message, Viz^t,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Upon a third reading of the Bill to regulate and ascertain the fees of the Clerks of the pleas &c^a, This House are of opinion that the fees as stated by the additional and explanatory Act passed Anno dom. 1770, are barely equal to the services performed by the Clerks of the Superior and Inferior Courts, and therefore cannot agree to the reduction of them which your House have made, in any one Instance. If your House agree to let them stand upon the footing of the said recited Act, please to send two of your Members to see them made conformable thereto.

In the upper House 1st March 1773.

The House considering of the same ordered the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message of Yesterday relative to the Bill to regulate and Ascertain the fees of the Clerks of the pleas, &c^a, This House agree that the fees as stated by the additional and explanatory Act passed Anno Dom. 1770, for services performed by the Clerks of the Superior and Inferior Courts in every instance be inserted in the said Bill, and send Mr Caswell and Mr Nash, two of the Members of this House to see the Bill made conformable thereto.

JOHN HARVEY, Sp.

Then the House adjourned till tomorrow morning 10 o'clock.

Tuesday 2^d March 1773.

The House met according to adjournment.

On motion ordered the Bill to prevent malignant and infectious distempers being spread by shipping importing distempered persons

into 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 Kimbrough and Mr Williams.

On motion ordered the Bill to continue an Act passed the 15th day of January 1771, Intitled an Act to alter the method of working upon the roads in the County therein mentioned, the words (passed the 15th day of January 1771) being added to the Title, on Motion be read the third time. Read the same a third time passed and ordered to be sent to the Council.

Sent by Mr Neal and Mr B. Harvey.

Sent the reports of the Committee of Claims to the Council by Mr Gray and Mr Alston.

Rec^d from the Council the Bill to continue an Act passed the 15th day of January 1771, Intitled an Act to Alter the method of working upon the public roads in the County therein mentioned. Endorsed, In the upper House 2nd March 1773. Read the third time and passed. Ordered to be engrossed.

The Bill for directing the method of appointing Jurors in all causes Civil and Criminal.

The Bill to amend an Act passed at New Bern in the year 1771, Intitled an Act for laying out a public road from the frontiers of this Province through the Counties of Mecklenburg, Anson and Cumberland. Endorsed, In the upper House 2^d March 1773. 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 in this House for the third time the Bill to establish Inferior Courts &c^a, We propose the following proviso be inserted at the bottom of the clause ascertaining the proceedings on the return of *Non est Inventus*, by the Sheriff Viz^t

“Provided no such attachment shall issue against the Estate of any person who has never resided in this Province.”

To which amendment if your House agree be pleased to send some of your Members to see the same made. In the upper House 2^d March 1773.

The House taking the Message into consideration ordered the following Message be sent to the Council to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

The Addition you propose to be made to the clause of the Inferior Court Bill respecting attachments, We conceive to be unnecessary, because by the Act of Assembly for appointing Sheriffs and directing their duty in office &c^a No sheriff can return upon a Writ that the defendant is not to be found within his bailiwick unless such Sheriff shall have actually been at the House or place of abode of such defendant, so that Judicial attachments cannot operate to the injury of persons who have never resided in this Province; and as this addition contains nothing but what we conceive to be provided for by the Law above mentioned we cannot agree thereto, especially as it would seem to imply an inclination entirely to relinquish the right of attaching the effects of persons who have never resided here, which under proper regulations might be made equitable to all parties and is essentially necessary to the well being of this Colony. We therefore earnestly wish your Honors may pass the Bill as it went from this House

JOHN HARVEY Sp.

Sent by Mr Lock and Mr Montgomery

Received from the Council the Bill to prevent malignant and infectious distempers being spread by shipping importing distempored persons into this Province. Endorsed, In the upper House 2d March 1773. Read the third time and passed. Ordered to be engrossed.

Mr Harnett Chairman of the Committee of public accounts reported as their opinion that Col^r John Ashe as Treasurer of the Southern District in the settlement of his public accounts this session has with great candour submitted his public accounts to their strictest enquiry, and it appears that he has received and paid away (including his commissions) on the sinking fund the sum of £9907.14½, and that he had in his hands on account of the contingent fund at last settlement £1322.13.5. That he received of the commissioners for signing the Debentures for the year 1771 £35,000, And from the several collectors of the public Taxes £12540.2.9½, which in the whole amounts to £48862.16.2½. That he has paid and accounted for £48648 5.11½, And that it appears to your Committee that there remains in his hands on the contingent fund a balance of £214.10.3. Your Committee are of opinion that the said Treasurer has acted with honesty and integrity in his said office for the Southern District of this Province

On motion resolved the House do concur with the above report.

On motion ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL GOVERNOR &c^a,

SIR,

The Writ of Election issued to the County of Currituck directing the Sheriff to summon the Freeholders of the said County to meet and choose one representative in the room of John Woodhouse Esquire deceased having been illegally returned, The House desire your Excellency to direct the Clerk of the Crown to issue a new Writ for electing one representative for the said County duly qualified to sit and vote in this present Assembly.

JOHN HARVEY, Sp.

Sent by Mr Williamson and Mr Jarvis.

Ordered the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL.

In answer to your Message of the first Instant upon your reading in your House for the third time the Bill concerning an Act for dividing this Province into six several Districts &c^a, This House agree to the amendment proposed by you with respect to empowering the Chief Justice and his Associates or either of them to open the Court of Salisbury on any of the first six days of the next succeeding Term. But we can by no means admit the clause which you inserted upon a former reading, and which upon the most mature deliberation has been *deled* in our House to wit. "And be it further enacted by the authority aforesaid that for the future the Estate of no person whatsoever who hath never resided in this Province shall be liable to an attachment otherwise than according to the Laws of England in like cases, and that every clause and section in the before recited Act contrary thereto shall be thenceforth repealed."

We are of opinion that it would be highly inconsistent with the Commercial policy of this Province to relinquish the benefit of the attachments of the effects of those who are not resident here, as from the absence of their persons, creditors have no security, but what is derived from their property in this Province, upon the faith of which those debtors have in many instances obtained credit.

We conceive that the privilege we claim is exercised by many if not all of our Sister Colonies varied agreeable to the particular circumstances of each particular place and regulated by Provincial Laws, and in some Instances by the Municipal Customs in certain liberties and Franchises of Great Britain, and as we can discover nothing in our own Constitution that can vindicate a distinction so injurious to this Country we cannot in Justice to ourselves and constituents assent to it.

We notice that the clause proposed by you is not confined to the Inhabitants of Great Britain, but extends its inference to persons resident in other Colonies whose effects are thereby guarded from attachments for any debt they owe us, while ours may at any time be made the subject of Attachments at their suits for any Debts we may have contracted with them.

It is the sense of this House that by the Laws and statutes of Great Britain no provision whatsoever is made for attachments that as far as they are known in Great Britain they exist by Municipal Custom and [are] confined to Liberties and Franchises, Governed by the particular circumstances of place and people, and so essentially Local in the application of them as not to admit of being extended by any analogy to this Province. And as we must be referred (in case of your Amendments taking place) to the Laws and Statutes of Great Britain for our remedy by attachment, such application must from what we have observed be altogether nugatory and fruitless. We doubt not but that the Judges of our Courts of Law zealous for the welfare of this Province would give a Liberal Construction to the clauses proposed, but by the Law in force must their decisions be confined, and fettered with their restrictions we think that no legal interpretation could be formed, but what must operate as a denial of the benefits we seek from the attachment Law. To secure a privilege so important the mode of obtaining it should be grounded in certainty, the Law positive and express and nothing left for the exercise of doubt or discretion.

We mention as a circumstance that cannot have escaped the notice of your House that this Law is to continue in force only six months and from thence to the end of the next session of Assembly, that in the manner this House have passed it, it is incumbent on the creditor to give his foreign debtors twelve months notice, before he can bind his effects by a judgment, so that it is left altogether to the will of Government to prevent this Law having any effect whatsoever

with respect to foreign debtors by putting an end to its operation before twelve months, or which must necessarily be the case, a longer Term expire.

This House bear the fullest Testimony to the necessity of Courts of Law, and the many disadvantages which must arise from a failure of the dire destruction of Justice on the Criminal and civil side, are too obvious to be mentioned; they doubt not but your House equally feel for the Honor and interest of the Province and conscious of the benefits that have been derived to us from the right we have hitherto had of attaching the effects of Foreigners that you will not part with a provision grounded in the principles of mutual reciprocal Justice, the privation of which must necessarily destroy that confidence and credit to foreigners and our neighbour Colonists, upon which the trade and prosperity of the Province essentially depend.

JOHN HARVEY Sp.

Sent by Mr Nash and Col. Martin.

Then the House adjourned till tomorrow morning 10 o'Clock

Wednesday 3^d March 1773.

The House met according to adjournment.

Received from the Council the Bill to regulate and ascertain the fees of the Clerks of the pleas in the Superior and Inferior Courts in this Colony, directing the method of paying the same, and for taxing Law Suits. Endorsed, In the upper House 3^d March 1773. Read the third time and passed with the amendments. Ordered to be engrossed.

The Honble Alexander McCulloch and Samuel Cornell Esquire two of his majesty's Council came to the House and Mr John Campbell one of the members for the County of Bertie was qualified by taking the several oaths by Law appointed for qualification of public officers and repeating and subscribing the Test.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I find with great concern by your answer to my Message that from apprehensions of discontent that it may occasion to the Inhabitants of the County in general, you do not think it justifiable to allow Mr Fanning the reparation for his losses that I had taught him to

expect from your Justice in consideration of the sacrifice he made to the public tranquillity.

The justice you are pleased at the same time to do to my intentions in this case is pleasing to me. And I have the further satisfaction that results from the consciousness of having taken my part in it, from the motives of regard to the public tranquillity and honor of this Province, and no other, but when I consider myself the instrument of depriving Mr Fanning of the remedy for his sufferings that the Laws of this Country afforded him by engaging him to relinquish the right of the subject to their redress, and to submit his cause to your arbitrament, I cannot help feeling on your declining to make him reparation those painful sensations that must sting every honest mind, when injury out of all expectation is the offspring of a well intended action, for I see myself the purchaser of a benefit to the public at the price of doing an essential although an undesigned wrong to Mr Fanning.

JO. MARTIN.

New Bern March 3rd 1773.

Ordered the following Message be sent to his Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

In answer to your Message of yesterday relative to Mr Fanning, We assure you the great concern you express at our disallowance of that Gentlemans claim for a reparation of his losses gives us real uneasiness, especially when you inform us you taught him to expect it from our justice in consideration of the sacrifice he made to the public tranquillity.

The regard you have shewn for the honor and public peace of this Colony at all times claims our grateful acknowledgements, and any engagement your good intentions might have made for its general security, we should think ourselves bound in duty to honor. But we cannot think it consistent with the justice we owe this Country to give such importance to Mr Fannings private losses, as to make them a subject of public reparation, when after the late Insurrection was quelled the offenders were in general ameanable to Justice, and his continuing his prosecutions at Law could have affected the repose of

only a small part of the Province, to which such a liberal procedure in this House, might not only give fresh cause for murmur and discontent, but would have a tendency to injure the public faith of this Country, and make it become the common Asylum of private misfortune.

Sensible of your honest mind we would gladly remove every painful sensation from it, and beg leave further to assure you that it is not from any disrespect to your Excellency or to prevent Mr Fanning from any future redress, We do not allow his claim, but fully convinced at present we cannot be justifiable to the Inhabitants of this Colony to appropriate the public money for private purposes, without first obtaining their consent. JOHN HARVEY, Sp.

Rec^d from his Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I send herewith for your information a draft of the line of boundary between this Province and that of South Carolina, as run by commissioners of the two Colonies during the last summer pursuant to his Majesty's Royal instruction communicated to your House at the last Session.

You will also receive herewith an account of the expence incurred on this service for defraying which I am to desire you to make provision as hath been usual in like cases. I am at the same time to inform you that the reasons assigned by the late assembly for its refusal to pay such charge were ill received by the King. And I have now authority to assure you His Majesty's Royal determination of the boundary line was made upon the maturest consideration and with the strictest regard to the general interest of the two Carolinas with no predeliction to the interests of South Carolina and not upon the plan proposed by Lord Charles Montague, as was suggested in the late Assembly's Answer to my Message on this subject. And on my report of the discontent of that House at the partition to be made of the Provinces pursuant to the Kings instructions, I am further authorized to say that if you shall consider the measure now taken injurious to this Colony, a proper representation on the subject to his Majesty will be heard and examined with all due attention

New Bern March 3d 1773

JO. MARTIN.

Ordered the following Message be sent to his Excellency the Governor to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a.

SIR,

It is with inexpressible concern this House receives information by your Excellency's Message of the 13th of this month, that the reasons assigned by the late House of Assembly for not providing for the expence of the new established boundary line between North and South Carolina were ill received by the King. We however flatter ourselves that when our most Gracious Sovereign shall be pleased to consider that a line now entirely useless to us not long since run between this province and South Carolina under the immediate inspection of His Excellency Governor Tryon exactly agreeable to a former instruction at the expence of thousands to this Colony, and how readily and cheerfully we paid this great expence, it cannot fail to impress on his Royal mind, a belief that his subjects of North Carolina would be happy in complying with every requisition within the reach of their ability. We also hope that when it shall be further considered that the money now expected of us is required at a time when we are labouring under an enormous debt of sixty thousand pounds incurred by subduing a dangerous insurrection against the peace, safety, honor and dignity of his Majesty's government in the Colony, that we shall be deemed excusable for not adding to burthen the expence of establishing a line which deprives this Colony of more than a million of Acres of its most valuable Land and takes from them a number of useful Inhabitants engrafted into the bosom of this constitution from whom a great Arrear of Taxes was due to this province which must be lost entirely as no officer from this Colony can now be impowered to collect it.

Injurious as this line is to this Colony and so highly advantageous to South Carolina we cannot but be of opinion that it is incumbent upon them and upon them only to pay the expence incurred by establishing it, especially as we have no reason to expect that we should be reimbursed by them for the expence attending the former line between the Provinces, were we even to consent to the payment of the latter.

Accept Sir our warmest wishes for the report you have pleased to make of our discontent upon a measure so truly detrimental to

the interest of this Colony, and permit us through you to express our gratitude to His Majesty for the assurance given that our representations upon this important subject shall be heard and determined with attention.

JOHN HARVEY, Speaker.

Then the House adjourned till tomorrow morning 10 o'clock.

Thursday 4th March 1773.

The House met according to adjournment

Rec^d from the Council the reports of the Committee of Claims. Endorsed, In the upper House, 3rd March 1773. Concurred with.

JAMES HASELL, P. C.

Ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a.

SIR,

We herewith send you the reports of the Committee of Claims, Concurred with by his Majesty's Honble Council and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Martin and Mr Lanier.

On motion Resolved that every owner or keeper of a public Ferry in this Province who shall on the arrival of any post rider or a bearer of a Mail from any of the post offices in this Province immediately, and with the utmost dispatch transport the said post rider or mail bearer with his mail across the ferry of which he is owner or keeper in preference to any other person, such owner or keeper of a ferry shall every time he shall transport any post rider or mail bearer across his said ferry be allowed double the sum allowed by Law for the like service in other instances on producing his account sworn to before a Justice of the Peace in the County where he resides to the Treasurer of the District, who is hereby required to pay the same, and such amount with a receipt from the Ferryman shall be deemed a sufficient voucher for the Treasurer in his settlement with the public, and that all ferriages that have become due since the repeal of the post Act shall be paid in like manner as aforesaid.

On motion Ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House send herewith a resolve thereof for allowing the Treasurer in this Province for transporting the post riders or mail bearers across the several ferries &c^a and desire your Honors concurrence thereto.

JOHN HARVEY, Sp.

Sent by Mr M^cNair and Mr Brooks.

Mr Campbell presented two certificates from the Inferior Court of Bertie County therein recommending Benjamin Price and Anthony Filgo to be exempted from the payment of public Taxes and doing public duties. Granted.

On motion ordered Mr Macknight, Mr Jarvis, Mr White, Mr Williamson, Mr Alston, and Mr Atherton have leave of absence.

On motion ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a,

SIR,

In answer to your Excellency's Message accompanied with his Majesty's royal instructions respecting the post office, We are to express our concern that it is not in our power so late in the Session to pass an Act agreeable to that instruction for the establishment of an Institution of such utility and advantage to this Colony, to give it however all the support we can till the next session of Assembly we herewith send you a resolve of this House relative thereto to which we desire your Excellencys assent.

JOHN HARVEY, Sp.

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a,

SIR,

In answer to your Excellencys Message of the 24th February last, We observe that by the resolve of a former House of Assembly concurred with by the Governor and Council the Captain Commandant of Fort Johnston was to purchase for the defence of this Province a certain quantity of Ammunition specified by the resolve to enable him to do which the Governor for the time being was empowered to

give warrants upon the Treasury for the Money to purchase the same, from which we conceive that matter to be provided for without any further supply from the House. JOHN HARVEY Sp.

Then the House adjourned till tomorrow morning 10 o'clock.

Friday 5th March 1773.

The House met according to adjournment.

Mr Caswell presented the petition of Robert Hamilton a soldier in the late Expedition against the insurgents who by accident received a wound which in all probability will render him a cripple during life, praying relief &c^a.

The House taking into consideration the distressed condition of Robert Hamilton a soldier in the late Expedition against the Insurgents who by accident received a wound which in all probability will render him a cripple for life do therefore, Resolve that the said Robert Hamilton be allowed twenty pounds and that the Treasurers or one of them pay him the same out of the contingent fund and be allowed in his account to the public.

Ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We herewith send you a resolve of this House allowing Robert Hamilton twenty pounds who by accident received a wound in the late Expedition, and desire your Honors concurrence thereto.

JOHN HARVEY Sp.

Sent by Mr Hines and Mr Montgomery.

Received from the Council the resolve of this House for allowing Robert Hamilton twenty pounds. Endorsed, In the upper House 5th March 1773. Concurred with.

JAMES HASELL P. C.

On motion ordered, the following message be sent to His Excellency the Governor &c^a,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE CAPTAIN GENERAL,
GOVERNOR &c^a,

SIR,

We herewith send your Excellency a resolve of this House for allowing Robert Hamilton, twenty pounds concurred with by his

Majesty's Honorable Council and request your Excellencys Assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Caswell and Mr Lanier.

This House taking into consideration the Act of Assembly passed at Wilmington in the year 1754 for granting an aid to his Majesty a duty of four pence per gallon was laid on all wine, rum and other spirits that should be brought into this Province either by land or water and Whereas large quantities of wine, rum and other spirits are brought into this Province by land for which no duty is collected by reason of the smallness of the commission allowed by Law for collecting and receiving the same. Resolved that every collector appointed by His Excellency the Governor to receive the said duty on wine, rum and other spirits brought into this Province by Land shall for the future be allowed a commission of twenty five per cent out of the money he shall so receive, and pay according to the directions of this Act, and that the following Message be sent to the Council, Viz,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We herewith send you a resolve of this House for allowing the collectors of the dutys on rum, wine, and other spirits brought into this Province by Land the commission of 25 7/8 cent &c^a, and desire your Honors concurrence thereto.

JOHN HARVEY, Sp.

On motion resolved the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

In answer to your Excellency's Message relative to the petition of the public, This House maturely considering the same are of opinion that the Law now in force is sufficient to prevent any abuse that may happen by negroes or mulatto's not having a branch, from taking charge of any vessel.

JOHN HARVEY, Sp.

Rec^d from the Council the resolve for allowing the collectors of the dutys of wine, rum, &c^a, brought into this Province by Law in the sum of 25 7/8 cent. Endorsed 5th March 1773. Concurred with.

JAS. HASELL, P. C.

On motion ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

We herewith send your Excellency a resolve for allowing the collectors of the duties of wine, rum and other spirits brought into this Province by Land the commission of 25 $\frac{1}{2}$ cent concurred with by His Majesty's Honble Council and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send herewith for your consideration and allowance an Account of sundry disbursements I have made to provide indispensable conveniences for my accommodation at the palace, and to compleat some necessary work that I found unfinished on my arrival in this Province.

JO. MARTIN.

New Bern 5th March 1773.

On motion Resolved *Nim. Con.* That His Excellency the Governor be allowed the sum of one hundred and ninety pounds and two pence for sundry disbursements by him expended for accommodation of the palace, and that the Treasurers or either of them pay the same and be allowed in their accounts with the public, and that the following Message be sent to the Council, to wit.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send your Honors a Resolve of this House for allowing His Excellency the Governor the sum of one hundred and ninety pounds and two pence, and desire your Honors concurrence thereto.

JOHN HARVEY, Speaker.

Sent by Mr Smith and Mr Hatch.

Rec^d from the Council the reports of the Committee of public accounts, Endorsed, Concurred with.

JAMES HASELL, P. C.

Ordered the following message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE CAPTAIN GENERAL
GOVERNOR &c^a

SIR,

We herewith send your Excellency the reports of the Committee of Accounts Concurred with by his Majesty's Honorable Council, and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Starkey and Mr McNair.

Rec^d from His Excellency the Governor the following messages, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the resolve of your House for supporting the post office in this Province with my assent thereto.

JO. MARTIN.

Also rec^d the Resolve above mentioned, Endorsed, Assented to.

JO. MARTIN.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the report of the Committee of Claims concurred with by His Majesty's Honble Council with my assent thereto.

New Bern 5th March 1773.

JO. MARTIN.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Pursuant to the desire of your House by its message of this date I have directed the Clerk of the Crown to issue a new writ for the election of one representative for the County of Currituck duly qualified to sit and vote in the present Assembly.

New Bern 4th March 1773.

JO. MARTIN.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

It becomes my duty to the public to inform you that complaint has been made to me by the Treasurer of the Northern District of this Province that Mr John Pierce collector of his Majesty's Customs for the port of Currituck hath not accounted for the provincial duties he has received since his appointment to that Office. And as it appears that he hath not entered into Bond to account for the same pursuant to the Law in that case made and provided and that he

refuses to comply with such its direction, And as by the 25th Clause of an Act of the General Assembly of this Province, Intituled an Act for granting to His Majesty the sum of £40,000 in paper 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 to be sent to the assistance of his Majesty's Colony of Virginia and for other purposes therein mentioned, The collectors of his Majestys customs for the time being are appointed receivers of the duty upon wine, and other distilled Liquors imported by water into all other places within their ports, except those for which appointments are by the same act particularly made, it is out of my power in the present case or any other of the like nature to remove a delinquent officer to appoint a fit person in his stead, or to take that care of the public interest on this, that I wish to do on every occasion. I would recommend it to you to make such an amendment in that part of the Act to which I refer, as may to your wisdom seem expedient, and that you will likewise fall upon such measures as you shall think necessary to inforce the payment of the duties upon wine and distilled liquors brought into this Province by land which the people in the interior Country have refused to the collectors appointed by me pursuant to the direction of the afore mentioned Act, in an opinion that the Law imposing such duties was not in force.

New Bern 5th March 1773.

JO. MARTIN.

Received from the Council the Resolve allowing His Excellency the Governor one hundred and ninety pounds and two pence for disbursements &c^a. Endorsed, Concurred with.

JAMES HASELL P. C.

Ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a.

SIR,

We herewith send your Excellency a resolve of this House for allowing your Excellency one hundred and ninety pounds and two pence, for disbursements by you expended &c^a. Concurred with by His Majesty's Council and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Caswell and Mr Nash.

On motion Resolved that Col^o John Harvey Speaker be allowed one hundred pounds proc money for his extraordinary trouble, and as a reward for his particular assiduity and attention to the business of the House this present session of Assembly and that the Treasurers or either of them pay him the same immediately, and be allowed the same in their accounts with the public, and that the following message be sent to the Council.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We herewith send you a resolve of this House for allowing Col^o John Harvey Speaker one hundred pounds proc money for the extraordinary trouble, and as a reward for his particular assiduity and attention to the business of this present Session of Assembly and desire your Honors Concurrence thereto.

JOHN HARVEY, Sp.

Sent by Mr Macknight and Mr Hooper.

The House adjourned till tomorrow morning 10 o'clock.

Saturday 6th March 1773.

The House met according to adjournment.

Rec^d from the Council the resolve of this House in favor of Mr Speaker. Endorsed, In the upper House concurred with.

JAMES HASELL, P. C

On motion ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a.

SIR,

We herewith send your Excellency a resolve of this House for allowing Col^o John Harvey Speaker one hundred pounds proc. money, for his extraordinary trouble and as a reward for his particular assiduity &c^a this present Session, concurred with by His Majesty's Honble Council, and request your Excellency's assent thereto.

JOHN HARVEY Sp.

Sent by Mr Martin and Mr Benbury

On motion ordered the following Estimate be inserted in the Journal Viz^t

An Estimate of the Balances due from the several Sheriffs and Collectors of Public Taxes, to the Public of North Carolina.

Balances due from the several Sheriffs of the Northern District, (until the year 1771, Inclusive)

	£	s.	d.	
Bertie County—David Standly -----	699	6	8	
Ditto Humphrey Nichols-----	633	15	4	
Ditto James Moore -----	701	18	4	
				2035 0 4
Bute County—Julius Nichols-----	538	16	1	
Ditto James Ransom-----	1341	1	8	
				1879 17 9
Currituck County—William Williams---	797	0	0	
Ditto Solomon Perkins ----	325	13	6	
				1122 13 6
Chowan County—Thomas Bonner -----	542	12	0	
Ditto Thomas Benbury -----	414	8	4	
				957 0 4
Chatham County—Elisha Cain-----				478 6 8
Edgecombe County—Edward Moore ----	403	6	9	
Ditto Abraham Jones ---	364	7	3	
Ditto Joseph Moore -----	568	15	2	
				1336 9 2
Granville County—Philip Pryor-----	454	4	9	
Ditto James Yancey -----	240	4	1	
Ditto Leon'd H. Bullock---	660	1	8	
Ditto Robert Harris-----	755	7	6	
Ditto Reuben Searcy -----	228	18	3	
				2334 16 3
Hertford County—John Baker -----	295	14	1	
Ditto Mathias Brickle-----	228	9	8	
Ditto William Murfry-----	1381	15	0	
				1905 15 9
Halifax County—Montfort Elbeck -----				1507 5 0
Northampton County—Joseph Sykes----	890	2	8	
Ditto Lewis Williamson	1466	4	2	
				2356 6 10

		£	s.	d.		
Orange County—	William Reed	1157	12	6		
Ditto	Lawrence Thompson---	667	5	3		
Ditto	Isaac Dickson	1165	14	0		
Ditto	William Nunn	1014	11	0		
Ditto	Tyree Harris	887	16	0		
Ditto	Thomas Donaldson---	1063	2	6		
Ditto	John Lyttle	1210	16	8		
Ditto	John Lea	662	1	8		
					7828	19 7
Pasquotank County—	William Relfe	216	7	7		
Ditto	Isaac Gregory	1112	10	0		
Ditto	Theoph'us Leonard	184	6	5		
					1513	4 0
Perquimans County—	William Skinner--				155	15 2
Tyrrell County—	John Hardison	269	0	7		
Ditto	Samuel Smithwick	173	10	0		
Ditto	James Johnson	401	8	5		
Ditto	John McKildo	465	12	0		
Ditto	James Long	223	9	6		
Ditto	Joseph Spruil	454	11	4		
					1987	11 10
Total					£27399	2 2

N. B. Reuben Searey was collector of the Taxes in Granville County for the year 1763. No bond taken and not accounted for. Several Sheriffs for eight Counties, not charged in the above for want of the lists of Taxables for the year 1771.

Ballances due from the several Sheriffs of the Southern District (until the year 1771, inclusive)

		£	s.	d.		
Anson County—	Townsend Robertson---	264	2	0		
Ditto	Alex Gordon	132	3	0		
Ditto	Ant'y Hutchins	142	6	0		
Ditto	Morgan Brown	472	4	8		
Ditto	Charles Medlock	72	17	1		
Ditto	Fran ^s Mosely	622	10	10		
					1706	3 7
Beaufort County—	Alderson Ellison				308	13 4

	£	s.	d.	
Bladen County—Rob ^t Johnston	337	19	10	
Ditto James White.....	513	12	8	
				851 12 6
Brunswick County—Chris ^t Cain	29	11	3	
Ditto William Lord.....	155	3	7	
				184 14 10
Craven County—William Bryan.....	754	1	4	
Ditto Jos ^s Carruthers	248	7	3	
				1002 8 7
Carteret County—Thos Chadwick.....				235 0 10
Cumberland County—Duncan McNeil---	204	16	0	
Ditto W ^m Armstrong ---	430	5	4	
Ditto Isaiah Purisote ---	652	12	1	
Ditto James Simpson---	146	19	0	
Ditto for 2 years no Sheriff	869	7	6	
Ditto Robert Rowan----	743	6	1	
				3047 6 0
Duplin County—Owen Kenan	430	6	9	
Ditto Felix Kenan.....	53	10	0	
				483 16 9
Dobbs County—Stephen Cade.....	536	19	0	
Ditto Abraham Sheppard	1888	14	8	
Ditto John Weaver	345	10	9	
Ditto William McKinnie	265	18	4	
Ditto Simon Bright.....	528	7	8	
				2865 10 5
Guilford County—William Moore.....				821 13 4
Hyde County—John Webster				251 2 11
Johnston County—Stephen Cade	970	6	1	
Ditto John McCullers.....	219	18	3	
Ditto Philip Jones.....	480	10	1	
Ditto John Rogers.....	82	13	2	
				1753 7 6
Mecklenburg county—Moses Alexander..	366	17	11	
Ditto Adam Alexander..	709	17	6	
				1076 15 5
New Hanover county—W ^m Walker.....	968	16	0	
Ditto John Walker....	640	14	3	

	£	s.	d.	
New Hanover County—Obediah Holt---	341	11	4	
Ditto John Lyon-----	1112	16	4	
				3063 18 1
Onslow county—Henry Rhodes-----	38	15	10	
Ditto Lewis Williams-----	171	6	8	
				210 2 6
Pitt county—George Moy-----	61	7	9	
Ditto William Moore-----	333	8	0	
Ditto Robert Salter-----	498	2	3	
				892 18 0
Rowan county—Edward Hughes-----	475	13	4	
Ditto Benjamin Milner-----	161	14	3	
Ditto William Nassary-----	505	5	7	
Ditto W ^m Temple Coles-----	1073	6	8	
Ditto The year 1770—no Shff--	1149	3	4	
Ditto David Jones-----	1205	8	0	
				4570 11 2
Surry county—Martin Armstrong-----				423 6 8
Tryon county—John Tygart-----				734 7 0
Wake county—Michael Rogers-----				572 10 0
Total-----	£25055	19	5	
Total, Southern District-----	25055	19	5	} 52455 1 7
Total, Northern District-----	27399	2	2	

Some payments have been made by Sheriffs to the Treasurers since their accounts were laid before the Committee which cannot be placed to their credit in this account.

New Bern March 5th 1773.

Dr. The Public of North Carolina with John Ashe Esq^s, Southern Treasurer. Cr.

SINKING FUND.

To cash paid Griffith Rutherford and others per resolve	£ 385 9 6	By Duties on spirits.....	£3009 9 10
To Commis ^{rs} on receiving £9907.1.8	495 7 0	By Sinking Tax from the Sheriffs	6897 11 10
To Proc. Money paid to the Commis	£6598 19 2		
To old Debentures paid to ditto.....	1381 15 6		
To new Debentures paid to ditto.....	1045 0 6	9025 15 2	
	£9907 1 8		£9907 1 8

CONTINGENT FUND.

To cash paid away as per vouchers	£49357 2 8	By Ball ^s in hand last settlement	£ 1322 13 5
To Commissions on £35,000 Debentures @ 3 per ct.	1050 0 0	By Powder and lead fund	48 9 11½
To ditto on receiving £12491.12.9½ @ 5 per ct.	624 11 8	By new debentures from the Commis	35000 0 0
To ditto for exchanging Notes @ 1 per ct.	5 10 0	By Samuel Cornell Esquire	1000 0 0
	£48637 4 4	By the Tax on Law	301 17 11¼
Ball ^s due to the public	225 11 10¼	By the several Sheriffs	11189 14 11¼
	£48862 16 2½		£48862 16 2½

Copy from the Committees Reports January 1773.

R. COGDILL, Clk. of Committee.

Dr. The Public of North Carolina with Joseph Montfort Esq., Northern Treasurer. Cr.

SINKING FUND.

To Abraham Evans for lost money.....	£ 22 16 8	By the several Sheriffs Sinking Taxes.....	£2278 12 0
To Proclamation Bills pd the Committee, £ 2674 18 9		By duty on rum and spirits.....	561 11 3
To old Debentures paid ditto.....	367 5 0	By New Debentures 1771.....	386 3 2
To Comm ^a on receiving £3226.6.5.....	161 6 0		
	<u>£3326 6 5</u>		<u>£3226 6 5</u>

CONTINGENT FUND.

To Bal ^a of the 2s. 6d. tax last settlement.....	£ 267 11 5	By Bal ^a in hand at last settlement.....	£ 2722 8 9
To cash paid away as per vouchers.....	2622 7 3	By the several Sheriffs paid to this amount.....	7385 13 0
To Comm ^a on receiving £25000 Debentures @ 3 per ct.	750 0 0	By the tax on Law.....	303 17 1
To ditto on receiving £7689.10.7 @ 5 per ct.	384 9 6	By the new Debentures rec ^d from the Commis.....	25000 0 0
To Balance in hand due to the public.....	7387 11 2		
	<u>£35411 19 4</u>		<u>£35411 19 4</u>

(Copy from the Committee's Report January Session 1773).

R^d COGDELL, Clk. of Committee.

Rec^d from His Excellency the Govern^r the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the Resolve of your House for allowing to the collectors of the duties on wine, rum and other spirits brought into this Province by Land a commission of twenty five $\frac{1}{2}$ cent out of the money they shall receive, with my assent thereto.

JO. MARTIN.

New Bern 6th March, 1773.

Rec^d at the same time the resolve above mentioned.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the Resolve of your House for allowing to Robert Hamilton a wounded soldier the sum of twenty five pounds with my assent thereto.

JO. MARTIN.

New Bern 6th March 1773.

Received at the same time the resolve above mentioned.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return with my thanks the Resolve of your House for allowing me the amount of my expenditures, laid before your House yesterday. Assented to.

JO. MARTIN.

New Bern 6th March 1773.

Received at the same time the Resolve above mentioned.

On motion Resolved the following be instructions to the Committee of Correspondence to the agent of this Colony, to wit,

To send him the Assembly's Answer to the Governor's Message relative to the boundary line between North Carolina and South Carolina, containing the reasons on which the expence was refused payment; That in case another Line should be ordered to be run on the hearing of the petition of this province transmitted with this Letter, we are ready to answer the whole expence, to direct the agent to solicit this matter and to inforce it as far as he can.

To direct that he push the application concerning the liberty of importing Lisbon Salt into the Southern Provinces with the aid of their Agents.

That he attend to propose and obtain some beneficial alteration in the present Laws relative to Naval Stores, such as a Liberty of proceeding to other ports in Europe after touching at any port in England, and offer made to the Navy, and also the Liberty of carrying Naval Stores to any of the Islands in the West Indies in time of peace, both regulations to be subject to the controul of the Treasury, on application of War &c^a.

To provide a continuance of the Bounty on Timber and Staves and to regulate the same on such grounds as suit the American Timber the dimentions being at present taken from the Timber of Germany, and the Law also near expiring.

That he represent the particular distresses and situation of the affairs of the Province at this time especially as to the want of currency or other medium by which Debts can be paid or executions satisfied, and that it is on these grounds the present valuation Act has passed, that the same being confined entirely to the Inhabitants of this Province and not effecting British Property, It is to be considered as an internal regulation, and that he use his best endeavours that the same be not repealed.

To state to him the proceedings of this present Assembly, and to recommend to his best care the Act with the suspending clause for the establishment of the Courts; to furnish him reasons on which the same passed, and to direct that he do immediately and unremittingly apply for, and obtain His Majesty's pleasure on the said Act, as 'till the same is known here, the Province has the melancholly prospect of continuing without Courts, Laws, Exposed to every dreadful circumstance, which must attend the want of them.

To enter at large into the proceedings on the Bills for continuing the Superior Court Act for six Months and the great and important reasons that induced the assembly not to comply with the requisitions made them concerning original attachments, that they conceive they had fully guarded the property of non residents by the Clauses proposed in the Law sent home; That so important does this matter appear to this Province, that they cannot by any means think of giving it up, and must submit themselves and the unhappiness of their present situation to his Majesty's paternal goodness, nothing doubting but they will meet with relief and choosing rather the misfortune of a temporary deprivation of Laws, than to form any system whereby they may be left without remedy on this great point. To send him for his direction the answer of the Assembly to

the Councils Message and to enforce to him the obtaining of the rescinding of the instruction.

That as Earl Granvilles office has been closed for several years past to the great inconvenience and grievance of the inhabitants of his Territory in this Province, he would use his utmost endeavours at the several Boards to induce his Majesty that he would be graciously pleased to purchase the same, that the said Lands may be held of him as other Lands are held of his Majesty in his District in this Colony.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have assented with the greatest pleasure to the Resolve of your House returned herewith for allowing John Harvey the sum of one hundred pounds proc. money in consideration of his particular assiduity and attention to the Public Business during the present Session, as it is a token of the just respect of your House to Mr Speaker, which I am well assured the faithful services of that gentleman will always claim.

JO. MARTIN.

New Bern 6th March, 1773.

Also rec^d at the same time the resolve above mentioned.

Sent the Estimate of the allowances of this House to the Council by Mr Shepard and Mr Gray.

Resolved, *Nem. Con.* That each of the Treasurers shall lay before every Session of Assembly on the second day of the Sessions, all the Books required of them by the Resolves of the Session of 1770. And also another book as a ledger into which all the entries in the Journals shall be posted to their proper Account, to wit, To the accounts raised for the Counties, Sheriffs, Collectors, Tax upon Law suits, upon wheel carriages, expense of session of Assembly, of Negroes executed, of Coroners Claims, of Fort Johnston, of Judges, and of every other particular and general charge of Government. Also accounts shall be opened for the sinking fund, and Contingent charges of Government, and these Ledgers shall commence for the year 1772. And whatever money is collected from the Arrears due to the public shall be carried to the proper Accounts in the said Ledgers.

On motion Resolved, *Nem. Con.* That the right of Attachment of the effects of Foreigners has been long exercised by the inhabitants

of this Province in common with other Provinces in America and several Trading Cities, Liberties and Franchises of Great Britain, That it has been found greatly beneficial to the Trade and Commerce of this Country and the security of the property of Individuals, and that this House cannot by any ----- public act of theirs relinquish that right without at the same time abandoning the interest of their Constituents, and the peace and happiness of this Colony.

On motion ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE CAPTAIN, GENERAL GOVERNOR &C^a,

SIR,

In answer to your Excellency's Message of yesterday relative to the collector of port Currituck &c^a, We are of opinion that the Treasurer of the Northern District is impowered by Law to compel John Pierce Collector of said port to account for and pay monies he has already received for duties on wine, rum, and other spirits, but as the said John Pierce refuses to comply with the directions of the Act of Assembly of this Province which appoints him receiver of the said duties, and will not enter into Bond for the faithful discharge of his Office as receiver and still continues to receive the said duties, We request your Excellency to remove him from his office of Collector for the port of Currituck.

The Act of Assembly to which your Excellency refers we think warrants several Amendments, as we apprehend it will expire in a short time, and it being late in the session we cannot pay that attention to it at present which the circumstances of the case may require.

JOHN HARVEY, Sp.

On motion Resolved, *Nem Con*, In consequence of an instruction communicated to this House by His Excellency the Governor relative to the attachments of the effects of Foreigners, That a Resolve entered this day upon the Journals of this House respecting that subject and also the several Messages which have passed betwixt this House and the Honorable Council thereupon be published in all the Gazettes of this Province, Virginia and South Carolina, and that the Clerk of this House see this Resolve put in execution.

Rec^d from the Council the Estimate of that House, Endorsed.

This House have agreed to the above Estimate, and desire your
Concurrence thereto.

JAMES HASELL, P. C.

In the upper House 6th March 1773.

On motion, Resolved that the Clerk of this House see that five hundred copies of the public Accounts laid before the House this Session be printed, that he apply to Mr Davis to perform this service; and that he send with the Journals and Laws a proportion of them to each County.

Received from the Council the Estimate of this House. Endorsed,
In the upper House 6th March 1773. Concurred with.

JAMES HASELL, P. C.

Ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

We herewith send your Excellency the Estimate of allowances of this House, Concurred with by His Majesty's Honble Council and request your Excellency's assent thereto.

JOHN HARVEY, Speaker.

Sent by Mr Nash and Mr Rutherford.

Rec^d from his Excellency the Governor the following Message,
to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the Estimate of your House, Concurred in by his Majesty's Honble Council with my assent thereto.

JO. MARTIN.

Received at the same time the Estimate of this House. Endorsed.
Assented to.

JO. MARTIN.

On motion ordered that Mr Starkey and Mr Ferquher Campbell wait on His Excellency the Governor and acquaint him the House have prepared a number of Bills and desire to know when they shall wait on him to present them, being returned they brought for their answer that His Excellency would receive the House at six o'clock.

Mr Speaker with the House waited on His Excellency the Governor at the palace and presented him with the following Bills, to wit,

The Bill for dividing the Province into six several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this Province, and regulating the proceedings therein.

The Bill to amend an Act for Appointing Commissioners to build a prison, pillory and stocks, on the Lot whereon the Court House now stands, in Duplin County.

The Bill to exonerate John Tygart and Francis Adams, late Sheriffs of Tryon County, for being chargeable with the collection of Taxes taken into South Carolina.

The Bill to establish a Town on the Land of Isaac Jones, lying on the North West Branch of Cape Fear River in Bladen County.

The Bill for erecting a public gaol, and gaolers House in the Town of Wilmington for the District of Wilmington.

The Bill to dissolve the Vestry of Unity Parish in Guilford County.

The Bill for the relief of persons who have or may suffer by their deeds and *mesne* conveyances not being proved and registered within the time heretofore appointed by Law

The additional Bill to an Act Intituled an Act for establishing a school house in the Town of New Bern.

The Bill to prevent the crime of horse stealing

The Bill for granting a Bounty on the exportation of Pot and Pearl Ash.

The Bill for annexing the North part of Rowan to the County of Surry, and the further establishing and erecting the Parish of Dobbs into a separate and distinct Parish.

The Bill to encourage the destroying vermin in the several Counties therein mentioned

The Bill to continue an Act Intituled an Act to direct Sheriffs in levying executions and the disposal of lands, goods and chattels taken thereon.

The Bill to prevent the willful and malicious killing of slaves.

The Bill to prevent burning the woods at unseasonable times of the year in the several counties therein mentioned.

The Bill to regulate the attendance of the minister of Christ Church at the Parish Church in the Town of New Bern, and at the several Chapels in the said Parish.

The Bill for establishing the Court house in the Town of Charlotte, in Mecklenburg County, and other purposes.

The Bill directing the punishment of those persons who shall counterfeit the gold and silver coin circulating in this Province, and of those who shall utter the same, or any false or counterfeit Deben-ture Bills, in similitude of those emitted in the years 1768 and 1771.

The Bill to prevent making hedges across Great Contentnea Creek, Little River of Pee Dee, Rocky River and Uahra River.

The Bill for erecting part of the Counties of Halifax and Tyrrell into one distinct County and Parish, and other purposes

The Bill for regulating the Town of Hertford and other purposes.

The Bill directing the boundary line between the Counties of Perquimans and Chowan and appointing commissioners to see the same run.

The Bill to empower the executors of John McKildo, late Sheriff of Tyrrill to collect the Arrears of Taxes due for the said County in the years therein mentioned.

The additional Bill to an Act for erecting a Court House and prison for the District of Edenton.

The Bill for laying out and establishing a public road from Charlotte Town, in Mecklenburg County, to Bladen County Court House.

The Bill to prevent hunting with a gun in the night by fire-light.

The Bill for laying out a public road from Dan River through the Counties of Guilford, Chatham, and Cumberland to Campbellton, and for a public road from the Shallow Ford in Surry County to join the same.

The Bill to alter the method of working upon the public roads in the County of New Hanover.

The Bill for rendering the navigation of Trent River more useful and advantageous.

The Bill to continue an Act for the more speedy recovery of all debts and demands five pounds proc money within this Province.

The Bill for the relief of insolvent debtors, with respect to the imprisonment of their persons.

The Bill for empowering the commissioners therein named to build a bridge over Trent River, on the main road leading from New Bern to Wilmington.

The Bill to amend an Act Intituled an Act for the regulation of the Town of Salisbury securing the Inhabitants in their possessions, and to encourage the settlement of the said Town.

The Bill to continue the Tax imposed by an Act Intituled, an Act for building a court house in the Town of Salisbury, for the District of Salisbury.

The Bill for building a gaol in Beaufort County.

The Bill for repairing the gaol for the district of Halifax, in the Town of Halifax.

The Bill for preventing persons who by devise or otherwise are invested with a life Estate in any slave or slaves, or other goods and chattles, from doing injury to the person or persons in reversion.

The Bill to amend an Act, Intituled an Act, for settling the Bounds of Lands.

The Bill to amend an Act, Intituled an Act for the Regulation of the Town of Hillsborough.

The Bill for cutting a Navigable Canal from Mattamuskeet Lake, to the head of Wesokin Creek.

The Bill for establishing a public Seminary of Learning in the Western part of this Province.

The Bill to amend the Staple of Tobacco, and prevent frauds in his Majestys Customs.

The Bill for vesting in certain persons therein named two acres of Land at the Indian Town, in Currituck County, as Trustees for building a Chapel thereon, and inclosing a burying ground.

The Bill to amend an Act for laying out a public road from the Frontiers of this Province to Campbelton.

The Bill for appointing public Treasurers, and directing their duty in Office.

The Bill for directing the method of appointing Jurors in all causes Civil or Criminal.

The Bill to prevent malignant and infectious distempers being spread by shipping importing distempered persons into this Province.

The Bill to continue an Act, Intituled an Act to alter the method of working upon the roads in the County therein mentioned.

The Bill to regulate and ascertain the fees of the Clerks of the pleas in the Superior and Inferior Courts in this Colony, directing the method of paying the same, and for taxing Law Suits.

The Bill to establish Inferior Courts of pleas and quarter sessions in the several Counties in this Province, and,

The additional Bill to an Act to amend an Act, Intituled an Act for the better regulation of the Town of New Bern.

To which said Bills His Excellency was pleased to give his assent Except —

The Bill to prevent the crime of horse stealing.

The Bill to continue an Act, Intituled an Act to direct Sheriffs in levying executions and the disposal of lands goods and chattels taken thereon.

The Bill to prevent the wilful and malicious killing of slaves.

The Bill to prevent burning the woods at unseasonable times of the year in the several Counties therein mentioned.

The Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County, and other purposes.

The Bill directing the punishment of those persons who shall counterfeit the gold and silver coin, circulating in this Province, and those who shall utter the same or any false or counterfeit Debenture Bills in similitude of those emitted in the years 1768 and 1771.

The Bill for erecting part of the Counties of Halifax and Tyrrell into one distinct County and Parish, and other purposes.

The Bill directing the boundary Line between the Counties of Perquimans and Chowan and appointing Commissioners to see the same run.

The Bill for empowering the Commissioners therein named to build a bridge over Trent River, on the road leading from New Bern to Wilmington.

The Bill to amend an Act, Intituled an Act for the regulation of the Town of Salisbury, securing the inhabitants in their possessions, and to encourage the settlement of the said Town.

The Bill for preventing persons, who by devise or otherwise are invested with a life Estate in any slave or slaves, or other goods and chattels for doing injury to the person or persons in reversion.

The Bill for cutting a Navigable Canal from Mattamuskeet Lake to the head of Wesokin Creek, in Hyde County.

The Bill for establishing a Seminary of Learning in the Western part of this Province.

The Bill to amend the Staple of Tobacco and prevent Frauds in his Majesty's Customs.

The Bill for vesting in certain persons therein named two acres of Land at the Indian Town in Currituck County, as Trustees for Building a Chapel thereon, and inclosing a burying ground.

The Bill to prevent malignant and infectious distempers being spread by shipping importing distempered persons in this Province.

The Bill to establish Inferior Courts of pleas and quarter sessions in the several Counties in this Province.

Which he was pleased to reject, and they were rejected accordingly.

Then His Excellency was pleased to prorogue the Assembly to Tuesday the 9th Instant.

Estimate of the allowances due and payable to the Members of Assembly at New Bern, Clerk, Officers, and others this present Assembly.

	£	s.	d.
Mr John Harvey Speaker-----	26	10	8
Mr John Ashe-----	22	6	8
Mr Thomas Person-----	23	5	2
Mr Henry White-----	31	15	6
Mr Richard Caswell-----	19	10	0
Mr Alexander Martin-----	21	8	10
Mr William Haywood-----	21	1	0
Mr Joseph Montfort-----	20	1	6
Mr William Hooper-----	20	5	8
Mr Thomas Macknight-----	27	10	0
Mr Samuel Jarvis-----	30	9	6
Mr Cornelius Harnett-----	20	4	8
Mr Francis Williamson-----	24	2	0
Mr Jacob Shepard-----	19	14	0
Mr Lemuel Hatch-----	18	15	0
Mr Benjamin Ward-----	21	8	10
Mr Mathew Lock-----	23	7	8
Mr William Grave-----	21	8	10
Mr Christopher Neale-----	18	15	0
Mr Ezekiel Hunter-----	20	5	8
Mr Stephen Blackman-----	17	13	2
Mr Benjamin Harvey-----	25	10	8
Mr Jephtha Atherton-----	20	5	8
Mr Joel Lane-----	16	11	4

	£	s.	d.
Mr John Smith	14	13	2
Mr Edward Starkey	20	6	4
Mr Martin Phifer	23	11	8
Mr Isaac Brooks	21	8	10
Mr Allen Jones	19	1	6
Mr John Alston	20	9	0
Mr Thomas Stewart	19	5	2
Mr Thomas Gray	20	6	5
Mr John Dawson	23	11	8
Mr James Coor	18	15	0
Mr Joseph Jones	20	2	10
Mr William M ^c Ree	19	13	4
Mr Thomas Robinson Jr	19	13	4
Mr John Kimbrough	21	1	4
Mr John Hooker	18	16	4
Mr William Bryan	12	1	4
Mr William Thomson	19	14	0
Mr James Kenan	18	16	4
Mr Samuel Smith	20	0	8
Mr Roger Ormond	21	7	4
Mr Griffith Rutherford	23	7	8
Mr Anthony Hampton	22	18	10
Mr John Simpson	19	13	4
Mr Aquilla Sugg	9	0	8
Mr William Person	21	8	10
Mr Benjamin Spruil	18	16	4
Mr Jeremiah Frazier	18	16	4
Mr John Gray	17	0	2
Mr Thomas Respass	20	2	8
Mr Robert Lanier	23	9	2
Mr Thomas Hines	20	6	4
Mr Charles Robinson	22	7	2
Mr Robert Lewis	19	18	10
Mr Jonathan Herring	12	15	2
Mr Lemuel Sawyer	12	15	2
Mr Robert Howe	22	5	10
Mr Alexander M ^c Alister	19	3	2
Mr William Davis	19	2	4
Mr Benjamin M ^c Culloch	18	4	0

	£	s.	d.
Mr Andrew Knox	20	13	4
Mr James Blount	13	10	8
Mr Benjamin Wynns	15	15	6
Mr Benjamin Wynns Jr	8	7	0
Mr Thomas Oldham	19	10	8
Mr Joseph Hewes	21	0	8
Mr Samuel Johnston	18	15	8
Mr George Evans	14	8	4
Mr Ralph M ^c Nair	17	17	10
Mr Francis Nash	17	17	10
Mr James Moore	14	4	8
Mr Ferquard Campbell	15	8	10
Mr Wyriot Ormond	9	17	4
Mr James Picket	11	9	8
Mr William Slade	13	11	4
Mr Nathaniel Williams	16	18	4
Mr Hugh Montgomery	17	10	4
Mr Robert Blackburn	14	16	6
Mr Maurice Moore	12	2	4
Mr Thomas Benbury	16	10	8
Mr Rotheas Latham	18	6	4
Mr John Campbell	14	1	8
Mr David Stanley	8	9	2
Mr James Green, Clerk	26	13	4
Mr Benjamin Fordham, M. Bearer	13	6	8
Mr Franc ^s Lynaugh, D. Keeper	13	6	8
Mr Evan Swann, D. Keeper	13	6	8
James Green, Clerk for three Transcripts of the Journals	30	0	0
James Green for stationery this Session	10	0	0
James Green for extra services	150	0	0
James Glasgow, Assistant Clerk	75	0	0
James Green for copying the Journals for 13 years	180	0	0
Rigdon Brice, for engrossing 7 Bills	7	0	0
John Sitgreaves, for copying 4 Bills	4	0	0
John G. Blount, for drawing Bills and other services	39	0	0
Samuel Budd, for engrossing Bills and other services	14	0	0
James Glasgow, for copying and engrossing	106	0	0
Thomas Sitgreaves, for the use of a room for the Committee of Priviledges and Elections	5	0	0

	£	s.	d.
William Euen, for copying a Bill last Session-----	1	0	0
John Williams, for copying 4 Bills-----	4	0	0
James Green, for three years room rent, Books of Record and a Book Case-----	35	7	9
Francis Lynaugh, for firewood for the Assembly-----	5	0	0
Evan Swan, for attending the Committee of Claims-----	5	0	0
Benj ^a Fordham, M. Bearer for extra services-----	35	0	0
Fran ^a Lynaugh, D. keeper for ditto-----	35	0	0
Evan Swan, D. keeper for ditto-----	35	0	0
The Trustees, for the use of the school in New Bern-----	60	0	0

Report on the Committee of Claims:

	£	s.	d.
Catherine Henry-----	80	0	0
Joseph Hines-----	8	2	8
John Tygart-----	3	6	8
Dr. Thomas Hall-----	5	0	0
Robert Lusk-----	2	0	0
Joseph Spruil-----	6	0	0
Andrew McIntire-----	6	2	0
Dr. James Gaskie-----	5	0	0
John Pope-----	4	15	0
Sans Stanley-----	2	0	0
Rigdon Brice-----	17	4	4
Thomas McGuire-----	85	6	8
Arthur Benning-----	22	7	8
Alderson Ellison-----	5	0	0
James White-----	8	5	0
Thomas Sitgreaves-----	7	9	3
Memucan Hunt-----	4	16	0
Peter Little-----	113	15	0
John Northcôt-----	2	2	8
William Mersault-----	4	0	0
James Gatlin-----	3	9	0
Francis Daniel-----	80	0	0
Adam Alexander-----	2	0	0
Edward Vail Jr-----	5	0	0
William Picket-----	2	0	0
George Barrow-----	1	0	0
Wyriot Ormond-----	2	1	0

	£	s.	d.
Capt. Benjamin Crane	3	0	0
James Green Jun ^r	0	16	0
Jn ^o Council Bryan	19	3	4
Thomas Johnston	5	9	4
Ralph M ^c Nair	80	0	0
Griffith Rutherford	7	10	0
William Brown	10	6	8
William Skinner	30	4	6
Rotheas Latham	70	0	0
Thomas Jordan	9	14	0
Felix Kenan	6	0	0
John Orr	14	0	0
William Bryan	11	11	--
Michael Rogers	4	0	0
John Lyons	41	14	0
Dempsey Sawyer	18	10	0
Thomas Johnston	5	0	0
His Excellency the Governor	80	19	6
James Biggleston	42	10	8
Samuel Strudwick, Esq.	253	8	11
Robert Salter	20	0	0
John Cooke	2	2	0
William Branch	10	0	0
Richard Quince	2	2	8
John Cains	4	3	2
James Glasgow	40	0	0
Thomas Benbury	2	0	0
Thomas Sitgreaves	12	0	0
Ja ^s Glasgow, Clk of the Com ^t	25	0	0

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

Know all men by these presents that We Joseph Montfort, Alex^r McCulloch, John Harvey, John Sampson, John Campbell, Benjamin McCulloch, & Thomas Person & William Dry all of the Province of North Carolina Gentlemen are held and firmly Bound unto our Sovereign Lord George the Third by the Grace of God of Great Britain, France and Ireland King &c in the Sum of Fifty thousand pounds,

Lawfull Money of Great Britain to be paid to our said Lord the King his heirs and successors to which payment well and truly to be made and Done, we bind ourselves and each and every of us, our and each and every of our Heirs, Executors and Administrators jointly and severally for and in the whole, firmly by these Presents, Sealed with our Seals and Dated this Sixth day of March in the year of our Lord One Thousand Seven Hundred and Seventy Three.

Whereas the Above named Joseph Montfort is by an act of Assembly made and Ratified the Day of the Date of these Présents Intituled an Act for appointing Public Treasurers and Directing their Duty in Office, Appointed Treasurer of the Countys of Currituck, Pasquotank, Perquimons, Chowan, Bertie, Tyrell, Northampton, Edgecombe, Granville, Orange, Hertford, Bute, Halifax, and Chatham, Now the Condition of this Obligation is such that if the Above Bound Joseph Montfort Shall Diligently and faithfully Collect from the Respective Sheriffs, Receivers and Collectors of Duties and other persons Charged with Public Monies in his District And well and Truly Account for and pay to the General Assembly of this Province when thereto Required all Public Monies which he shall receive and faithfully and regularly discharge the Duties of his said Office then the Within Obligation to be Void Otherwise to be and remain in full force and Virtue

JO^s MONTFORT
ALEX^r M^cCULLOCH
JOHN HARVEY
JOHN SAMPSON
JN^o CAMPBELL
B. M^cCULLOCH
THOMAS PERSON
WILL^m DRY.

Sealed and Delivered in the Presence of

ROBERT LANIER,
R^d COGDELL.

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

Know all men by these presents that we Richard Caswell, John Harvey, John Simpson, Thomas Person, Thomas Respass, Jacob Shepard, Lemuel Hatch, Thomas Hines, Christ^r Neale, Thomas Gray, Richard Blackledge, John Green, Timothy Clear, Francis Mackilwean, William M^cKinne, Henry Goodman, Major Croom, Constan-

tine Whitfield, Jesse Cobb, James Glasgow and John Herritage, all of the Province of North Carolina Gentlemen are held and firmly Bound unto our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King &c, in the sum of Fifty thousand pounds Lawful Money of Great Britain To be paid to our said Lord the King his Heirs and Successors, to which payment well and truly to be made and done We bind ourselves and each and every of us, our and each and every of our Heirs Executors and Administrators jointly and Severally for and in the whole firmly by these presents. Sealed with our Seals and Dated this Sixth day of March in the year of our Lord One thousand Seven hundred & Seventy three.

Whereas the above named Richard Caswell is by an Act of Assembly made and Ratified the day of the Date of these presents Intituled "An Act for appointing Public Treasurers and Directing their Duty in Office," Appointed Public Treasurer of the Counties of Anson, Beaufort, Bladen, Brunswick, Cumberland, Craven, Carteret, Duplin, Dobbs, Guilford, Hyde, Johnston, Mecklenburg, New Hanover, Onslow, Pitt, Rowan, Surry, Tryon and Wake. Now the Condition of the above Obligation is such that if the above Bound Richard Caswell shall Diligently and faithfully Collect from the Respective Sheriffs, Receivers and Collectors of Duties and other persons Charged with Public Monies in his District And well and truly Account for and pay to the General Assembly of this Province when thereto required all Public Monies which he shall receive and faithfully and regularly discharge the Duties of his said office, then the within Obligation to be void Otherwise to be and remain in full force and Virtue.

RICHARD CASWELL

JOHN HARVEY

JOHN SIMPSON

THOMAS PERSON

THO^s RESPESS

JACOB SHEPARD

LEMUEL HATCH

THOS. HINES JUN^r

CHRIS^r NEALE

THO. GRAY

JOHN HERRITAGE

RICH^d BLACKLEDGE

JOHN GREEN

TIMO. CLEAR

FRA^s MACKILWEAN

W^m M^cKINNE

HENRY GOODMAN

MAJ^r CROOM

CONS^r WHITFIELD

JESSE COBB

J. GLASGOW

Sealed and delivered in the presence of

SAM^l BUDD

J. G. BLOUNT.

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

Letter from Chief Justice Howard to James Iredell, Esq.

NEWBERN 8th March 1773.

SIR,

As I hope to avail myself of my attachment, wherever a Court Law is passed it is of consequence to me, that it should not be lost or mislaid, but kept safe and returned whenever the Court shall be revived. I therefore beg the favour of you to receive it from the Sheriff and preserve it till this Event takes place, or if this be improper, to tell the Officer who has it, to take good care of it, for I am in Hopes, whatever be the Issue of the Dispute concerning Attachments in future, that mine will stand, as it was commenced before the Expiration of the Court Law.

I desire my Respects to Mr Johnston and Family, And am Sir

Y^r most obed^t Serv^t

M. HOWARD.

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

COUNCIL JOURNALS.

At a Council held at New Berne 9th March 1773.

Present

His Excellency the Governor

The Honble	{	James Hasell	William Dry	}	Esquires
		John Rutherford	Samuel Strudwick		
		Lewis DeRossett	and		
		John Sampson	Martin Howard		

His Excellency acquainted the Council that having on Saturday prorogued the Assembly to this present Tuesday in order to give them a farther opportunity to reconsider the state of the Colony, and to proceed to the dispatch of public business, He was this morning informed by their Clerk that there was not members enough in Town to make a House. His Excellency communicated to the Board the Royal Instruction which constitutes fifteen a Quorum and advised with them whether he should send a message to the Speaker to acquaint the House therewith and that he was ready to

proceed to business with that number. To this they unanimously agreed and the following Message was sent Viz^t.

MR. SPEAKER OF THE HOUSE OF ASSEMBLY,

Having received information this morning by the Clerk of the Assembly that there was not Members in Town sufficient to make a House, I am to inform you that by his Majestys Royal Instructions to me fifteen members of the House of Assembly make a Quorum and that I am ready to proceed upon the business with such Quorum.

JO. MARTIN.

To which Message His Excellency, receiving an immediate answer, was pleased to communicate the same to the Council Viz,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a.

SIR,

In answer to your Excellencys Message I am to inform you that it is the opinion of the Members of Assembly now in Town that it is not consistent with the duty they owe their constituents to proceed to make a House unless there be a majority of the Representatives of the people to constitute the same.

I am &c

JOHN HARVEY Sp.

New Bern March 9th 1773.

His Excellency then proposed to send another Message to the Speaker to know if he had any expectation of more members arriving to day, which being approved by the Council It was thus expressed.

MR. SPEAKER OF THE HOUSE OF ASSEMBLY,

I desire to know whether you have, or have not expectation or assurance that more members of the House of Assembly than are now in Town will appear this day to carry on the public business of this Country.

JO. MARTIN.

Soon after His Excellency imparted to the Council the Speaker's Answer to the above Message, Viz^t

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

I am to inform you that I have not the least expectation of the

arrival of any more Members; and that most of those who are now in Town are preparing to return Home. I am &c

JOHN HARVEY, Speaker.

The Governor hereupon desired the advice of the Council concerning the Measures most proper to be taken in this emergency. When the Council considering that the Assembly had deserted the business and Interest of their Constituents, and flagrantly insulted the dignity and Authority of Government after the Governor had by all proper means invited them to their duty, was of Opinion that he had no alternative left but to dissolve them, And that he should issue a proclamation for that purpose.

His Excellency then consulted with the Council at what time it might be proper to call a new Assembly of the Representatives of the people, and they recommended to him to order writs to be issued for the calling it on the 1st May next. A proclamation issued in the usual form.

[B. P. R. -O. No. CAROLINA. B. T. VOL. 24. P. 235.]

Letter from the Board of Trade to the King.

MAY IT PLEASE YOUR MAJESTY,

We have had under our consideration an Act passed in your Majesty's Colony of North Carolina in Decemb^r 1771, intituled "An Act to amend an Act for founding establishing & endowing of Queen's College in the Town of Charlotte in Mecklenburg County."

This Act, may it please your Majesty appears to have been passed in the year with that which it proposes to amend, & before any intimation of your Majesty's pleasure touching the same had been received; But as your Majesty for various reasons has thought fit by your Order in Council of the 22^d of April 1772, to disallow the Act for the proposed Establishment of a College, this Act now submitted thereby becomes nugatory & improper and we therefore propose to your Majesty to signify Your Royal disallowance thereof. Which is most humbly submitted

GREVILLE
W. JOLIFFE
GARLIES

DARTMOUTH
SOAME JENYNS
BAMBER GASCOYNE

Whitehall March 11th 1773.

[B. P. R. O. B. T. NO. CAROLINA. VOL. 24. P. 226.]

Letter from the Board of Trade to Governor Martin.

SIR,

We have had under our consideration the Laws passed by you in December 1771, the Objects and Utility of which are so fully and properly explain'd in your Letter to the Earl of Hillsborough of the 1st of March 1772.

His Majesty's Order in Council of the 22nd of April last, disallowing the Act for founding & endowing Queen's College in Charlotte Town, has been already transmitted to you by the Secretary of State and it is our Duty in consequence of his Majesty's determination on that Law, to lay before His Majesty for his Royal disallowance the Act No. 9, passed in December 1771, for amending the former Act which having been repealed, the subsequent Act is become nugatory and improper.

We have not failed to give the fullest attention to your reasons in support of the Act to indemnify such persons as acted in support of Government, during the continuance of the late Disorders; and although we are convinced of the general expediency and necessity of some proper Law for that purpose, yet we cannot approve the Act, to which you have given your Assent; as it appears to Us to be much too loosely worded; and that the description of the Cases to which the provisions of the Act apply are so general & indeterminate as that Persons, who have been guilty of almost any enormity may under the plea of their having acted in defence of Government, be protected and indemnified, and persons who have been unjustly and unwarrantably injured in their persons and properties, cut off from all possibility of redress.

It is our duty therefore to desire that you take the earliest opportunity of recommending to the Council and Assembly to pass such an explanatory Law, as may define and ascertain with more accuracy & attention the bounds and limits of that indemnity which is meant to be granted; in general we should hope it would not be necessary to extend indemnity beyond the Cases of imprisonment of persons, either actually in arms against Government or suspected of giving aid & assistance to the Rebels, to the seizure of Arms in the possession of suspected persons and the impressing of Horses

and Carriages for the use of the Government, we cannot however take upon us to suggest every Case that may be necessary to be provided for, your own discretion must direct your Judgment but we think fit to acquaint you, that if some explanatory Act is not passed, we shall be under the necessity of laying the present Law before his Majesty for his Majesty's Disallowance, it being as we conceive of a nature that is without precedent or example in any Case whatsoever.

We are Sir, &c.,
DARTMOUTH,
SOAME JENYNS,
BAMBER GASCOYNE,
W. JOLIFFE,
GREVILLE,
GARLIES.

Whitehall March 11th 1773.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 290.]

Governor Martin to Earl Dartmouth.

NORTH CAROLINA, NEW BERN, March 12th 1773.

MY LORD,

The last letter I had the honor to write to your Lordship (N^o 3) bearing date the 26th of Feb^{ry} related the Transactions of the General Assembly of this Province to that time, and implied my apprehensions that little public advantage would result from its deliberations, which I am concerned to inform your Lordships proved but too just and prophetic of the Event.

Another Bill "To continue the Superior Court Act six months, and to the end of the next Session" containing the same exceptionable clause as that I had before rejected passed very hastily through the House of Assembly, but being sent to the Council, was there again rejected.

On the 6th instant I received a Message from the Assembly, importing that the House had sundry Bills prepared, and desiring to know when I would receive them, I appointed that afternoon. The Speaker and near seventy Members of that House accordingly attended me and presented for my Assent, fifty two Bills, of which I rejected seventeen, for reasons I shall lay before your Lordship,

together with the Bills I refused, when I transmit the Acts that I passed, which I shall not fail to do, as soon as I can procure fair transcripts of them.

Having executed this duty My Lord, to the best of my judgment and understanding, I addressed the General Assembly in a speech (of which I have the honor to send your Lordship a copy herewith) and prorogued it to the 9th instant. On the morning of that day when I was preparing to open a new Session, I received information by the Clerk of the Assembly, with great surprise that there was not remaining in Town a sufficient number of Members to make a House, to which I replied I should expect such as were present, to convene at their House at 12 o'clock, when I would send a message. Accordingly my Lord at that hour, I sent to the Speaker from the Council Board, where I was sitting the Message No. 1, of which and of his Answer, and of my second Message and the Speaker's reply, your Lordship will receive Copies herewith. On receipt of the Speaker's second answer, which I thought definitive, I desired advice of the Council, as will appear to your Lordship by the Minutes of that day on the measures proper to be taken in the very extraordinary case that presented itself, upon which the Board concurred with me in Opinion that the conduct of the Assembly had left me no alternative but to dissolve it, which I therefore did immediately by Proclamation, and on the same day I issued Writs for calling a New Assembly, retainable the 1st day of May next. Your Lordship will be pleased to observe that in all these proceedings I have acted with the Council's concurrence, as I did in rejecting the Bill presented to me on the 24th of February (of which there is no minute or Journals) notwithstanding the rule of my conduct was so plain and clear.

In this whole transaction my Lord, which I am persuaded, must appear to you very irregular, although it is not altogether unprecedented in this Colony, I have the satisfaction to find, and to assure your Lordship, no ill humour or disposition, has been discovered towards me, on the contrary I am informed, the Assembly confessed with one accord, that I had acted in every part of this business, with uniform and becoming firmness. An effort of candour that I will acknowledge to your Lordship I did not expect, but that is not therefore the less pleasing to me. To evince their regard to me the Speaker and the other Members, who remained in Town, at the dissolution of the Assembly, paid me a visit on the evening of that day, and complimented me in the most respectful manner. In justice to these

gentlemen my Lord, it behoves me to remark to your Lordship that they were the flower of that very heterogeneous Body; which the ill policy of this people and the compliance of former Governors hath enlarged to a bulk, that renders it to the last degree unwieldy, embarrassing & impracticable.

Your Lordship will perceive that the Members of Assembly, who continue here, to the time of my Prorogation being Twenty seven in number, declined to enter upon business, and would not consider themselves capable of making a House, because there was not present a majority of the representatives of the People, whose whole number amounts at this day to ninety three. This conduct I learn was founded upon a direction of the Charter granted by King Charles the second to the Lords Proprietors of this Province "that laws shall be enacted by them, with a majority of the Freemen or their Delegates," and a subsequent declaration of the Proprietors to the same purpose. Such are the terms of the Charter most certainly, but the principle that the Charter is still binding upon the Crown, and the people is not too well established, and involves questions not for me to answer. It should seem however that it is not, in this particular at least, not only because a formal surrender was made by the Lords Proprietors, of all the Royalties granted in the said Charter, (and especially of the power of making Laws and calling Assemblies) to the Crown, under the sanction of an Act of Parliament of the second year of His late Majesty's Reign, but that I see the Lords Commissioners of Trade and Plantations, after taking the opinions of His Majesty's Attorney, and Solicitor General upon a part of this very question, (on a complaint exhibited against M^r Johnston, a former Governor of this Province, and referred to their Lordship's consideration) advised the King in the year 1754 to give an Instruction to the then Governor, appointing fifteen members to be a Quorum of the Assembly, at that time consisting of sixty, which Instruction has been continued to succeeding Governors to this day. But these are nice and important points that I shall humbly beg leave to submit to your Lordship's consideration.

When your Lordship shall see the Journals of the Assembly's last Session, you will observe that the House, in its Message to the Council, of the 2^d day of March, relating to the last Bill for Establishing Superior Courts, etc., dwells much upon the futility of the clause, touching attachments, from the short limitation of the intended Law, arguments that might have been urged with equal force against

them. It was pressed to me upon the same principles, but I resisted firmly believing that in giving my assent to a Law of that tendency, without a suspending clause, for one day ; I should offend against the letter and spirit of His Majesty's Royal Instruction, as much as if I passed an Act of more permanency. The truth is, My Lord, they wanted a concession of the Privilege of Attachment as they call it, at all events, and more especially, *pro re nata*, for I have reason to think it was the more strenuously insisted upon to serve the interests of some persons who had attachments actually depending.

At a future opportunity I shall do myself the honor to write to your Lordship at large, upon the doctrine that is held by the people of this Country, upon the subject of attachments, and of the abuses that have been practiced under that mode of Proceeding.

In the mean time my Lord, I have nothing so much at heart, as, that my part in this late and extraordinary scene may meet with His Majesty's, and your Lordship's approbation. I hope I have acquitted myself properly, but if it shall be found otherwise it must be my consolation, that my conscience assures me, I have pursued with my best discernment, the dictates of honor, and of duty to my Royal Master.

I have the honor to be &c,

JO. MARTIN.

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

COUNCIL JOURNALS.

At a Council held at New Bern 13th March 1773.

Present

His Excellency the Governor.

The Honble	{	James Hasell	Martin Howard	} Esquires
		John Rutherford	and	
		Samuel Strudwick	Samuel Cornell	

The Receiver General having applied to His Excellency for an Order to the Secretary of the Province to attend by himself or Deputy at the next Superior Court to be held at Wilmington with such Records as are necessary in the tryals there to be had in behalf of the Crown.

His Excellency directed the Secretary to attend by himself or

Deputy accordingly with such records as the Receiver General shall particularly apply for.

John Rutherford Esquire Receiver General of His Majestys Quitrents presented the following Memorial.

Additional Memorial humbly offered to His Excellency the Governor and to the Members of His Majestys Council in behalf of the Receiver General.

This Memorialist hath considered with proper attention the answer of His Majesty's Attorney General, to the Memorial humbly offered by the Receiver General and from that answer it seems to be the Attorney General's opinion, That the most eligible method to compel a more regular payment of the Quitrents is by actions of debt against the Tenants, So far indeed he agrees with Robert Jones Esq^r his predecessor in Office but there is one paragraph in the Attorney Generals Memorials, which if true, amounts to a direct charge against this Memorialist of the most unjustifiable negligence.

The Paragraph alluded to is the following — "But in those where the parties appeared I have never to this day received from the Receiver General even the amount of each particular demand, so as to enable me to form a single declaration."

This Memorialist affirms that to the account and name of each particular defendant was drawn out in the same line in figures the amount of each particular demand, how far this enabled the Attorney General to form a Declaration in debt the Memorialist doth not know.

Again he says that, "though I have long since frequently informed him, that where the original Patents were in the possession of the defendant, the Record of those Patents, and the dates of the last receipts would be sufficient proof, the former to be found in the Secretary's Office the latter in the General Receivers own power to furnish, yet he has never thought proper to furnish me with a single document or proof so as to enable me to bring on a single tryal and I am informed that the other suits for Quitrents and which were brought before I came into Office, remain under the same Predicament." This Paragraph requires explanation.

Not only the King's Attorney but likewise all the Counsel employed in behalf of the Crown were furnished with the dates of the several patents from the Receivers Rent Roll. It was surely the

business of that Council to obtain what Lawyers call a *subpoena Duces Tecum*, to the proper Officer to bring the Record into Court because the Original patent must ever be supposed to be in the hands of the Defendants. The Attorney ought to know that the Receiver cannot compel in a Court of Law the Defendant to produce evidence against himself nor can he without process of the Court (which is the Attorney's proper business to apply for) compel the production of the Record.

His Majesty's Attorney General of this Province doth know or ought to know, that from the nature of these demands it is impracticable if not impossible to bring any other proofs or documents to ascertain the demand other than the public Records. If there is any His Majesty's Attorney or the Council for the Crown ought to suggest the nature of such proofs.

When the Attorney asserts that the dates of the last receipts would be sufficient Proof of a demand for Quitrents against the Tenant, he surely asserts without Book. These receipts are in the hands of the Tenants, and if ever produced must be brought in as evidence by the defendant either to diminish or extinguish the demand. In fact it is not once in a 100 times that he can furnish such dates, since he is informed only from his own Books, which tho' kept with the utmost exactness can give no information where the lands continue in the patent consisting perhaps of 100 Acres has been sold in separate parcels or by the will of the Patentees divided amongst his children and transmitted to a variety of purchasers in separate parcels. When he receives Quit rents from such a person for 200 or 300 Acres of Land he cannot bring evidence from what particular patent that parcel has been extracted. However the Attorney General must be convinced that the Receivers Books of Accounts mentioning the day such a sum for Quitrents was received cannot be evidence of the date of the receipt, and if it was such evidence it might serve the Defendant but by no means the Complainant.

Upon the whole the Receiver whenever he gave directions to bring suit against any of the Kings Tenants always gave the date of the patent and the amount of the particular demand along with the name of the Defendant either to the Kings Council or into the Office of the Clerk of the Court where the suit was brought.

Quit rents issuing from lands are created from the grant which the Tenant has of his Lands. This Grant is as much the proof of the Quitrent as a lease for years is of the Rent or Farm. The

patent seems to be the only evidence of the one as the lease for years is for the other. The lessor and the lessee have each a duplicate of the lease. The patentee has one duplicate of the Grant the Records serve for the other. The Courts of Law cannot compel production of the evidence in the Defendants hands. They can and probably will on motion of the Kings Council compel exhibition of the Records. It is believed that from the very circumstances of the case, this is all the evidence can be brought in a Court of Law in behalf of the Crown. If any other occurs to the Attorney General, he will serve the Crown more effectually by suggesting it, than by preferring vague and unjust accusations against this Memorialist who hath an evident interest in forwarding every measure that can serve to have the Quit rents regularly paid, and therefore will cheerfully furnish every document or proof in his power to that end.

JOHN RUTHERFORD.

The Answer of the Attorney General to the Additional Memorial.

TO HIS EXCELLENCY THE GOVERNOR AND THE MEMBERS OF HIS MAJESTY'S COUNCIL.

In answer to the additional Memorial of the Receiver General, I must observe that if any of the many suits now depending for the recovery of Quit rents against the Tenants of the Crown, I know of but three that are committed to my care. In these the dates of the Patents or Deeds and the number of Acres on which the rents accrued are circumstances, I conceive necessary to be inserted in the declaration; and this material information the Receiver General has never thought proper to furnish me with. If this fact therefore is established the charges of ignorance or neglect in not obtaining the proper proofs fall to the ground, unless the Receiver is pleased to point out how I could move a Court to compel the bringing in of Records, when I was totally ignorant what the records were.

In one part of the Memorial indeed the Receiver General Asserts "that he furnished me and likewise all the Council employed by the Crown with the dates of the several patents" but on recollection he begins himself to doubt the truth of this assertion, as in the last paragraph but one he says "he gave them to the Kings Council or into the Office of the Clerk of the Court where the suits were brought." The inconsistency of his assertions is too obvious to need a comment; I shall therefore only say upon this point, that the Receiver

has never yet given me the date of a patent or deed in any one instance; and upon inquiry in the Office I found no such information could be obtained there.

I shall give no answer to that part of the Memorial where the Receiver says "I assert that the dates of the last Receipts would be sufficient proof of a demand for Quit rents against the Tenants," but refer to the paragraph which he alludes to, and which is on the first side of his Memorial, to show the unfairness of the question.

As to the nature of proof though in all cases the Records of the patents or deeds are necessary; Yet in many instances the date of the last Receipts or the time of the last payment, and which I still think the Receiver ought to be able to ascertain, would be of real use, as this species of information would fix the sum really in arrear, and though the Receiver General contends this evidence would only operate in favor of the Defendant, yet I am not able to foresee the injury that would arise from the admission of it; as I conceive the Crown neither wishes or intends to recover a greater sum than what is really due, but I forgot that the Receiver needs no information upon this head; as the law learning disclosed in the last part of his Memorial manifestly discover that he can be at no loss to know what process are necessary to be produced on tryal.

As to the exactness of the Receiver's Books I shall say nothing but with respect to their utility, if, when he receives Quit rents for Lands separated from the patent either by sale or devise, he cannot tell where and what those lands are, and in whose possession, or at what time such payment was made, and which information he says he cannot furnish once in 100 times. His books if intended as a Rent roll are insufficient to that end, and will in most cases prove altogether useless.

When the Receiver General reflects that he has not paid me one shilling of salary since I have been in office, he may perhaps think that I have as well as himself an evident interest in forwarding every measure that can serve to have the Quit rents regularly paid; and he may be assured that if I had it in my power as much as he ought to have it in his, I should cheerfully furnish every document or proof that might contribute to that end, and I therefore wish the Receiver General had made known whence arises the delay that attends the many other suits brought before I came into office by Lawyers of his own choosing, and in which there has not been to this day a single tryal.

As to the Receivers charging me with preferring vague and unjust accusations against him, I am sure I have given him no cause to entertain so ungenerous an opinion: I have no such intention. I should now have been silent as to his conduct had not his Memorials thus publickly forced me to appeal to facts in vindication of my own.

What the Receiver General intends by his present Application I know not nor is it material. And as assertions without proofs are of little weight should the Receiver think proper to prefer another Memorial upon this Occasion, I should wish to decline, (unless directed otherwise) trespassing again upon the patience of your Excellency and Honors, conscious that I have ever been, as I still am, ready to give the Receiver General all the aid of my Office to facilitate the collecting of his Majestys Quit Rents in this Province.

All which is humbly submitted,

THOS. MCGUIRE.

At a Council held at New Bern 16th March 1773.

Present.

His Excellency the Governor.

The Honble {	James Hasell	Martin Howard	} Esquires
	John Rutherford	and	
	Samuel Strudwick	Samuel Cornell	

John Rutherford Esquire Receiver General of the Province having complained to His Excellency in Council of the great difficulty he meets with in the Collection of His Majestys Quit Rents arising partly from an opinion which prevailed amongst the people that His Majesty intended to remit the arrears: It was recommended to His Excellency to issue a proclamation to undeceive the people in this respect, and to require them to pay up what is due on pain of being proceeded against according to Law. And the Receiver General was enjoined to exert himself in this behalf.

A Proclamation,

NORTH CAROLINA—Ss.

Whereas the Receiver General of His Majestys Quit Rents in this Province hath represented the great difficulty he meets with in his collection and the backwardness of some people in general to pay the same grounded chiefly on a report that hath been propagated that His Majesty intended to remit the Arrears for which report

there is not the least foundation. I have therefore thought fit by and with the consent of His Majestys Council to issue this proclamation to require all persons who are indebted to His Majesty for Quit Rents immediately to pay the same on pain of being proceeded against according to Law for their Default.

Given under my hand &c, dated 16th March 1773.

JO. MARTIN.

God save the King.

His Excellency acquainted the Board that in all probability it would become necessary during the suspension of the Court Laws to issue Commissions of Oyer and Terminer. He proposes to appoint Maurice Moore and Richard Caswell Esquires Commissioners together with the Chief Justice to hold the said Courts which the Board approved.

The Governor desired the advice of the Council in regard to the expediency of issuing a proclamation to enforce the collection of the duty on spiritous liquors brought into the Province by land, which the Board thought highly necessary and that such a proclamation should issue accordingly.

A Proclamation.

NORTH CAROLINA—Ss.

Whereas by an Act passed in the General Assembly of this Province in the Year 1754 a duty of 4d was imposed on every gallon of rum, wine or distilled liquor brought into this province by land the payment of which duty hath too frequently been evaded I have therefore thought fit by and with the consent and advice of his Majestys Council to issue this Proclamation strictly requiring the payment of the duties imposed by the said Act of Assembly to the Collectors appointed to receive the same and all persons neglecting or refusing to pay the said duties as they accrue will be prosecuted with the utmost rigour.

JO. MARTIN.

God save the King.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

John Rutherford Esquire Receiver General of North Carolina his General Account of His Maj^{ty}s Quit Rents, Arrears of Quitrents, Fines, Forfeitures, & other incomes received and paid by him from the 25th March 1772 to the 25th March 1773.

Charges himself as follows viz^t

	£	s.	d.	£	s.	d.
Received for Cumberland County -----	206	10	8 $\frac{1}{4}$	118	--	4 $\frac{3}{4}$
“ “ Tryon ditto -----	98	13	10 $\frac{1}{2}$	56	7	11 $\frac{1}{2}$
“ “ New Hanover ditto -----	411	2	7 $\frac{3}{4}$	234	18	7 $\frac{6}{7}$
“ “ Craven ditto -----	82	--	5	46	17	4 $\frac{1}{2}$
“ “ Dobbs ditto -----	49	18	7	28	10	7 $\frac{3}{4}$
“ “ Duplin ditto -----	4	6	7 $\frac{1}{4}$	2	9	5 $\frac{6}{7}$
“ “ Onslow ditto -----	3	--	9 $\frac{3}{4}$	1	14	9
“ “ Mecklenburgh “ -----	50	1	11 $\frac{1}{4}$	28	12	6 $\frac{3}{4}$
“ “ Bladen ditto -----	10	2	8 $\frac{3}{4}$	5	5	10 $\frac{1}{2}$
“ “ Currituck ditto -----	} Nil					
“ “ Hyde ditto -----						
“ “ Carteret ditto -----						
“ “ Beaufort ditto -----						
“ “ Pitt ditto -----						
“ “ Anson ditto -----						
“ “ Brunswick ditto -----						
Fines and Forfeitures $\frac{2}{3}$ Account -----	9	12	7 $\frac{1}{2}$	5	10	$\frac{4}{5}$
Craven County Ballance of Mr Clither-						
all's Account rendered to March 1772	180	--	---	102	17	1 $\frac{3}{4}$
	£1105	10	11	631	14	9 $\frac{1}{2}$
Deduct Commissions at 10 $\frac{2}{3}$ Cent ---	110	11	1	63	3	5 $\frac{1}{2}$
	£ 994	19	10	568	11	3 $\frac{5}{8}$
Ballance of Account ending March						
1772 -----	1	--	8 $\frac{1}{4}$	11	10 $\frac{1}{2}$	

Discharges himself as follows viz^t

Paid in part of an Assignment granted by the late Benjamin Heron Esquire to the Heirs of the late Edward Moseley Esq ^r late Chief Justice and Chief Baron -----	£	s.	d.	£	s.	d.
	76	7	--	43	12	7
Paid Samuel Swann only surviving Executor of Ann Montgomery, sole Executrice and Devisee of John Montgomery late Chief Justice and Attorney General in part of a Debenture granted by Benj ^a Heron for £429.13.7 Sterling.	147	5	1	84	2	11
Paid Robert Palmer by receipt of his son William Palmer Esq ^r in part of his appointment as Surveyor General.	15	11	5	8	17	11 ³ / ₄
Paid Martin Howard Esq ^r present Chief Justice in part of his Appointment---	122	10	--	70	--	--
Paid Isaac Edwards Esq ^r for Auditing this Account-----	55	5	6 ¹ / ₂	31	11	8 ³ / ₄
Ballance due by this Receiver on this Account-----	578	--	9 ¹ / ₂	330	6	1 ³ / ₄
	£994	19	10	568	11	3 ³ / ₄
Balance due by the Rec ^r of Acc ^{ts} ending March 1772-----	1	--	8 ¹ / ₄	--	11	10 ¹ / ₂
	£996	--	6 ¹ / ₄	569	3	2

I have examined the within Account of His Majesty's Revenue of Quit rents from the 25th March 1772 to the 25th March 1773. The Charge whereof as appears from the Account is £996.0.6 Proclamation money equal to £569.3.2 sterling and the discharge to £416.19.0 Proclamation money equal to £238.5.2 sterling. But having submitted the Account produced by John Rutherford Esq^r Receiver General, ending 25th March 1772 to the Examination and Determination of the Auditor General, the same having appeared to be improper and insufficient, I cannot pass the written Account until I am instructed about the former, especially as many of the objections which prompted me to reject the former Account continue in this

also, which with the vouchers I do likewise humbly submit to the Hon^{ble} and Reverend M^r Cholmondeley for his determination thereon.

I^s EDWARDS, Dep. Aud.

John Rutherford Esq^r Receiver General of His Majesty's Revenues in North Carolina appeared before me this day and being duly sworn on the Holy Evangelists of Almighty God maketh oath that the Account above stated is a true Charge and Discharge of His Majesty's Revenues therein mentioned and that the same contains a just and true account of all Quit Rents whatsoever by him receiv'd during the time aforesaid.

JNO. RUTHERFORD.

Sworn to before me at New Bern the 26th March 1773.

JO. MARTIN.

[REPRINTED FROM MEMOIRS OF JOSIAH QUINCY, JUN., p. 117, *et seq*]

MEMOIRS OF JOSIAH QUINCY, JUN.

Extracts from the Memoirs of Josiah Quincy.

* * * * *

"Lodged the last night in Brunswick, N. C., at the house of William Hill, Esq., a most sensible, polite gentleman, and though a crown officer, a man replete with sentiments of general liberty, and warmly attached to the cause of American freedom.

March 27th (1773). Breakfasted with Colonel Dry, the collector of the customs, and one of the Council, who furnished me with the following instructions given Governor Martin, and, as Col. Dry told me Governor Martin said, to all the colony governors likewise."

[See *ante* page 235.—EDITOR.]

"March 27th. Colonel Dry is a friend to the Regulators, and seemingly warm against the measures of British and Continental administrations. He gave me an entire different account of things from what I had heard from others. I am now left to form my own opinion, and am preparing for a water tour to Fort Johnston. Yesterday was a most delightful day. Fort Johnston is a delightful situation.

March 28th. I go to church this day at Brunswick; hear W. Hill read prayers; dine with Col. Dry; proceed to-morrow to Wilming-

ton, and dine with Dr. Cobham with a select party. Colonel Dry's mansion is justly called the house of universal hospitality.

March 29th. Dine at D^r Thos. Cobham's in company with Harnett, Hooper, Burgwin, D^r Tucker, &c. in Wilmington; lodged also at D^r Cobham's, who has treated me with great politeness, though an utter stranger, and one to whom I had no letters. Spent the evening with the best company of the place.

March 30th. Dined with about twenty at Mr William Hooper's; find him apparently in the Whig interest; has taken their side in the House—is caressed by the Whigs, and is now passing his election through the influence of that party. Spent the night at Mr Harnett's,—the Samuel Adams of North Carolina (except in point of fortune). Robert Howe, Esq., Harnett and myself made the social triumvirate of the evening. The plan of continental correspondence highly relished, much wished for, and resolved upon as proper to be pursued.

April 1st. Set out from Mr Harnett's for Newbern.

April 2nd. Reached Newbern about eleven o'clock A. M. Waited upon Judge Howard and spent about an hour with him.

Did not present the rest of my letters because of the fine weather for travelling, and no Court of any kind sitting or even in being in the province.

Judge Howard waited upon me in the evening with recommendatory letters to Colonel Palmer of Bath, and Colonel Richard Buncombe of Tyrrell County.

April 4th. Reached Bath in the evening, did not deliver my letters, but proceeded next morning to Mr Wingfield's parish, where I spent the Sabbath.

April 5th. Breakfasted with Colonel Buncombe,* who waited upon me to Edenton Sound, and gave me letters to his friends there. Spent this and the next day in crossing Albemarle Sound and in dining and conversing in company with the most celebrated lawyers of Edenton.

From them I learned that D^r Samuel Cooper of Boston was generally (they said universally) esteemed the author of 'Leonidas,' who

* I have heard an anecdote in North Carolina highly illustrative of the hospitality of Col. Buncombe, which I shall take the liberty to record. On the arch of the outer gate of his mansion was inscribed the following distich:

“ Welcome all
To Buncombe Hall.”

together with 'Mucius Scaevola,' was burnt in effigy under the gallows by the common hangman. There being no Courts of any kind in this province, and no laws in force by which any could be held, I found little inclination or incitement to stay long in Edenton, though a pleasant town. Accordingly, a guide offering his directions about evening, I left the place and proceeded just into the bounds of Virginia, where, I lodged the night. The soils and climates of the Carolinas differ, but not so much as their inhabitants. The number of negroes and slaves is much less in North than in South Carolina. Their staple commodity is not so valuable, not being in so great demand as the rice, indigo &c, of the South. Hence labor becomes more necessary, and he who has an interest of his own to serve is a laborer in the field. Husbandmen and agriculture increase in number and improvement. Industry is up in the woods at tar, pitch, and turpentine; in the fields, ploughing, planting, clearing, or fencing the land. Herds and flocks become more numerous. You see husbandmen, yeomen, and white laborers scattered through the country, instead of herds of negroes and slaves. Healthful countenances and numerous families become more common, as you advance North. Property is much more equally diffused in one province, than in the other, and this may account for some, if not for all the differences of character in the inhabitants. However, in one respect I find a pretty near resemblance between the two Colonies; I mean the state of religion. It is certainly high time to repeal the laws relative to religion, and the observation of the Sabbath, or to see them better executed. Avowed impunity to all offenders is one sign at least, that the laws want amendment or abrogation. Alike as the Carolinas are in this respect, they certainly vary much as to their general sentiments, opinions and judgments. The staple commodities of North Carolina are all kinds of naval stores, Indian corn, hemp, flax seed, some tobacco, which they generally send into Virginia, &c. The culture of wheat and rice is making quick progress, as a spirit of agriculture is rising fast. The favorite liquors of the Carolinas are Claret and Port wines, in preference to Madeira or Lisbon. The commerce of North Carolina is much diffused through the several parts of the province. They in some respects may be said to have no metropolis, though New Bern is called the Capital, as there is the seat of government. It is made a question which carries on the most trade, whether Edenton, New Bern, Wilmington, or Brunswick. It seems to be one of the two first. There is very little

intercourse between the northern and southern provinces of Carolina. The present state of North Carolina is really curious; there are but five provincial laws in force through the Colony, and no courts at all in being. No one can recover a debt, except before a single magistrate, where the sums are within his jurisdiction, and offenders escape with impunity. The people are in great consternation about the matter; what will be the consequence is problematical."

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

Governor Martin to Earl Dartmouth.

NO. CAROLINA, NEW BERN, March 30th 1773.

MY LORD,

The ungenerous and insidious measures that I have reason to believe have been taken by M^r John Burgwin, late Clerk of the Upper House of Assembly in this Province, force me in my own justification to relate to your Lordship, circumstantially how, and by what means he lost that Office, which he is now practising the most base and disingenuous artifices to recover.

M^r Burgwin, My Lord from my arrival in this Government to the beginning of May last had always professed the strongest desire of opportunity to oblige me and had found two or three occasions to do me little good offices that lay in his way as a Merchant, which very naturally disposed me to reciprocate his civility.

At this time I received a letter from him by one of his friends, importing, that he had determined to go to England immediately for the recovery of his health, that therefore he wished for my leave to resign his Office of Clerk of the Upper House of Assembly, and that it would particularly oblige him, if I should appoint a Gentleman, he named, a friend of his to be his successor. I told the bearer of the Letter that I had a just sense of M^r Burgwins civilities to me and that it gave me pain to find it out of my power in this instance to comply with his request, especially too as I approved the Gentleman, for whom he solicited my favour, and had a respect for all his connections, but that I stood engaged to Mr Hawks, who had been particularly recommended to my patronage by my friend Governor Tryon, to whom I owed all sort of respect, that this might be the only opportunity I might have to demonstrate it, and that Mr

Hawks was a man of unexceptionable character, of known sufficient Qualifications, and living on the spot, where the Office was to be exercised, whereas the other Gentleman recommended by M^r Burgwin lived as he did at Wilmington, one hundred miles off. The Gentleman who had been employed to urge the suit of M^r Burgwin's friend, and who was really a party more deeply interested in his success than M^r Burgwin himself, being then actually on the point of marrying his daughter to the Candidate, acknowledged with great candour and generosity the propriety and politeness of my predilection of M^r Hawks, whose merit he confessed, declaring that nearly as he was concerned in the fortune of M^r Hooper, the other Candidate, he entirely approved and acquiesced in my determination as he thought all the world must do. By this Gentleman my Lord, I wrote to the same purpose to M^r Burgwin, and about a month afterwards I issued the Commission to M^r Hawks, for the Office I had conferred upon him immediately on the receipt of M^r Burgwin's resignation and I heard no more of him until the month of November or December last, when he arrived in this Town from Boston, whither I found he had gone in the summer instead of returning to England, as he had at first designed. He visited me on his arrival, with his usual complaisance, and at taking leave solicited me with the most earnest importunities to make his house my residence when I should go to Wilmington. He staid here two or three days afterwards, and it happened that a young gentleman then in my Family, was present in a Company, when he was deploring the loss of an office in which I had superseded him and he knew not for what reason. The young Gentleman who was a stranger in this Country and to my transactions with M^r Burgwin, after taking occasion to ask me, if I had lately superseded him in an office, and being answered in the negative, but that I had not long ago appointed to an office he had resigned, expressed great surprise, and related to me the conversation of which he had been a witness. Upon this information, I lost no time in sending to M^r Burgwin, and desiring to see him before he left Town. He attended me accordingly and I communicated to him, with the astonishment I had received it, the relation of my friend, and desired to know if it was possible he could assert, I had superseded him, and that he knew not for what reason, when he must remember he had by his letter to me expressly and absolutely resigned his office, of which I never dreamed of depriving him and that it would have been full evidence of his resignation

if it had been forthcoming, but that I had burnt or destroyed it, never conceiving that my conduct in that transaction could be impeached. I told him however, that if it was necessary I could swear to the import of it, as I made no doubt others could to whom I had communicated it, and particularly M^r Hasell President of the Council. Discovering thus from my ingenuous inadvertance that his letter could not appear against him, he declared that he made the appointment of M^r Hooper, the condition of his resignation, and that as I had not thought proper to confer the office upon him, he expected still to hold it himself, that if however his resignation had not been conditional as I maintained, I had by my answer to his letter left it to his option to keep or resign the office, and that he was surprised to hear, soon after his arrival at Boston, that he was superseded, to which I replied, that I should have considered a proposition of a conditional resignation of an office, he held at my Will indecent and impertinent but that his resignation was absolute, that I could not engage for the precision of my answer to his letter, that I well remembered to have written in a great hurry, but that I could never be persuaded by him or any other man, that I could intend to leave it to his election to keep or resign an office, he had already rejected, that I had actually at that time conferred upon another Gentleman whom I was earnestly desirous to serve, and with the approbation of his own friend whom he had employed to solicit the appointment of the Candidate he espoused, as that Gentleman would inform him, if he did not at the time, but that admitting I had acted so inconsistently, as to have given him his election, to resign the office or not, I must be justified in thinking he relinquished it, since he had not during near three months that he resided in this Province afterwards, made me the least reply upon the subject, that I had issued the Commission to M^r Hawks as nearly as I could recollect, about a month after the receipt of his resignation, and near two months before his departure, just as I was setting out for Hillsborough, on M^r Hawks' representation that it might be necessary, to authorize him to call upon M^r Burgwin, for the Journals and Papers belonging to the Upper House of Assembly, before he should sail for England which I should not otherwise have done until the meeting of the General Assembly as I knew he would not be called upon, before that time, to exercise any of the duties of that office. That I disdained and despised the false insinuation, that I had superseded him on his leaving the Country, and that he must

impute to himself the loss of an office he might have held for me as long as he had behaved well and thought fit to keep it, that I had really supposed with his friends, that in the present prosperity of his fortune, he had outgrown this little office, but that although I thought his conduct did not deserve such treatment at my hands, and that I was entirely satisfied in my own conscience, I had acted in this whole transaction with the utmost correctness, yet in remembrance of his little civilities to me, and to convince him I had never entertained the least shadow of design to injure him, I would, however little such a conduct might appear, revoke my appointment of M^r Hawks and restore him to the office rather than endure, even the false imputation of doing wrong to him, and that I would take some other occasion to make amends to M^r Hawks. To this he answered, that such a concession was more than he could ask or expect, that he could by no means wish me to take any steps that might possibly expose me to the obliquities of a censorious world, that as the office was lost to him, it could not be helped, and that he should be satisfied, and think and say no more of it, unless he was called upon to justify me, if I would oblige him with a certificate that I had not superseded him for misbehaviour, and given him hopes, at a proper time and occasion of some future mark of my favour. In some heat of mind (for I dare say your Lordship cannot suppose me unmoved upon such an occasion), I gave him a certificate of the tenor he desired, telling him at the same time, I should remember his former good offices, and when a fit opportunity offered, he would find me disposed to make him reparation for a loss he was to ascribe to his own temerity or indiscretion, and to which I had not been wittingly or willingly accessory having never conceived a thought of removing him from his office, or of disposing of it otherwise, until he had absolutely rejected or resigned it. After this My Lord, we parted, he paid a visit to his successor, congratulated him, and delivered into his custody the Official Papers, he soon after left Town, declaring to his particular friends that he was most perfectly satisfied as indeed I believe your Lordship will think he had good reason to be.

From this time my Lord, I heard no more of M^r Burgwin until the last month that I was informed he had applied to the Council for a certificate of his good behaviour, during his service as Clerk of that Board in its capacity of an Upper House of Assembly which he deserved, and it was readily granted. Soon afterwards it transpired,

to the great discontent and surprise of the Council, that this certificate was intended to be employed by Mr Burgwin, through his mercantile friends, to procure his re-establishment in the office, by His Majesty's Commission, that he had so lately renounced at my hands. I was apprised of it, and I leave your Lordship to imagine my astonishment at so base and vile a treachery.

As I apprehended this clandestine and subtle artifice of Mr. Burgwin might convey some ill impressions of me to your Lordship, it became my duty as well from the desire I have of the honor of your Lordship's favorable opinion, as in justice to my own reputation, (that I have the happiness to think has never yet been wounded) to prevent it by a faithful relation of the whole transaction, which I have now given; and most humbly submit to your Lordship without further observation than that Mr. President Hasell, to whom I communicated Mr. Burgwin's letter, and all other people, his most intimate friends, whom I have consulted, assure me that they have no doubt at all that his resignation was intended to be absolute at the time he made it. My heart, my Lord, would incline me to draw a veil over the unfair sides of characters of which I have occasion to speak, but as I am not sure, that in my public station, and in this instance I should do my duty if I yielded to that disposition, whatever violence I may suffer in my own mind, I think it proper to represent to your Lordship, that Mr. Burgwin (as I am credibly informed by the first people of this country) by the grievous oppressions; and extortions, he preached [practiced] while he exercised the office of Clerk of the Superior Court for the District of Wilmington, that he held within these two years rendered himself so odious and obnoxious that he was compelled to relinquish it, through dread of the people's menaces, to take vengeance for his iniquities. His Majesty's Receiver General lately presented to me in Council a memorial against him for taking double Fees on suits of the Crown, from Plaintiff and Defendant, and he will be prosecuted for it at the first Court, and I hear on all hands that he is execrated in his neighborhood for his mercenary exactions and inhuman rigour. He is joined in trade with Mr. Waddell, a very worthy man, and upon his capital, with nothing of his own, has raised in a few years a considerable fortune, such as ought to have set him above the little office he is employing the basest arts to obtain, that is not worth at most above £100 sterling per annum, and is now filled by a gentleman of universal good character who gives the utmost satisfaction.

Although my Lord the Council has borne testimony to the good conduct and qualifications of Mr. Burgwin as a Clerk, some of its most respectable Members have assured me that his behaviour at the Board was oftentimes officious, impertinent and offensive.

It is with concern I obtrude upon your Lordship this long narrative, but I have thought it necessary in my own defence, to give your Lordship the most minute detail of this transaction.

I have the honor to be &c^a

JO. MARTIN,

[E. P. R. O. AM. & W. IND: NO. CAROLINA. NO. 220.]

Governor Martin to Earl Dartmouth.

NO. CAROLINA, NEW BERN, March 31st 1773.

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's Dispatches No. 1 and 2. I am extremely happy in the honor done me by your Lordship's approbation of my seeming attention to the matters with which I have been charged, and I do assure your Lordship that my zeal for the King's service will ever oblige me to fulfill to the best of my ability all such orders and directions as I shall have the honor to receive in command from His Majesty and your Lordship.

I must acknowledge, my Lord, that when I suspended Comptroller Malcom I had no more question that the powers vested in me by His Majesty's Royal Commission warranted such a step than that the nature of his offence demanded it, but since I have been honored with your Lordship's sentiments on that measure, and that I have reviewed my authorities as to this point more attentively, I incline to your Lordship's opinion, that if such power over the officers of the customs was designed to be given to His Majesty's Governor it does not anywhere clearly appear, except in the 25th Article of the King's Instruction relating to Trade, in the particular case of neglect or connivance, with respect to ships coming from the East Indies.

But lest I should be deemed to have exceeded my powers in that case, I have thought it proper, my Lord, since I have been favoured with your Lordship's letter to refer some complaints of no less atrocious complexion, made to me against Mr John Pierce, Collector of the same Port of Currituck, to the Commissioners of His Majesty's

Customs, whose authority he has set at defiance. Upon this subject I think it my duty to observe to your Lordships that if His Majesties Governors in the Colonies have not power to suspend officers of the Customs, it may be expedient to vest them with it, for if there is no controlling power over them in Provinces so remote as this is from Boston, the seat of the Board of Commissioners, great mischief may accrue to His Majesty's Service before they can interpose, as it can hardly be less than four and will be often six months before they can be informed of delinquencies here, and apply proper remedies. This measure I only mean most humbly to offer to your Lordship's consideration.

With regard to the Court Acts, I am concerned to inform your Lordship, that I was obliged to reject it at the late Session, such as were calculated for the present administration of the Laws. I have already submitted to your Lordship the reasons upon which I rejected the first, and the Council threw out the second Superior Court Bill, that designed to constitute Inferior Courts was liable to objection upon the same principles, and had besides so inseparable a connection with, and relation to that Law; and was I thought so absolutely depending on it, as to be utterly nugatory without it. Wherefore my Lord, and because I knew that a majority of the Assembly were Magistrates whose policy and aim it had ever been, to usurp to the County Courts as much power as possible, I feared that those little jurisdictions were once established alone, that Branch of the legislature, designing thereby all the power of the Laws into their own hands, would be less willing to erect Superior Tribunals, if they should not openly oppose their future Establishment. On all these considerations my Lord, I conceived the Inferior Court Act, as unfit, as incompetent to stand by itself; but allowing no weight to these objections I am clearly of opinion, that a total privation of Courts will the more readily induce a compliance with the just measure his Majesty has been pleased to prescribe.

I passed under a clause of suspension, an Act for establishing both Superior and Inferior Courts, which I shall do myself the honor to transmit singly, with my observations upon it at large, before the other Acts of the last Session, can be prepared, that it may have your Lordship's consideration as early as may be. After suggesting the plan I had the honor to submit to the Earl of Hillsborough in my letter N^o 18, part of which your Lordship has been pleased to approve, to some few of the Members of the House of Assembly, who talked

to me of improving the plan of the County Courts, I left the Legislature pursuant to your Lordship's sentiments expressed in your letter N^o 1, that I received at that juncture, to exercise its own discretion in framing this Act, which I thought it not improper to pass in a shape wherein it could have no effect until it received His Majesty's approbation, as I apprehended no description of mine would so well convey to your Lordship the ideas and wishes of this People, and that it might be at once adopted if it should meet with the Royal allowance. Regardless of my plan or at least retrenching it of all its essential advantages, The power of appointing Clerks of the Superior Courts that I proposed according to the direction of the Lords of Trade, to be vested in the Governor, is reserved to the Chief Justice, and the appointment of Clerks of the Inferior Courts is passed over in silence, the Assembly declining to recognize the power of the Clerk of the Pleas over those offices, maintaining that by the common law of England the right of appointing Clerks resides in the Chief Justice in his Court, in the other Judges in their respective Courts, and therefore in the Justices of the Inferior Courts here, so that by taking no notice of the Clerk of the Pleas in this Act, they intend as I understand not only to disclaim his power, but to exercise or at least to contend for it themselves. This contest my Lord arises from the influence of the Clerks in the House of Assembly, who under the late Court Law were vested with their offices, during good behaviour, which they maintain also is the tenure prescribed by the common law of England, and is a condition I declared I could not admit, the Earl of Hillsborough having enjoined me to refuse my assent to any Law authorizing these Appointments to be made otherwise than during Pleasure.

I own to your Lordship, my expectations of the fate of this Act do not correspond with those of the People of this Country, as I see little recommendation that it has, besides its intended permanency; that is a ground upon which I could almost wish, it to take place imperfect as it may be in other respects, for the short limitation of these fundamental Institutions has heretofore held the constitution of this Country in an uncertain fluctating and changeable state, and been the source of periodical strife & embarrassment. I had prepared a message to send to the Assembly relative to the Sheriffs Law pursuant to the direction of the Lords of Trade, by their Lordship's letter, bearing date the 12th of December 1770, to Governor Tryon, but perceiving by its answer to the 4th day of March

to my Message concerning the establishment of the Post Office according to His Majesty's Instruction, that the House was not disposed to do any more business than what lay before it, I forbear to send it, thinking it not only needless, but that like most other measures of Government, it might excite unreasonable jealousies, and give the people opportunity to concert, and form an opposition to it, before the matter was agitated.

My former letter will have assured your Lordship, that the opinion I have conceived of M^r Strudwick the present Clerk of the Pleas, hath removed every apprehension of mal practices in that office.

In obedience to your Lordships Commands I am to inform you that the Embargo of which I apprized your Lordship last Autumn, was laid on a prospect of the extremest distress in the interior parts of this Province, of which the Members of Council who advised the measure were eye witnesses with myself, and on the Representations of the principal Inhabitants of that Country; there is no Law My Lord, that I can find warranting this Proceeding, but it has the sanction of many Precedents during the Administration of former Governors. I confess to your Lordship there was no exception of Grain and flour exported to Great Britain but these Commodities have never yet been shipped from hence to that Kingdom. I am highly sensible My Lord of the obliging condescension with which your Lordship has done me the honor to instruct me on this matter, and you may depend I shall pay the strictest attention to your Lordship's Commands on this and every other subject. Indian Corn My Lord is the Grain mostly cultivated in this Province, but I learn that the farmers here, after the example of the Virginians are going more and more upon wheat, the Embargo your Lordship's will have observed, was calculated to continue only until the latter end of November at which time the Indian Corn is gathered in, and when the Harvest might be ascertained, which proved by reason of some late partial rains, better than was expected.

I shall carefully observe your Lordships Instructions with regard to the Quorum of the Council, and you may depend My Lord, that I will never, but in cases of the last necessity act with a less number than the King's Instructions prescribe, although the remote residence of the Members and the aged, and infirm condition of many of them will I fear, often put me to difficulty.

I am concerned to inform your Lordship that the Act of Pardon and oblivion, that I was authorized by His Majesty to propose to the

Legislature was rejected at the late Session in the Council, the Assembly not having made in it so many exceptions as that Board judged expedient. I have no doubt however, that it will be passed at a future time, and perhaps in the present circumstances of things that there is no regular Administration of Justice in the Country, it may be as well that the dread of punishment should impend the offenders who were the objects of that Act.

With respect to the Chief Justice My Lord, I shall govern myself by your Lordship's opinion, on the case I had the honor to propose to your consideration.

I do assure your Lordship, it was not for want of diligent enquiry that I could not inform myself here, of the Laws that were in force, but I could receive no satisfaction about it, the Laws of this Province are more rare, than any book can be named, but a new edition of them is coming out, when I hope they will be better known, as well as better observed. The Act My Lord that relates to the Vestries in the Counties of Guilford and Wake precludes the Presbyterians in those Counties from becoming Members thereof, which is an office open to that denomination of People in all other parts of the Province, as I considered it merely a matter of Church Government, and that the dissenters in the County of Guilford, rested their discontent entirely upon being put upon a footing different from the rest of their Sect, in this respect I recommended to the Assembly by a message on the 2^d day of February, as will appear to your Lordship by the Journals, to put that whole people, with regard to Vestries, upon one uniform Establishment agreeable to the Laws of England, and I did this My Lord the more readily as I had late convincing proofs that the Admission of Dissenters into Vestries operated as a prohibition to the Establishment of the Church of England, that in the Parish of S^t Luke in the County of Rowan, they had actually expelled M^r Drage the Rector, a very worthy Clergyman, by withholding his Salary, the only means of his subsistence, and forced him to retire to an Asylum, to which he was invited in South Carolina, and that the negative declaration, that Vestrymen are required to repeat and subscribe at their Election, by the Act of 1764, obliges them not to maintain, and support but only *not to oppose the doctrine Discipline and Liturgy, of the Church of England as by Law Established*, which is construed by the Dissenters into an allowance of, or connivance at utter passive neglect; this measure however I certainly should not have taken, if I had then received your Lordship's

Letter, but it had no consequences except the passing an Act to dissolve the Vestry of Unity Parish that had been illegally chosen. If My Lord, I could have conceived it had the least tendency to rigor against the Presbyterians, my own conscience would not have permitted me to propose it, for I admire the generous, humane and tolerating spirit of the Laws of England, & have ever considered their tender regard to conscience among the noblest characteristics. of the British Constitution.

Pursuant to a promise I lately made to some of the Dissenters in the County of Rowan to lay a petition they presented to me before his Majesty, I have now the honor to transcribe a Copy thereof to your Lordship. It is signed by many persons of good character, who have been on all occasions the steady friends of Government.

I have the honor to be &c

JO. MARTIN.

The Petition of His Majesty's Dutiful and loyal Subjects, Inhabitants of Rowan County.

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF N^o CAROLINA.

Most humbly Sheweth,

That amidst many of the blessings of Heaven and advantage which we enjoy under a mild, and in many things equitable Government for all which we desire to make the most grateful acknowledgements.

Yet we still look upon ourselves unhappy in some things which we flatter ourselves, were your Excellency and the other Branches of the Legislature of this Province made sensible of in a much inferior degree to what we feel, it would excite you all, to redress as far as in your power, and if in any particular our necessity constrains us to ask relief, in a way or method beyond your power to grant, which is not our intention, we pray that you would beseech our most gracious Sovereign to commiserate our Case and grant us the relief we so much need.

In the first place, we look upon ourselves peculiarly unhappy in having our worthy and pious Pastors viz. Presbyterian Ministers pointed out in the Preamble of an Act of Assembly concerning Marriage passed at New Bern in December 1766, as persons regardless of Law, and acting contrary to good Order, in joining many Persons

together in Holy Matrimony without either licence or publication, which we do not know to be true of any one of them in one single instance and yet they still ly under the Charge and are moreover deprived of the privilege of marrying their own people according to the Directory of the Presbyterian Church, which has so discouraged them, that those that are not already placed are unwilling to settle in the Province, and even some who were placed after waiting several years for a redress of said grievances without obtaining it, have actually removed out of it to the great grief and discouragement of many loyal Subjects who for the same reason seem resolved to leave the Province likewise.

Your Excellency's readiness to hear, and likewise to redress grievances of every kind, give us flattering hopes that your Excellency will endeavor to have an amendment of the act of Assembly above mentioned so far as to tolerate the Presbyterian Ministers to marry those of their own Congrégation by Publication.

And your Petitioners as in duty bound shall ever pray. Signed:

Alex ^r Osborn	James Reede	James Brandon
James Harris	Robert Allison	W ^m Armstrong
Rob ^t Carruth	William Hide	John Graham
Zachariah Sallyer	Thomas Caradine	Ja ^s Carruth
James Hay	W. Bellah	David Kerr
Jn ^o Brandon Jun ^r	John McConal	James McKnight
Jn ^o McConce	James Grant	W ^m McKnight
William Lock	James Graham Sen ^r	Jo ^s Dickson
Moses Thompson	James Graham Jun ^r	Hugh McQuown
John Tod	John Phifer	Tho ^s McQuon
James McKoun	John Gostman	Hugh Park
John Bates	David Fifer	Thomas Cook
Thomas Thomson	Mark Brison	John Welbert
John Dickey	Geo. Fred ^k Barger	James Mardun
Samuel Geingles	Mich Birringer	Francis Galdose
Jas. Huggins	Joseph Hays	Ant. Bridgewater
Rob ^t Huggins	John Lock	John Littringer
John Huggins	Isaiah Sallyer	Hugh McKnight
Arthur Irwin	Matthew Brandon	Jacob Birringer
Richard Brandon	John Brandon Sen ^r	Philip Barger
John Bates	Rob ^t Campbell	Lindway Teldred
Walter Bellah	John Beaty	William Piers

John Brandon	James Kerr	Nicholas Shippny
George Howard	William Steel	Michael Holshouser
Samuel Smith	Dan ^l Little	Andrew Sol ⁿ Sanders
Francis Lock	Max. Chambers	John Sam ^l Randalman
Christopher Welbert	John Lewis Beard	Peter Codolman
George Lock	John Kerr	Tho ^s Gillaspie
	Humphrey Milner.	

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220]

Governor Martin to Lord Dartmouth.

NO. CAROLINA NEW BERN April 6th 1773.

MY LORD,

The regular course of the Law in this Country being suspended by my refusal of the Acts for Establishing Courts for the time present, at the late Session of the General Assembly, I take this earliest opportunity to transmit to your Lordship, for His Majesties consideration, under a Clause of suspension, an Act intituled—"An Act for dividing the Province into six several Districts, and for Establishing a Superior Court of Justice in each of the said Districts; and for Establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties of this Province, and regulating the Proceedings therein." The reasons My Lord for the conjunction of these Institutions in one Bill, as I understand, were, that the Assembly was jealous, and apprehensive, that if the two systems were separated, that of the Superior Courts being of most general utility, might be adopted, while the darling Establishment of County Courts was rejected, that Government (to whose generosity, and indulgence I am sorry to say my Lord, this People are not less invincibly, than willingly insensible, and have a peculiar proneness, to entertain the most illiberal, and sinister suspicions of its measures) would hereafter hold them to the Jurisdiction of the former, and deny them the latter, that both being combined in the same Act, they hope and think they will stand or fall together, and that the expediency of a regular Administration of Justice, and the many salutary provisions of that part of it which relates to the Constitution of Superior Courts, will preponderate, against the innovations, and extension of Juris-

diction aimed at, in the Establishment of Inferior Courts, and gain acceptance to the whole.

The most exceptionable parts of this Act, in relation to the Superior Courts, I conceive to be those respecting Original and Judicial Attachments, as well with regard to their Objects, as to the mode of Proceeding upon them. The doctrine seems little to be understood here, and I think this Act authorizes proceedings against the effects of Persons who have never resided in the Colony, repugnant to His Majesty's additional Instruction bearing date the 4th day of February 1772, as inconsistent with or at least not warranted by the Statute or common Law of Great Britain. The Assembly indeed only asserts that they are formed upon the Municipal Custom of Foreign Attachment, obtaining in London and other Commercial Cities, and Towns of that Kingdom the precise mode of proceeding upon which, and its extent the Patrons of it do not pretend to ascertain, but nevertheless strenuously maintain, at hazard, that it enables Creditors where it prevails to attach the property of Foreign Debtors that is found there. Although the Debtors themselves, should have never been within the limits of such jurisdictions, if this be the case I confess to your Lordship I have not after making the most diligent and attentive enquiries, been able to satisfy myself that it is so, but admitting that the Assembly is right, in its construction of this peculiar Custom, it cannot be considered as the general Law of the Land, if however my Lord, it might be applicable to the trading part of this Country. I do not think this Act guards sufficiently against injury to the Property of the Debtor whose effects are attached, by extending the time for him to appear, plead, give bail and replevy, for it is not compulsory upon the Garnishee (who is obliged to swear to the amount of the Debtor's Credits with him, and in whose hands the effects are attached, nor is there any other precaution taken) to give notice thereof to the Owner, it depends absolutely upon the volition and integrity of the Garnishee, in default of which the Debtor is precluded all benefit of the Law, and perhaps essentially injured in his fortune, and may be as ignorant of it at the end of seven years as one. This my Lord I apprehend to be a capital defect, for supposing the People of this Country no more virtuous than the rest of mankind, it may happen, that a Garnishee from motives of predelection to the intent of the person making the attachment, who in such a place as this, is probably his acquaintance, will suffer the limited time to elapse without any notification to the absent Defendant, whose

Estate will be then seized without his knowledge, while he has no opportunity to protect or redeem it, and only the chance of recovering his property, if unjustly taken, by suing at a future time the Bond given by the Plaintiff in the attachment. Such collusion my Lord, is the rather to be feared, since I have been credibly informed, that in Cases of Persons going from this to another Province, upon their lawfull occasions, Garnishees have been artificially made by Creditors real or pretended, by continuing to place a trifling consideration in the hands of a third person as the property of the Absentee, upon which grounds, judgments have been recovered, for much larger sums, and the effects here attached in consequence hereof, but I believe such proceedings have been confined to the County Courts.

By the journals of the two Houses of Assembly, which I now transmit, your Lordship will perceive that the Lower House is very tenacious of the Privilege, as it is called of attaching the effects of Foreigners, and that it resolved on the 6th of March *nem con* not to relinquish it, wherefore and because I consider a further discussion of this point will be fruitless before I receive His Majesty's commands upon it, and that I am convinced frequent dissolutions of Assemblies not only produce no good effects, but tend to excite opposition and resistance, I think it will be advisable to postpone the meeting of the new Assembly unless something extraordinary shall occur, until I am honored with your Lordships Instructions on this head.

While the matter was agitating in the Assembly, so many reasons were urged in defence and support of this mode of Proceeding by Attachment, and on consideration of it since, such a variety of questions arise out of it that I know not how to bring it in all its shapes, under your Lordship's view, without stating to you the Assembly's Arguments, and such as have occurred to me on the subject.

It is first asserted, my Lord (but as I have said above is still a question with me) that the custom of Foreign Attachment prevails not only in London, but in most other trading Cities and Towns in England, and that by virtue of such custom a citizen may attach the effects of any persons whatever, whether subjects of Great Britain or aliens, who have never been within the Jurisdiction of such Cities or Towns, for payment of Debts contracted abroad, with such citizens or their Factors, as well as for satisfaction of such as are incurred within the respective jurisdictions. Secondly, that if proceedings by attachment are not permitted here there will remain to this people

no means of recovering debts due from Bankrupts in Britain, it being maintained by many persons here, that creditors living without the realm of England are not entitled to the benefits of the Statutes of Bankruptcy, while others admit with me that creditors abroad as well aliens, as natural born subjects are entitled to their proportionate dividends of a Bankrupts Estate, proving their demands within the time allowed by the Statutes, but they all allege that the shortness of the limitation virtually precludes remote creditors

It is held My Lord, and been so adjudged in the Courts of Law here, and the Chief Justice tells me in most of the other Colonies, that although by the direction of the Statutes, the Bankrupt in England is obliged to deliver up all his Estates to the Assignees chosen under the Commission, yet his Effects abroad are not by that Law, so vested in them, as to be put out of the power of the municipal Laws of the Plantations, for that the Acts of Parliament in this behalf are in their operation merely territorial, and do not extend to the Colonies, which are in this respect like foreign States. Whether this Doctrine is altogether well founded, or how far it is so, I will not presume to determine, but taking it for granted in all its extent, I humbly apprehend it may be worthy the consideration of Government, to whose wisdom and justice I am sure it is highly derogatory to suppose it designs to deprive the subjects in the Colonies of the benefits of the Statutes of Bankruptcy, enjoyed by Creditors in Britain, and at the same time of all remedy against an English Bankrupt, by denying them the power of attaching his effects in the Colonies.

Another Argument advanced in favour of this mode of proceeding is, that many of the Merchants of Britain, and especially of Scotland, who are the greatest dealers in this Country, negotiate their business by Factors, some of whom it is alleged whose names lately stood in the firms of Houses in Britain, and are still believed to hold the same interest in them, have withdrawn their names, in order as it is suggested to protect from attachment their Effects, as property of Persons who are not and have not been resident in the Colony, in consequence of the King's Instructions, which the People here believe to have been obtained, by the Representations of the Mercantile Body in Britain.

After mature consideration of His Majesty's Instructions and of all that is said upon the subject, I am of opinion my Lord, that all

our difficulties on the head of Attachments are involved in the following Questions, viz^t

1st. Does the Statute or common law of England, warrant attachment of the effects of persons who have never resided in the Kingdom, and by what mode of Proceeding? or is there no other Law, than the Custom of foreign attachment peculiar to London, and other Trading places, and is that of such extent, and how far, and under what restrictions, will such Law or Custom be allowed to be adopted here.

2nd. Will the Proceedings by original and judicial attachments be permitted in this Colony operating only upon its own inhabitants and those of the other Colonies, and not extending to the property of persons in Great Britain.

It is affirmed my Lord, that most of the other Colonies have laws of Attachment, of which, and of their Effect, I am taking every measure to inform myself, and will hereafter communicate to your Lordship, the result of my enquiries. People of this Province urge, that if they are not allowed the use and power of original attachments, they will not only be upon a worse footing, than their neighbours, by their Effects in the adjacent Provinces being liable to attachment, while those of the Inhabitants of such Provinces are here in security, but exposed to lose their property continually by Debtors in this Country, converting their Estates into negroes, and other moveable shapes, and carrying them out of the Colony.

With respect to the Statutes of Bankruptcy, I cannot help humbly submitting it to your Lordship's consideration whether, if they are not deemed to extend to the Colonies, so far, as to yield their benefits to Creditors in them for debts contracted there as well as in Great Britain, with Principals or their Factors, and to cover the effects of British Bankrupts, and to vest them effectually in the Assignees, it may not be proper to extend them to the Colonies in these particulars, enlarging at the same time the period for remote creditors to prove Debts against the Estates of Bankrupts in Great Britain. This regulation I apprehend my Lord, would obviate every argument in favour of Attachments in such cases, and put the Creditors universally upon an equal footing, whereas if the people of Britain enjoy exclusively, the advantages of the Statutes of Bankruptcy and Creditors in this Province are not allowed to seize Bankrupts effects here, there will be an evident injustice to the latter, which British Creditors will suffer; on the other hand, if persons in the Colonies are entitled

by the Statutes as I believe to participation of the Bankrupts Estate with the other Creditors, and shall have at the same time the power of taking, by attachment such part of it as they can find abroad, According to the plan I have had the honor to suggest above, equal justice will be done to all the Creditors, altho' I must confess it has to my utter astonishment been asserted that even according to that scheme, the Creditors in the Colonies will not be upon a footing with those in Britain, because they say we give credit here to a Merchant of England, or his Factor upon the faith of what we see in the Country, as well as on the report of his responsibility there, and we ought therefore at all events to have power to attach his effects here, but as these are alike the grounds of Credit in Britain, and all other places *mutatis mutandis*, I think this objection does not deserve a serious answer, and no other has been offered.

By the Act my Lord of which I am treating, Lands are also made liable to attachment, which His Majesty's Attorney General informs me is repugnant to the Laws of England. No other objection occurs to me upon the part of it that relates to the Superior Courts, but with regard to the appointment of Clerks by the Chief Justice instead of the Governor, which is a point, that I believe will not at a future day, be much contended for; that part of the Act which respects the Constitution of Inferior Courts, is exceptionable in many particulars besides that of Attachments. The admission of so many Magistrates, to be Judges in those Courts, defeats entirely my intention of a Quorum, for according to the plan of this Act, one artfull and designing Justice, joining with the other Assistant Magistrates, will always form a majority, and carry everything against it. My design was my Lord, that all Civil Matters, should be tried by a majority of three at least, of five Justices to be nominated, in each Commission of the Peace, of the Quorum, and that if it was a right inherent in the office of a Justice of the Peace, as some have contended, the other Magistrates should assist in the Crown business, at the same time, that this Establishment of mine is mutilated and destroyed. The Jurisdiction of these Courts that are if possible, upon a worse footing than ever, is extended from matters of £20 to those of £50 amount; and what is still more extraordinary my Lord, the subject is restrained to try his property of value not exceeding that sum in the first instance in these Courts, appeals lying always to the Superior Courts.

How far the power of the Clerk of the Pleas to appoint Clerks of the Inferior Courts should be recognized, or not in this Act, I am not sure, but I did not consider myself authorized to insist upon it or to interpose further, than to declare I would not consent to those appointments being made otherwise than during Pleasure, which the Assembly maintains ought to be held during good behaviour, whom the Precedent of the Clerks of the Peace holding their offices by that tenure, under the *custodis rotulorum*. The design of passing of this officer over in silence is professedly with a view to give opportunity to the Magistrate of the Inferior Courts to dispute the rights and powers of his Commission.

Your Lordship will see the sense of the House of Assembly on the Subject of Attachments, fully expressed in the Journals of its Proceedings on the 1st 2nd and 6th days of March. The reasons urged against the Amendment proposed by the Council on the 1st and the reference to the Sheriff's Law, are extremely sophistical for original and Judicial Attachments are employed according to circumstances, the former against Debtors, who are not and have not been resident in the Province, of whom the Sheriff cannot according to the letter of the Law to which the Assembly refers, return *non est inventus*, that must be the ground and leading process of Judicial Attachments, and the latter in cases of Persons who are or have been resident in the Country, to whom only by the terms of the Act for appointing Sheriffs etc such return applies, but the Lands of Debtors residing out of the Province may be taken, either by original or Judicial Attachments.

Upon the whole my Lord, I cannot help observing that by the stress the Assembly lays upon the expediency and necessity of this mode of proceeding against Debtors in Great Britain one would be led to believe, if the fact was not notoriously otherwise, that the Merchants of that Kingdom were all Debtors, and those of North Carolina all Creditors.

I am now, my Lord, preparing to issue Commissions of Oyer and Terminer for the Trial of Criminals in the several Gaols of this Province, which will have a tendency I hope to procure the Public Peace, and if after I shall receive His Majesty's further commands the Assembly shall not concur in passing Court Laws, conformable thereto, I beg leave to submit it to your Lordships consideration whether it may not be expedient to exercise the powers granted to

me by His Majesty's Royal Commission to erect with the advice of Council such Courts as shall be necessary, of Civil Jurisdiction.

I have the honor to be &c

JO. MARTIN,

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

AT THE COURT AT S^t JAMES,
the 7th day of April 1773.

Present

The King's most Excellent Majesty	
Lord President	Earl of Rochford
Earl of Suffolk	Earl of Dartmouth
Earl of Sandwich	Lord Mansfield.

Whereas, it has been represented to His Majesty, that the state and Condition of His Majesty's Colonies and Plantations in America, do both in Justice and Expediency, require that the authority for Granting Lands contained in the Commission and Instructions given to His Majestys Governors in the Plantations should be further regulated and restrained, and that the Grantees of such Lands should be subjected to other Conditions than those at present prescribed in the said Instructions. His Majesty having taken the same into His Royal Consideration, is pleased, with the advice of His privy Council, to Order, and it is hereby Ordered, that the Lords Commissioners for Trade and Plantations do take into their immediate Consideration the powers and Authorities for granting Lands contained in the Commission and instructions to His Majestys Governors in the Plantations, and that the said Lords Commissioners do Represent to His Majesty at this Board such alterations as they shall think fit and necessary to be made therein. And His Majesty is hereby further pleased to Order, that in the mean time, and until His Majestys further pleasure be signified, all and every His Majestys Governors, Lieutenant Governors or other persons in Command in His Majestys Colonies in North America, who are entrusted with the Disposal of His Majestys Lands in the said Colonies, do forbear upon pain of His Majestys highest Displeasure, and of being immediately removed from their offices, to issue any Warrant of Survey, or to pass any patents for Lands in the said Colonies, or to Grant any Licence for the purchase, by private persons of any Lands from

the Indians, without especial Direction from His Majesty for that purpose, under His Majestys Signet or Sign Manual, or by Order of His Majesty in His Privy Council, excepting only in the case of such Commissioned, and non-Commissioned officers and soldiers, who are intitled to Grants of Land in virtue of His Majestys Royal Proclamation of the 7th October 1763 to whom such Grants are to be made and passed, in the proportions and under the Conditions prescribed in His Majestys said proclamation.

STEPH. COTTRELL.

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

Petition from the people of Chowan County.

NORTH CAROLINA.

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL, GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA, THE MEMBERS OF HIS MAJESTY'S HONOURABLE COUNCIL, AND TO THE WORSHIPFULL THE SPEAKER AND MEMBERS OF THE HOUSE OF ASSEMBLY OF THE PROVINCE AFORESAID.

The Petition of the Freeholders and Inhabitants of the County of Chowan

Humbly sheweth

That Whereas, no line was ever run, by Commissioners legally Appointed for that purpose, between the Countys of Chowan and Perquimons, from the first Settlement of the said Countys, and for the Term of Fifty Years, last past, a line running from the mouth of Yeopim River, and so up a Branch of said River to Egerton's Mill, so with a Branch of the same Mill Swamp through a large body of Pocoson Land, in a direct line, so as to strike a place called the Horse Pasture, and the Plantation of a certain William Jackson, lying on the Main road, leading from the Virginia Road, to Perquimons River Bridge, has been the reputed line, dividing the County of Chowan from Perquimons; And Your Petitioners Pray Your Excellency, Gentlemen of his Majesty's Honourable Council, Mr Speaker and Gentlemen of the House of Assembly, That you will; by a Law, to be by you passed for that purpose, Nominate & Appoint certain Commissioners to run the line as above described, and when

so run by the said Commissioners, that the same shall stand and remain the proper dividing line between the said Counties of Chowan and Perquimons: And Your Petitioners, in duty bound, will ever Pray, and so forth.

Chowan County, 10th April 1773.

Elisha Hunter	Cadar Hill	D ^a Haynes
Thomas M ^c Nider	Jacob Norflect	Simon Stallings
Nat. Jones	Hend Standing	Aaron Blanshard
James Sumner	Absalom Blanshard	James Knight
Frederick Lassiter	Isaac Lewis	William Hinton
Te ^r Haughton	Jacob Powell	Jacob Hinton
Aaron Hills	John Dardan	William Bond
Timothy Walton	Tho ^s Gregorie	Elisha Harris
Amos Trotman	Jacob Hunter	Richard Hoskins
John Briggs	Abraham Harrell	Joseph Johnston
John Darden	Miles Halsey	Joseph Wilkins
James Costen	John Mitchel	John Bond
John Ewing	Diamissian Minshaw	Samuel Green
John Norcom [*]	Luke Taylor	Moses Hare
David Rieg	Josiah Copeland	Isaac Byram
Demsey Bond	Argile Timons	John Garrett
Joseph Rogges	Jonas Bynam	John Evans Jun ^r
William Bond	Pelatian Walton	Amos Laster
W ^m Boyd	William Hinton	Jethro Melteer
John Coffield	Tho ^s Oklham	Thomas Walton
John Beasley	Shadrach Bunch	Zebulon Mansfield
Tho ^s Hunter	John Hicks	Benj ^a Berryman
Abner Eason	Charles Benbury	Christopher Gayle
Jos. Worley	Job Leary	Thomas Rountree
Thomas Brice	John Hopkins	Edward Welch
Rich ^d Humphreys	Jacob Jordan	Thomas Gooding
William Halsey	Nicholas Stallings	Tho. Jones
Benjamin Small	Sam ^l Popelston	Thomas Ward
Joseph Parrish	Tho ^s Hoskins	James Gregory
William Liles	Jonathan Roberts	Robert Walton
Dimsey Simson	James Farrow	James Brice Jun ^r
David Jones	Charles Jordan	Abraham Hill
Clement Hall	W ^m Hoskins	Champen Spivey
Richard Whedbee	James Price	Wil ^m Luten

Amos Hobbs	Thomas Wood	Joseph Whedbee
Samuel Meguire	Guy Hobbs	John Addison
John Lewis	David Welch	Will Righton
William Kelly	William Birkitt	Jacob Simons
James Freeman	Jemay Trotman	Thomas Standing
Tho ^s Wright	Tho ^s Jones	John Leary
Henry Thompson	Joseph Champion	Peter Adams
Thomas Brooks	James Thompson	John Hornsblow
Henry Champion	Rob ^t Hardy	Jn ^o Boggs
Jesse Eyeland	Rob Smith	Jn ^o Green
William Jones	And ^w Little	John Bennett
Patrick Hicks	Rob ^t Patterson	John Mushrad
Jon ^b Nail	Robert Black	Aurt Elbersen
John Kim	David Davis	James Woodbine
Moses Blanshard	Ja ^s Henderson	O. Dickinson
James Bivans	George Colquhaun	John C. Bains
John McTeohe	Arch ^d Campbell	William Haughton
Moses Wood	Will ^m Bennett	William Askewes Jr
William Munds	David Baxter	John Rombough
Micajah Chappell	William Dennody	Charles Hindsley
Micajah Bunch	Alex ^t Montgomery	William McAlpen
Charles Rountree	Matthew Montgomery	Tho ^s Bonners

[B. P. R. O. AM. & W. IND.: NO CAROLINA. NO. 220.]

Letter from Governor Martin to Lord Dartmouth.

NO. CAROLINA NEW BERN, April 20th 1773.

MY LORD,

I have the honor to transmit to your Lordship herewith, for his Majesty's consideration, a Bill intituled "An Act for vesting in certain persons therein named, Two Acres of land at the Indian Town, in Currituck County, as Trustees for erecting a Chappell thereon, and for enclosing a Burying ground."

I was consulted upon this Act my Lord, before it was brought into the House of Assembly, at the late Session, and on the first view. I thought it might be passed, with a suspending Clause, but on a closer attention to it, I apprehended it came under the description of the 21st Article of his Majesty's Royal Instructions, and wanted the forms,

thereby made requisite to intitle it to the Royal Sanction. I communicated these sentiments to the gentleman who proposed the Bill, and he agreed in opinion with me that it might be better transmitted for previous consideration, than passed under any circumstances of imperfection, that might condemn it in the last stage. Wherefore my Lord I rejected it, with assurance to him that I would put it in a train of acceptance, as soon and as far as I should be able.

The object of this Bill I am persuaded, cannot fail to recommend it to your Lordship's favour, and if the plan, shall be in any sort exceptionable, I flatter myself your Lordship will be pleased, as soon as shall be convenient to point out its defects, and the amendments it shall need. I cannot help taking an interest in the fate of this Bill my Lord, for besides that it is calculated to found a Chappel in a part of this Country where there is no place of Divine Worship, that is in itself a design highly praiseworthy. I am desirous to promote its success as the pious work of Mr Macknight, who is the patron of the Institution a gentleman of character, and a member of the House of Assembly, of greatest weight & abilities. I confess my Lord I know not, that this Bill in point of matter, is liable to objection, but on the ground of its not reserving to his Majesty's Governor the right of Presentation to the Chappel, which I apprehend to be donative in the Crown, to any other person or persons, according to the Royal Pleasure.

I have now the honor to submit to your Lordship's consideration a petition of the Freeholders, and Inhabitants of the Town of Beaufort in the County of Carteret. The whole scope and design of it your Lordship will observe, is to obtain the privilege to send a Representative to the General Assembly, which they ask as matter of favour. At the same time, that they claim it as a right, under an Act of the Assembly pass'd in the year 1715 Intituled "An Act for appointing a Town in the County of Bath, and for securing the Public Library belonging to St Thomas' parish in Pamplico." By which it is declared that every Town, having sixty families, shall be entituled to send one Burgess to the General Assembly. Under this Law, my Lord, the Assembly already unwieldy, will, in process of time, become a very great evil, in the Constitution of this Province, and upon this Principle, I humbly think it may be worthy your Lordship's consideration, whether that part of the said Act, is not fit to be repealed. It is true my Lord, the Town of Beaufort, is advantageously situate for commerce, but there are no persons of condition

or substance in it, and the Trade that was formerly carried on through that Channel, is now derived almost entirely to this Town, since it became the seat of Government, which has promoted its growth exceedingly, by inviting many considerable Merchants to settle in it. In my humble opinion my Lord, it will be good policy, to prevent the enlargement of the Assembly, whose present Bulk makes it embarrassing, and which the people are even aiming to increase, by new creations of Counties and Towns.

A Bill passed the two Houses of Assembly at the late Session, for the third or fourth time, as I am informed Intituled "An Act for erecting parts of the Counties of Halifax and Tyrrel into one distinct County and Parish and for other purposes therein mentioned," which although not tending to increase the number of Representatives contained I thought regulations inconsistent with the 14th Article of the King's Instructions, being directory of the number of Representatives to be sent thereafter by the County of Tyrrell reserving to his Majesty the right of Granting Representation to the new erected County. The case my Lord is this. Tyrrell County has heretofore always sent five Representatives to the General Assembly, and in consideration of a portion of it being taken off to make another County, The Inhabitants for Tyrrell propose by this Bill to send only three for the future, hoping that the Crown to which the power is thereby reserved will call by writ, two Members for the new County, by which it is certain no augmentation will be made of the Assembly, and my reason for rejecting the Bill was that I knew not how far I might be justified in passing without a suspending Clause, an Act that abrogated an ancient charter privilege, and that also obviously fell under the restrictions of the 30th article of his Majesty's Instructions, as well as that above mentioned, for abstracted of these considerations my Lord, there is undoubtedly good reason for the Division of this County that is near seventy miles long, and only eight miles wide. I shall hereafter transmit to your Lordship this rejected Bill for your better information, and I shall hope to be honoured with your Lordship's sentiments on the subject of it, before the next session when it will be again proposed.

Your Lordship will receive herewith a draft of the Line of Boundary, between this Province and that of South Carolina as run last summer by the Commissioners appointed by the Governors of the two Provinces, pursuant to his Majesty's Royal Instruction. This I should have transmitted to your Lordship before, but I was in hopes

of procuring a fairer Draft, to lay before His Majesty, being disappointed however in this expectation, I think it inconsistent with my duty to withhold it any longer. The enclosed is an original Draft made upon the spot, and certified by the Commissioners and Surveyors of the two Provinces. I shall endeavour to furnish your Lordship hereafter with a neat copy of it, for I am really ashamed to send this ill done original. I have communicated to Lord Charles Montague, the second refusal of the Assembly of this Province to defray the charge of Establishing this Boundary, (which your Lordship will observe in the Journals of that House) and reminded him of his assurance, that the legislature of that Colony would bear the whole expence, before the service was undertaken.

I have prorogued the General Assembly called by writ on the 1st day of next month to the 4th day of October next, for the reasons I offered to your Lordship in my last letter.

I have the honor to be &c.

JO. MARTIN.

An Act for vesting in certain persons therein named, two acres of land, at the Indian Town in Currituck County, as Trustees for erecting a Chappel thereon, and for enclosing a Burying Ground.

Whereas many religious and well disposed Persons in this Province, have agreed among themselves to build and endow a decent and commodious Chappel for the performance of Divine Worship according to the forms of the Church of England by Law established, and to inclose a certain piece of ground contiguous thereto for the purpose of a Burying place and to provide a fund for the maintenance of the Poor.

Be it therefore enacted by the Governor, Council and Assembly, and by the authority of the same, that two acres of land now the property of Thomas Macknight situate in the County of Currituck at a place called the Indian Town, and bounded as follows viz, beginning at a Cedar Stake and running thence by a line of Stakes round the said two acres to the first station, be and is hereby vested in Thomas Macknight, Isaac Gregory, Francis Williamson, Samuel Jarvis, William Ferribee, William McCormick and Thomas King, and their Successors forever, who are hereby constituted & appointed Trustees for the purposes hereinafter mentioned, that is to say to enclose the said two acres of land and to build thereon a commodious Chappel, to be called and known by the name of St Martin's

Chappel, and to receive and take all such voluntary subscriptions and donations as religious and public spirited persons may think proper to bestow for the purpose of building and endowing the said Chappel, for enclosing of the Burying Ground and providing a fund for the maintenance of the poor.

And the said Trustees and their successors are hereby empowered to agree with and employ from time to time a Minister of the Church of England duly admitted into Priests Orders and of approved morals, to perform public worship according to the rites and ceremonies of the Church of England and from time to time to make and ordain such Rules, Orders and Regulations for the good government of the said Chappel and disposal of the Funds belonging thereto towards promoting the religious public spirited and charitable intentions of the proprietors hereinafter named for the time being and of the Donors to the said Chappel and fund for the maintenance of the poor. Provided such Rules, Orders and Regulations be not repugnant to the Laws of Great Britain or this Province.

And be it further Enacted by the authority aforesaid, that the consent of the major part of such Trustees shall be competent to the doing or performing any Act to which they are empowered by this Law, and provided also that when anything of consequence is to be transacted or determined, the Proprietors hereinafter designed shall be summoned to meet at the Chappel by public notice given there for two Sundays preceeding the time of meeting, and the consent of the major part of them so meeting shall be necessary to enforce the Rules, Orders and Regulations of the Trustees.

And be it enacted by the authority aforesaid that every person subscribing and paying such a sum as the Majority of the subscribers shall agree upon with the consent of the Trustees shall be deemed and held a Proprietor in the said Chappel and Burying Ground and shall have full power to erect a pew in such part of the said Chappel as shall be laid off and assigned to such Proprietor by the Trustees for the use of the said Proprietor and his Heirs and Assigns forever.

And be it further enacted by the authority aforesaid that the Proprietors of the said Chappel or a majority of them are hereby empowered to elect and choose a Treasurer who shall give Bond and security to the Trustees and their Successors for such sum as shall seem necessary, with a condition that he shall account with for and pay to the order of said Trustees as often as he shall be by

them or a majority of them required, all Monies or other estate as shall come to his hands for the uses and purposes aforesaid. And be it further Enacted by the authority aforesaid that the Trustees or a Majority of them be from time to time empowered to choose a Clerk or Register of the said Chappel to register the Conveyances of the property in the said Chappel and Burying Ground and also all Marriages, Christenings and Burials which shall be administered, solemnized or performed by the Minister serving the cure of the said Chappel and to remove the said Clerk at their discretion. And be it further Enacted by the Authority aforesaid that nothing in this Act contained shall be deemed or construed to exempt any of the Proprietors of or Subscribers to the said Chappel or endowment thereof from any Parish Charges or Duties in the respective Parishes where he, she or they shall be resident. Provided that the Execution of this Act be suspended and deferred 'till His Majesty's Royal Will and pleasure be known thereupon.

The Petition of the Freeholders and Inhabitants of the Town of Beaufort in the County of Carteret to Governor Martin.

Humbly shew your Excellency that the said Town was incorporated by a Law of this Province in the year One Thousand Seven hundred and Twenty three, that by Royal mandate passed in Council on the eighth day of April in the year one Thousand seven hundred and fifty four, twelve Acts passed at sundry times for erecting precincts, County Towns and Parishes was repealed, amongst which was the Act for incorporating the said Town of Beaufort, that on the Representation of the General Assembly setting forth the many inconveniences with respect to the future Settlement of this Province might arise from the repeal of the said Acts, His Majesty was graciously pleased to Order and instruct his then Governor to give his assent to pass a Law to reëstablish the same with certain provisions and restrictions in the said Orders mentioned. That in the year One Thousand Seven hundred and fifty six an Act was made for the reëstablishing the said Counties and Towns, the Royal Prerogative for Incorporating Towns being therein reserved. That your Petitioners further shew your Excellency that many of them though having been long residents have neglected to pursue such steps as might entitle them to elect a member for the said Town, to represent them in the General Assembly of this Province, but the great

increase of people as well as Trade of late years are sufficient inducements and highly necessary to make application to your Excellency for that purpose now, That by a Law of this Province passed in the year One Thousand seven hundred and fifteen intituled "An Act for appointing a Town in the County of Bath and other purposes," is thereby enacted that when Representatives or Burgesses are to be chosen for the Precinct wherein the Town lies, to elect one Burgess to represent the same in all succeeding Assemblies, provided the said town have sixty families; That your Petitioners on a nice Canvas and fair calculation of the number of Families now residing in the said Town amount to sixty and upwards, and that your Petitioners empower and request that the Commissioners by Law appointed for the said Town do certify the same to your Excellency under their hands and seals and that the premises considered your Excellency will be pleased to order a Writ of Election directed etc for your Petitioners the Freeholders of the said Town to elect a Burgess to represent them in the next General Assembly of this Province and your Petitioners as in duty bound will ever pray etc

By Order and Request of the Inhabitants and Freeholders this 17th day of March 1773.

W^m THOMPSON
W^m COLE
WILLIAM ROBERTSON
JOSEPH BELL JUN^r
JOHN GASTON

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

Letter from Chief Justice Howard to James Iredell, Esq.

NEW BERN, May 20, 1773.

SIR,

I am much obliged to you for your favour of the 1st instant. I shall set off in a few Days for Halifax and shall come round home by the way of Edenton where I hope to be by the 21st or 22^d of June. My Intention in this Circuit is to hold a Court of oyer and terminer to keep the People in some Bounds and to convince them that a power of punishment remains alth^o the Court Law is expired. When I have the pleasure of seeing you, I will give you the Trouble of a

Memorandum to M^r M^cCulloh. Be pleased to give my Respects to M^r Rome, and tell him he has made me very happy by the Information in his Letter and that I shall settle with him when I come to Edenton. I write to M^r Johnston and inclose him the precept for summoning a Jury. If he should happen to be absent I beg the favor of you to open the Letter and follow the Directions I have used the Freedom to give him.

I am with great Esteem and Regard

Y^r most obed^t

M. HOWARD.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. No. 220.]

Governor Martin to Earl Dartmouth.

NO. CAROLINA, NEW BERN, May 20th 1773.

MY LORD,

I have had the honor to receive your Lordship's Circular Letter signifying the Queen's safe delivery of a Prince on the 27th day of January last, and Her Majesty's and the Royal Infants Welfare, Upon which events so joyfull to all the King's Subjects, I beg leave with all possible Duty and reverence, to offer my most cordial felicitations to their Majesties, and I sincerely congratulate your Lordship on this increase of the Royal Family. I had the honor to receive at the same time your Lordship's Dispatch N^o. 3 by which I learn with great pleasure, that Lord Granville thinks of attending to his important Interests in this Country, the settlement and prosperity of which will I am persuaded, be much advanced thereby. I was lately advised by my Brother, (who I believe has the honor to be known to your Lordship) that Lord Granville had discovered such intentions, and that some of that nobleman's friends, had expressed to him wishes that I might take upon me, the superintendence of the Proprietary concerns here; on which subject, and the compatability of such an employment, with the duty I owe to His Majesty in my public character, (to which I am bound to pay the first regard) he desired my sentiments. It is my duty and it has been my design, before I had the honor to receive your Lordship's letter to submit to your Lordship the answer I had made to my brother on this head. I have told him, that having the honor to be a servant of His Majesty, I can never entertain a thought of

accepting the Proposal made by M^r Thynne, notwithstanding I see it replete with advantage to His Majesty, and to my own Interests, until your Lordship shall be consulted, and the King's consent obtained; that on the condition it was His Majesty's pleasure and your Lordship's opinion, I might become the Agent of Earl Granville, I should readily embrace the offer of M^r Thynne, as it promised signal advantage to Government in this Country, as well as considerable emolument to myself.

I now beg leave my Lord, most humbly to submit this matter to your Lordship's consideration, without the most distant wish to avail myself of the proposal of M^r Thynne, if it does not appear to your Lordship as to me conducive to the interests of the Crown. If I may presume humbly to offer my opinion on the Case, it is that the King's Governor whosoever he may be, being possessed of the great addition of power, that the direction of the vast proprietary in this Province, will throw into his hands, will be able to extend to greater advantage, the influence of Government, and I am satisfied it will be the next happy circumstance to vesting the Proprietary in the Crown, and it will indeed have all the political good effects of that measure. I am sure it will be highly satisfactory, to the People of this Country in general, and in particular to Lord Granville's Tenants, who still remember with indignation, the rapacity of his Lordship's former Agents. This Country united as it will be in such case, under one head, will know but one Interest, whereas under a private Agent, the Proprietary will tend to the confirmation of those distinctions between the Inhabitants of the two districts of this Province that have heretofore so fatally embarrassed its Politics. I submit to your Lordship's consideration, the probability that any other Agent of the Proprietor, than the King's Governor, (supposing him not free from the common weaknesses of humanity) will rather employ the power and influence he will derive from that station, in promoting those divisions, which will illustrate his own consequence, than in support of Government which he will soon find it more popular to oppose than assist. The influence of the King's Governor, augmented by the power of the Proprietary Agent will be then sufficient to obtain an effectual Law for the collection of the King's and the Proprietor's Revenues of Quit Rents, and I have thought of a plan, that I shall very soon submit to your Lordship's consideration, that I conceive will put the Crown Revenues here, upon a certain and advantageous footing. In considering M^r

Thynnes proposal, I do assure you My Lord, I have divested myself as much as possible of every influence of self interest, perhaps, it may nevertheless have biased me, your Lordship will judge of the matter better, and I shall be happy to be governed by your Lordship's opinion on this and all other occasions.

I am just returned from a tour I have made to the Southern part of this Province where I have been much pleased to see the Establishment of several Indigo Plantations, of the exact number of which, and of their product, I will not fail to advise your Lordship from time to time.

Being informed that Sir Nathaniel Dukenfield, has entered into the Army, and supposing he will be obliged to relinquish his Seat in the Council here, I most humbly beg leave to express my hopes, that your Lordship will think it a proper occasion, to place M^r Willie Jones at that Board, and I take this opportunity to make my acknowledgements to your Lordship, for the attention your Lordship has done me the honor to promise to my recommendation of that Gentleman, and M^r Thomas McGwire who will I am confident make very honorable and serviceable members of Council.

I have obtained to transmit herewith, a list of the Patents, Granted at the late Court of Claims, held in January last, at which thirteen hundred Warrants for Land were issued.

I have the honor to be &c

JO. MARTIN.

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

COUNCIL JOURNALS.

At a Council held at New Bern 21st May 1773.

Present,

His Excellency the Governor

The Honble { Lewis DeRosset Martin Howard & } Esquires.
 { Samuel Strudwick Samuel Cornell }

Isaac Edwards Esquire produced a Deputation from the Rever^d and Honorable Robert Cholmondeley Esquire, Surveyor and Auditor General of His Majestys Revenues in America together with his [letter] to the Treasury and their Lordships approval, at the same time Mr Edwards took the Oaths of Office and subscribed the Test.

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

NORTH CAROLINA—Ss.

By His Excellency Josiah Martin Esquire, Captain General, Governor and Commander in Chief in and over the said Province.

A Proclamation.

Whereas by an Act passed in the General Assembly of this Province in the year 1754 a duty of Four pence was imposed upon every Gallon of Rum, Wine or distilled Liquor brought into this province by land, the payment of which duty hath too frequently been evaded. I have therefore thought fit, by and with the advice and Consent of His Majesty's Council to issue this proclamation strictly requiring the payment of the Duties imposed by the said Act of Assembly to the Collectors appointed to receive the same. And all persons neglecting or refusing to pay the said duties as they accrue will be prosecuted with the utmost Rigour.

Given under my Hand and the Great Seal of the said Province at New Bern, May the 25th 1773, In the 13th year of His Majesty's Reign.

JO. MARTIN.

God save the King.

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

Letter from Chief Justice Howard to James Iredell, Esq.

NEWBERN 27th May 1773.

SIR,

Your favour of the 22^d inst. I received, with the Letter inclosed for M^r Cornell which I immediately delivered to him. I wrote you a few days ago by an Express who was charged with Precepts preparatory to some Courts of Oyer and terminer which it is thought expedient to hold in several Counties of the Province. I directed my Letter to be opened by you in case of M^r Johnston's absence, as I am in Hopes I shall be in Edenton by the 21st of June, it will be time enough then to give you any Letters for M^r McCulloh.

I am with great Regard, Sir,

Y^r most obd^t Serv^t

M. HOWARD.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

From Governor Martin to Earl Dartmouth.

NO. CAROLINA, NEW BERN, May 27th 1773.

MY LORD,

I have the honor to transmit to your Lordship herewith the Minutes of the Council from the 22^d day of August to the 24th day of May last.

M^r Rutherford, the Receiver General of His Majesty's Revenues in this Province, having furnished me with his accounts to the 25th day of March last, certified by His Majesty's Deputy Auditor General, I now lay them before your Lordship, and I propose to transmit them also to the Lords Commissioners of His Majesty's Treasury.

By these accounts it will appear to your Lordship that the King's Revenues in this Province are next to nothing under the present circumstances of things. I confess to you, my Lord, I am of opinion that a larger collection might be made of the Quit Rents than is at present, by proper diligence and exertion, although I agree with M^r Rutherford that a good Law seems to be wanting to put that revenue upon a right and certain footing. The arrears due to the Civil List of the Province are large, but will be a good deal reduced I believe if the Lords of the Treasury shall think proper to direct that the Receiver General set off or discount the Quit rents due from the officers of the Crown (who are and have been for the most part great defaulters) in discharge of their arrears of salary, which they unreasonably, I think, now demand of the Receiver General, while they are largely in debt for Lands they hold of the Crown expecting a remission of the Arrears of Quit Rents in common with the other delinquent Tenants of His Majesty in this Province, in which it is not to be wished they should be disappointed if that Act of Grace is done generally.

The Council of this Province hath instructed the Colony Agent to petition His Majesty for a Salary out of the Revenue of Quit Rents of one hundred pounds sterl. per an. to each member. This measure, my Lord, was proposed by Gov^r Tryon and objected to by the Earl of Hillsborough, as I am informed, only on the principle of such a Grant being nugatory, while the Crown Revenue here is found insufficient to pay what is already charged upon it. There is

my Lord a precedent of such an allowance to the Council of Virginia, and I flatter myself your Lordship will be pleased to consider in the most favourable manner the solicitation of His Majesty's Council in this Province whose members seem to have no less good title to reward for their services, which I understand have been ever steady and faithful, and were very particularly signal during the late insurrection in this country. The fortunes of the people of this Colony, my Lord, being in general very moderate, most of the gentlemen of the Council can very ill afford even the little charge attending their meetings here three or four times in the course of the year upon legislative or Chancery Business. I do therefore most heartily wish His Majesty may be graciously pleased to grant them Salaries out of the Revenue of Quit Rents, as soon as it shall become a competent Fund.

I have the honor to be with the highest respect,

My Lord, Your Lordship's most &c^a

JO. MARTIN.

John Rutherford Esquire, Receiver General of No. Carolina, his general Account for His Majesty's Quit rents, Arrears of Quit rents, Fines, Forfeitures and other Incomes, received and paid by him from the 25th March 1770, to the 25th March 1772.

Charges himself as follows viz',		£	s.	d.	£	s.	d.
Received for Craven	County-----	196	9	4	112	5	4
ditto	ditto -----	493	8	7	281	19	2 $\frac{1}{2}$
Carteret	ditto -----	24	5	2	13	17	2 $\frac{1}{2}$
ditto	ditto -----	50	10	6	28	17	5 $\frac{1}{2}$
Onslow	ditto -----	61	8	10	35	2	2 $\frac{1}{2}$
Dobbs	ditto -----	157	11	3	90	0	8 $\frac{1}{2}$
Hyde	ditto -----	61	8	11	35	2	2 $\frac{1}{2}$
Beaufort	ditto -----	22	9	9	12	17	--
Tryon	ditto -----	190	8	3	108	16	1 $\frac{1}{2}$
Duplin	ditto -----	28	10	4	16	5	10 $\frac{1}{2}$
New Hanover	ditto -----	48	2	1 $\frac{1}{2}$	27	9	9 $\frac{1}{2}$
Brunswick	ditto -----	210	13	1 $\frac{1}{2}$	120	7	5 $\frac{1}{2}$
Mecklenburg before the Division—too much entered in the last account not before received or accounted for -----		139	2	8	79	10	1 $\frac{1}{2}$

	£	s.	d.	£	s.	d.
Received for Anson County-----	195	7	11	111	13	1½
Cumberland ditto-----	75	9	7	43	2	7¾
Sundrys for New Hanover, Bladen and Brunswick, not accounted for in the above-----	124	10	1¾	71	2	11¾
Quit rents received by William Hooper Esquire per Account-----	61	17	7	35	7	2¾
Fines and forfeitures as P ^y Acc ^t rendered	185	8	2½	105	18	11¾
Mecklenburg County-----	135	12	5½	77	9	11¾
	2462	14	6¾	1407	5	5¾
Deduct Comm ^{ns} at 10 per Cent-----	246	5	5½	140	14	6¼
	2216	9	1¼	1266	10	11
Balance of Acc ^t ending March 1770----	25	18	8¼	14	16	4½
	2242	7	9½	1281	7	3½

Discharges himself as follows viz^t,

	£	s.	d.	£	s.	d.
Paid James Hasell Esquire, late Chief Justice and Chief Baron of the Ex- chequer in part of a Debenture grant- ed by Benjamin Heron Dep. Aud ^r , for the sum of £582.16. Ster ^l dated 2 ^d June 1768-----	420	2	8	240	1	6½
Paid ditto as Administrator to the Es- tate Nathaniel Rice, late President & Secretary in part of a Debenture for the sum of £1238.13.7 Ster ^l , dated 21 st December 1762-----	472	19	5	270	5	4½
Paid John Burgwin for Services & fees on Account of the Crown as Clerk of Wilmington Superior Court done as P ^y Account and receipt-----	82	3	¾	46	18	10¾
Paid Robert Howe Chief Baron of the Exchequer in full of a Debenture granted by Benjamin Heron for Ser- vices done as Chief Baron from 1 st Jan ^y 1776 to 1 st Jan ^y 1767-----	70	--	--	40	--	--

	£	s.	d.	£	s.	d.
Paid Colo ^t Fanning in behalf of Col ^t Gray, Representative of his Father in part for running South Carolina Line in 1737 and Earl Granville's line in 1746 agreeable to the Royal Instructions by order of the Governor in Council -----	25	--	--	14	5	8½
Paid for making out Tryon Rent Roll by order of His Excellency Governor Tryon -----	12	10	--	7	2	10½
Paid Thomas Rutherford for services on account of the Crown as Clerk of the Inferior Court of Cumberland County per Account and Receipt-----	74	10	--	42	11	5¾
Paid Colo ^t James Sampson Clerk of Inferior Court of Duplin ꝑ Account and Receipt -----	28	10	4	16	5	10⅞
Paid Robert Fenner in part for above 3400 Extracts of Patents from the Secretary's office, which ought to have been rendered by the late Benjamin Heron, Secretary of the Province-----	15	--	--	8	11	5½
Paid Marmaduke Jones for services when Attorney General for fees on Account of the Crown paid him by John Burgwin as per Receipt -----	30	--	--	17	2	10¾
Paid Ann Goldwin for services done by her late husband in the Rent Rolls---	15	--	--	8	11	5½
Paid the Administrators of Charles Elliot late Attorney General in full as ꝑ Debenture of Benjamin Heron Dep. Auditor dated 23 th February 1763 ----	42	2	6	24	1	5⅞
Paid the administrators of Robert Hatton in part as one of the Representatives of the late Will ^m Smith Chief Justice and Chief Baron of the Exchequer as ꝑ Debenture of Benj ⁿ Heron Dep. Aud ^r dated 26 th Februry 1763-----	413	12	3	236	7	--

	£	s.	d.	£	s.	d.
Paid Robert Jones late Attorney Gen ^l in part of his Salary -----	216	16	6	123	18	--
Paid William Hooper Esquire for services done in behalf of the Crown as formerly Attorney General -----	61	17	7	35	7	2 $\frac{3}{4}$
Paid Jean Corbin, Executrice to the late Colo ^l James Innes in part of a Deben- ture granted by Benjamin Heron Esq ^{re} December 1762 for the sum of £252.11.11 Sterl. for services as Assistant Baron of the Exchequer-----	138	--	$\frac{1}{2}$	78	17	2
	£2118	4	4 $\frac{1}{4}$	1210	8	2 $\frac{3}{4}$
Paid Isaac Edwards Esq ^{re} Deputy Aud- itor for auditing this acc ^t -----	123	2	8	70	7	3
	£2241	7	--	1280	15	5

I have examined the above Account of His Majesty's Revenue of Quit Rents from the 25th day of March 1770, to the 25th day of March 1772, the charge whereof as appears from the Account amounts to £2242.7.9 $\frac{1}{2}$ Proclamation money equal to £1281.7.3 $\frac{1}{2}$ sterling and the Discharge to £2241.7.0 Proclamation money equal to £1280 15.5 sterling, and I have compared the articles with the vouchers produced by John Rutherford Esquire Receiver General, but the said vouchers not appearing to me to be such as ought to be produced, nor some of the Disbursements such as can be admitted of, I cannot pass the accounts, but do humbly submit the same with the vouchers to the Inspection and examination of the honourable and Reverend Rob^t Cholmondeley Esq^{re}, Auditor General of America for his Determination thereon.

ISAAC EDWARDS,

Dep. Aud^r.

John Rutherford Esquire Receiver General of His Majesty's Revenues in North Carolina appeared before me this day, and being duly sworn on the Holy Evangelists of Almighty God maketh oath, that the Account within stated is a true Charge and Discharge of His Majesty's Revenues therein mentioned and that the same con-

tains a just and true account of all Quit Rents whatsoever received by him during the time within mentioned.

Given under my hand at New Bern this 9th day of March Anno Dom 1773.

JNO. RUTHERFORD.

Witness JO. MARTIN.

John Rutherford Esquire his Account of His Majesty's Fines, Forfeitures, Escheats and all other Casual Incomes whatsoever received by the above said John Rutherford from the 25th March 1772 to the 25th March 1773.

	£	s.	d.
The King <i>vs.</i> John Case	10	--	--
ditto Samuel Swann	--	--	6
ditto Hugh Legriff	--	2	6
ditto Benjamin Phillips	--	--	6
ditto Thomas Laxton	--	--	6
ditto Stephen Jones	--	--	6
ditto Thomas Campbell	--	--	6
ditto John Hampton	--	2	6
ditto William Jones	--	--	6
ditto Philip Hinston	--	--	6
ditto John Carson	--	--	6
ditto Francis Ross	--	2	6
ditto Elijah Wells	--	--	6
ditto George Ison	2	--	--
ditto Matthew Floyd	--	10	--
ditto David Neill	--	5	--
ditto Edward Haggins	--	10	--
ditto William Yancy	--	5	--
ditto Thomas Bond	--	15	--
ditto John Stangford	--	--	9
	£10	2	9
Deduct Commission at 5 % C ^t		10	1½
This Sum of	9	12	7½
is equal to Sterling	5	10	¾

John Rutherford Esquire Receiver General of His Majesty's Revenues of North Carolina appeared this day before me, and being duly

sworn on the Holy Evangelists of Almighty God maketh oath, that the Amount above stated is a true charge of His Majesty's Casual Revenues therein mentioned and that the same contains a just and true Account of all the Fines, Forfeitures, Escheats and other Casual Revenues whatsoever by him received during the Time above mentioned.

JNO. RUTHERFORD.

Sworn to before me at New Bern this 26th March 1773.

JO. MARTIN.

		£	s.	d.
The King vs.	Matthew Rainford	1	--	--
ditto	Hepkin Muse	2	--	--
ditto	John Wright	--	5	--
ditto	John Armstrong	2	--	--
ditto	David Woods	--	10	--
ditto	William Colman	--	10	--
ditto	Solomon Sparks	--	5	--
ditto	James M ^c Farring	2	--	--
ditto	Samuel Tate	2	--	--
ditto	Samuel Bigham	3	--	--
ditto	M ^c Farring & Carmichel	2	--	--
ditto	John Parker	5	--	--
ditto	John Wilson	--	10	--
ditto	William Hall	3	--	--
ditto	William Sheppard	2	--	--
ditto	Anderson Smith	--	5	--
ditto	John Voleleve	--	5	--
ditto	Tunis Quick	--	5	--
ditto	James Smith	--	5	--
ditto	James Hannah	--	5	--
ditto	Margaret Hall	--	5	--
ditto	Hannah Hall	--	5	--
ditto	Margaret Hall Sen ^r	--	5	--
ditto	Isail Clow	--	5	--
ditto	Robert Tate	--	10	--
ditto	Joseph Hall	25	--	--
ditto	John Lawrence	1	--	--
ditto	Joseph Davis	2	--	--
ditto	John M ^c Gaskey	2	--	--
ditto	Roger Haglewood	10	--	--

	£	s.	d.
Sheriff of Bute for forfeited Recognances.....	50	--	--
W ^m Johnston fine for neglect as Sheriff.....	2	--	--
William Harris for forfeited Recognances.....	7	10	--
Amount brought forward.....	--	--	--
Balance of Moses Meyricks Recognances.....	36	13	--
Bushe's and Patens fines each 20s.....	2	--	--
William Tucker's fine.....	--	1	--
By Tod Lane for his Torfield Recognances.....	50	--	--
	216	19	--
Deduct 5 per C ^t Commissions.....	10	16	11
	206	2	1
Deduct 10 per C ^t R. G. Commis ^{ns}	20	13	10
	£185	8	2½

John Rutherford, Esq^{re}, Receiver General of His Majesty's Revenues of North Carolina, appeared this day before me and being duly sworn on the Holy Evangelists of Almighty God, maketh oath that the Account above stated is a true charge and discharge of His Majesty's Casual Revenues therein mentioned, and that the same contains a just and true account of all the fines, forfeitures, escheats and other Casual Revenues whatsoever by him received during the time above mentioned.

J. RUTHERFORD

Witness: JO. MARTIN.

A List of Arrears due the 25th March, 1773, and payable out of the Quit Rents to the several officers on the establishment of North Carolina.

	£	s.	d.
To the legatees of the late Governor Johnston as Legatee of William Smith Esq ^{re} dec ^d formerly Chief Justice and Chief Baron of the Exchequer.....	542	12	10
To the Representatives of Robert Hatton dec ^d formerly Provost Marshall and as Legatee of the above named William Smith.....	423	2	2
To Samuel Swann Esq ^{re} as Executor of the Devisee of John Montgomery, formerly Chief Justice and Attorney General.....	296	13	11

	£	s.	d.
To the Representatives of William Chetwynd for so much of the Salary due to the above mentioned Montgomery and assigned to said Chetwynd-----	342	5	--
To the Representatives of Edward Mosely, deceased, formerly Chief Justice and Chief Baron of the Exchequer -----	118	7	2
To ditto of Enoch Hall deceased formerly Chief Justice -----	1189	3	1
To ditto of John Connor deceased formerly Attorney General -----	11	2	3
To ditto of Joseph Jenour formerly Surveyor General -----	47	11	4
To ditto of John Nicholas deceased formerly Attorney General -----	172	2	--
To ditto of Wyriott Ormond deceased formerly Attorney General -----	197	13	4
To Thomas Child Esq ^{re} formerly Attor ^y Gen ^l -----	1336	1	7
To Marmaduke Jones Esq ^{re} do do -----	19	8	--
To the Executors of Robert Jones Esq ^{re} deceased late Attorney General-----	269	7	2
To the Representatives of Thomas Wardroper late Surveyor General-----	3	7	2
To ditto of the Right Hon ^{ble} Lord Walpole formerly Auditor General-----	1833	6	8
To James Murray Esq ^{re} formerly Secretary and Clerk of the Crown-----	37	4	--
To the Representatives of James Innis formerly Assistant Baron of the Exchequer -----	179	14	9
To ditto of W ^m & John Gray for running Boundary Line between No. & So. Carolina -----	83	5	8
To the Administrators of Nathaniel Rice dec'd formerly President and Secretary-----	779	11	9
To Robert Howe Esq ^{re} late Chief Baron of the Exchequer -----	153	6	8
To the Executors of Benjamin Heron Esq ^{re} dec'd late Secretary and Clerk of the Crown-----	651	14	9
To James Hazell Esq ^{re} formerly Chief Justice & Chief Baron of the Exchequer-----	105	7	2
To do. as present Chief Baron of the Excheq ^r -----	53	15	5
To Martin Howard Esq ^{re} Chief Justice -----	292	1	--

	£	s.	d.
To Thomas McGwire Esq ^{re} formerly Attorney General -----	£	15	15
To ditto present A. G -----	435	11	1
To Robert Palmer Esq ^{re} Surveyor General -----	410	2	6
To Samuel Strudwick Esq ^{re} Secretary & Clerk of the Crown -----	262	--	7
To the Hon ^{ble} and Rev ^d M ^r Cholmondeley Auditor General -----	849	1	2
To the Representatives of Richard Spaight formerly Secretary & Clerk of the Crown -----	268	--	2
To ditto of John Clayton for running Boundary Line between No. & So. Carolina -----		9	11 --
	£11388	6	3

I hereby Certify that the above is an exact state of the several demands upon the Establishment of No. Carolina due 25th March 1773.

JNO. RUTHERFORD.

[B. P. R. O. AM. & W. IND: NO. CAROLINA. NO. 220.]

Governor Martin to Earl Dartmouth.

NORTH CAROLINA, NEW BERN, May 30th 1773.

MY LORD,

I have the honor to transmit to your Lordship the Acts passed at the last Session of the General Assembly of this Province being 34 in number.

1st The first and of greatest Consequence is Intituled "An Act for dividing the Province into six several Districts, and for establishing a Superior Court of Justice in each, and for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties of this Province and regulating the Proceedings therein." I have already had the honor to observe to your Lordship, that this Act is in my opinion liable to objections on the ground of its regulating the proceedings by Attachment in all the Courts inconsistently with His Majesty's Royal Instruction as making Lands subject to it Contrary to the Laws of England and on Account of its extension of the Jurisdiction of the County Courts, under a Constitution by no means corresponding with my wishes and little conclusive to

their reformation. I was induced to pass it under a clause of suspension as it contained the only plan for the constitution and regulation of Courts of Justice that this people could be brought to adopt, that if contrary to my belief it should meet with His Majesty's Allowance, it might immediately lay open the Courts of Justice which are now only remedial of Criminal Wrongs and offences by virtue of Commissions of Oyer and Terminer and Gaol delivery that I have lately issued to try the Prisoners in the several Gaols, and as means to preserve the peace of the Country. The Doctrine of Attachments is little understood here, the Advocates for the mode of proceeding established by this Act, maintain that it corresponds as nearly as may be with the practice of the Trading Towns in England, since the time for European Debtors to appear to attachment is enlarged to twelve months, which is the only essential alteration made in this point, considering the Circumstances of the Country, the doubtfulness of the subject of Attachments and the expediency of some plan for the regular Administration of the Laws, together with His Majesty's allowance to me, by His Royal Instruction, to pass a Law of a Tenor Contrary to its description, with a suspending clause. I hope your Lordship will think I am justified in giving my assent to this Act, in a shape so ineffectual.

2nd Intituled An Act for regulating the Town of Hertford and other purposes Is calculated for enlarging the time limited for saving Lots taken up in the said Town by sundry Acts passed in the years 1758, 1762, and 1768, for regulating its police, and encouraging its growth, and for taxing the County of Perquimans for the support of a Ferry to the said Town over Perquimans River, which seems well designed to answer the ends proposed.

3rd Intituled An Act to regulate and ascertain the Fees of the Clerks of the Pleas in the Superior and Inferior Courts in this Colony, directing the method of paying the same and for taxing Law Suits, which is an exact Copy of the Act of the same Title passed in the year 1770 that is now expired, and which it is calculated to continue for six months, it was made of so short duration to correspond with the Acts for Constituting Superior and Inferior Courts that were rejected.

4th Intituled An Act for the relief of Insolvent Debtors with respect to the Imprisonment of their persons, repeals an Act passed in the year 1749 Intituled An Act for the relief of poor Debtors as to the

Imprisonment of their persons, and an amendatory Act of the year 1762, & is introductory of some good regulations for doing justice to creditors and preventing frauds.

5th Intituled An Act for appointing Public Treasurers and directing their duty in office. The Act of 1768 for this purpose expiring at this time, This Act containing some new and useful arrangements with respect to the keeping regular Accounts, and obliging Sheriffs to account for public Monies was passed.

6th Intituled An Act for annexing the North part of Rowan to the county of Surry, and the further Establishing and erecting the Parish of Dobbs into a separate and distinct parish, which passed with my sincere approbation as it is calculated for relieving the settlement of Moravians, who are a sober, orderly and good people from many inconveniences to which they were exposed by the division of their lands between the two counties of Rowan and Surry.

7th Intituled An Act for building a Gaol in Beaufort county. This Title fully explains the designs of the Act, the plan for defraying the charge of carrying it into Execution is by a County Tax, the common mode in such cases

8th Intituled An Act to exonerate John Tygart and Francis Adams, late Sheriffs of Tryon County from being chargeable with the collection of Taxes taken into South Carolina. A great part of the county of Tryon by the late established Boundary Line being included in South Carolina, An Act of this nature for the indemnification of the Sheriffs, who have not authority to levy the Taxes on the Inhabitants now of another Province, became just and necessary.

9th Intituled An Act for laying out and Establishing a Public Road from Charlotte Town in Mecklenburg County to Bladen Court House. The utility of such communications as is designed by this Act and their tendency to civilize and improve this Country are apparent and the mode of executing the work is such as hath been adopted in all similar Cases, and is both equal and easy in point of Expence.

10th Intituled An Act to continue an Act passed the fifteenth day of January in the year of our Lord 1771, intituled an Act to alter the method of working upon the Roads in the County therein mentioned, which Title so fully explains it, that no room is left for observation upon it.

11th Intituled An Act to prevent making Hedges across great Contentnea Creek, little River of Pee Dee, Rocky and Uhara Rivers. The design of this Act is to lay a penalty of Twenty pounds on any

person who shall raise an hedge for the stopping of Fish, or to interrupt the navigation of the Creek and Rivers therein mentioned.

12th Intituled An Act to alter the method of working upon the Public Roads in the County of New Hanover. This Act makes a more proper division of the County into districts than is made by the general Act recited therein and has allotted proper Commissioners to superintend each of them, it repeals the said recited Act so far as it relates to the County for which this is particularly calculated.

13th Intituled An Act to regulate the attendance of the Minister of Christ Church Parish, at the parish Church in New Bern and at the several Chappels in the said parish. This Act is calculated to relieve the Minister of the parish therein mentioned, of insupportable toil and labour, and to make his attendance more constant at the parish Church in New Bern, which was heretofore more than half the year without a Clergyman.

14th Intituled An Act for directing the method of appointing Jurors in all Causes Civil and Criminal. The Design of this Act is fully explained by its Title, and seems well calculated to answer its end, its duration was made so short as six months, to correspond with the Temporary Court Acts that were rejected.

15th Intituled An Act to render more useful and advantageous the navigation of Trent River. This Act is calculated to execute a design of great public utility; the proprietor of the Land, through which it is designed to cut a Canal to shorten and facilitate the Navigation of the river, is unknown, but as it tends manifestly to his advantage I did not conceive that an Act of such nature should be rejected on that consideration.

16th Intituled An Act to encourage the destroying of Vermin in the several Counties therein mentioned. This Act is of the same nature of those that obtain in other Counties for the same purpose; the destruction of the nuisance is purchased by rewarding the destroyer at the Common expence of the County, that is taxed by the Inferior Court to raise money for this purpose.

17th Intituled An additional Act to an Act Intituled an Act for Establishing a School House in the Town of New Bern. This Act is designed to declare certain Lots reserved to the School by the Act to which this is supplemental for a place of exercise for the Students, without any buildings thereon that are required by an Act of the year 1756, Intituled An Act for the better regulation of the Town of

New Bern for securing the titles of persons who hold Lots in the said Town.

18th. Intituled An Act to prevent hunting with a Gun by fire-light. This Act is designed to prevent the destruction of Cattle that has been made on pretence of hunting for Deer. It lays a penalty on persons guilty of this practice of five pounds Proc. Money for every offence and Slaves it subjects to a Corporal punishment and the forfeiture of their Guns. It also repeals an Act intituled, An Act to prevent hunting for and killing Deer in the manner therein mentioned passed in the year 1770.

19th. Intituled An additional Act to an Act intituled An Act for Amending 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. This Act is supplemental to several Acts passed in the year 1757, 1760, and 1771, for amending the Act recited in the Title hereof passed in the year 1756 and is introductory of many new and good regulations, for the improvement, security and good government of the Town, that have been much wanted.

20th. Intituled An Act for laying out a Public Road from Dan River through the Counties of Guilford, Chatham and Cumberland to Campbelton, and for a Public road from the Shallow Ford in Surry County to join. This Act is calculated to open communications at the charge of the several Counties through which they pass to Campbeltown on the Northwest Branch of Cape Fear River, which is growing fast into consideration, and promises to be the greatest Mart of the Western Parts of this Province.

21st. Intituled An Act to amend an Act passed at Newbern in the year 1771, intituled an Act for laying out a Public Road from the frontiers of this Province through the Counties of Mecklenburg, Anson, Rowan, and Cumberland. This Act repeals so much of the Act recited in the Title thereof as appointed Commissioners for carrying it into execution who having been delinquent in their duty it appoints others in their room.

22nd. Intituled An Act for Establishing a Town on the Lands of Isaac Jones lying on the North West Branch of Cape Fear River in Bladen County. This Act is calculated for Establishing an Entree port between Wilmington and Campbeltown that will be advantageous to the Commerce and Navigation of the North West Branch of Cape Fear River, and is designed at the request and with the approbation of the Proprietor of the soil, wherefore it was conceived

not to be of the nature of Acts alluded to in His Majesty's Instruction Art^{le} 21.

23rd. Intituled An Act to empower the Executors of John McKildolate Sheriff of Tyrrell County to collect the Arrears of Taxes due for the said County in the years therein mentioned. This Act is designed to empower the Securities of the deceased Sheriff to collect the Taxes that became due in this County during his Sheriffalty towards their indemnification.

24th. Intituled an Act for granting a Bounty on the exportation of Pot and Pearl Ash. This Act has a tendency to encourage the manufacture of those valuable commodities by granting a Bounty of eight pounds £ ton on the former and fifteen pounds on the latter, and it may be hoped will induce the People of this Country to make these Articles that will enable them to make remittances to Britain, for means of doing which they are in great need.

25th. Intituled An Act to amend An Act for settling the Bounds of Lands. This Act is designed to amend an Act of utility recited in its Title passed in the Year 1723.

26th. Intituled an Act to amend an Act intituled an Act for the regulation of the Town of Hillsborough. This Act regulates the mode of repairing the Streets in the said Town and empowers the Commissioners to lay a limited Tax for defraying thereof.

The Title of this Act recites that of a Law that has no existence. The Act to which it alludes is intituled An Act to amend an Act Intituled an Act for Establishing a Town on the Land formerly granted to William Churton, Gentleman, lying on the North side of Enoe River in the County of Orange.

27th. Intituled an Act to amend an Act for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the Court House now stands in Duplin County. The Commissioners appointed to execute the above recited Act, having neglected their Duty, this Act is intended to appoint other Commissioners to see the same completed:

28th. Intituled an Act to continue an Act for the more speedy recovery of all Debts and Demands under five pounds proclamation money within this Province. This Act continues only the Act recited in the Title for six months, being made commensurate to the Court Acts rejected.

29th. Intituled an Act for the relief of Persons who have or may suffer by their deeds and *mesne* conveyances not being proved and

registered within the time heretofore appointed by Law. This Act is apparently well designed, but since I passed it, I find that under a specious Title it is calculated to indemnify Persons who are desirous to defraud His Majesty's Revenue, by withholding their Quit Rents by keeping the Receiver General in ignorance of the Lands they hold; it is an old stratagem that has been successfully practised from time to time.

30th Intituled an Act for repairing the Gaol for the District of Halifax in the Town of Halifax. The intention of this Act is fully set forth in its Title, and it is to be executed in the usual manner by Commissioners therein named and the charge defrayed by a Poll Tax in the several Counties composing the District.

31st Intituled an Act to continue the Tax imposed by an Act intituled an Act for building a Court House in the Town of Salisbury for the District of Salisbury. The Tax imposed by the afore recited Act passed in 1771 having been insufficient for the purpose intended, the same is hereby continued for one year longer.

32nd. Intituled an Act to dissolve the Vestry in Unity Parish in Guilford County. This Act was passed in consequence of an illegal election made of the Vestry to the great disquiet of the Presbyterians in the said Parish.

33^d Intituled an Act for erecting a public Gaol and gaoler's House in the Town of Wilmington for the district of Wilmington. The Design of this Act is obvious and it is to be executed like others of the same nature by Commissioners and the expence of the buildings paid by a Poll tax on the Counties of the District.

34th Intituled an Additional Act to an Act for erecting a Court and Prison, for the use of the District of Edenton. The Tax imposed for these purposes by the above recited Act being inadequate it is hereby further continued for three years, and the surplusage thereof if any is directed to be paid back in just proportions to the Counties where it was levied.

I now submit to your Lordship's Consideration, the several Bills which I rejected at the last session of the General Assembly with the reasons I assigned for so doing, which I flatter myself will justify my conduct therein.

The First is intituled an Act to amend an Act for the regulation of the Town of Salisbury, securing the Inhabitants in their Possession and to encourage the Settlement of the said Town which I

rejected as derogatory to His Majesty's Instruction inasmuch as it gives power to Commissioners to appoint Fairs and Markets.

2nd Intituled an Act for cutting a navigable Canal from Mattamuskeet Lake to the head of Wesokin Creek in Hyde County, Which I rejected as affecting private property, and containing matter of a new and extraordinary nature by giving power to Commissioners to lay a land Tax, it being contrary to His Majesty's Instructions to me to pass such a Bill without a suspending clause.

3rd Intituled an Act for Establishing the Court House of the County of Mecklenburgh in the Town of Charlotte, and other purposes, which I rejected for its inconsistency with His Majesties Instructions as containing matters foreign to its Title, and that have no relation to each other.

4th Intituled an Act to continue an Act to direct Sheriffs in levying Executions, and the disposal of Lands, goods and chattles taken thereon, Which I rejected as prejudicial to commerce, and injurious to the Credit of this Colony, as it enables the unjust Debtor to pay his Creditors with Commodities of imaginary, but no real value.

5th Intituled an Act to Establish Inferior Courts of Pleas and Quarter Sessions in the several Counties of this Province. This Act was calculated for six months duration, and contained the exceptionable Regulation relative to Attachments, I therefore rejected it and because it was nugatory in itself as referring to and depending on the Superior Court Law, that had no existence.

6th Intituled An Act to prevent malignant and infectious distempers being spread by shipping importing distempered Persons into this Province, I rejected because the fines and penalties imposed by it are not reserved pursuant to the Royal Instructions to His Majesty, His Heirs and Successors for the public uses of the Province, or the support of the Government thereof.

7th Intituled An Act to empower Commissioners therein named to build a Bridge over Trent River, Which I rejected as injurious to private property by giving power to Commissioners arbitrarily to take timber from the adjacent Lands without consent of the Proprietors and without allowing them any consideration for it.

8th Intituled An Act to amend the Staple of Tobacco and to prevent frauds in His Majesty's Customs, I rejected because it subjects the officers of His Majesty's Customs to so large a fine as five hundred pounds Proclamation money, for neglecting an extra service for the performance of which it allots them no Fee or reward.

9th Intituled An Act for Establishing a public Seminary of learning in the Western part of this Province, which I rejected as repugnant to His Majesty's Instructions by vesting the Trustees of the Institution with the power of appointing Masters without the licence or participation of His Majesty's Governor.

10th Intituled An Act for erecting part of the Counties of Halifax and Tyrrel into one distinct County and Parish and for other purposes, Which I rejected as introductory of Regulations relating to Members of Assembly inconsistent with His Majesty's Instructions, which I have already stated to your Lordship in my dispatch N^o 8.

11th Intituled An Act to prevent the crime of horse stealing, which I rejected as contrary to the Laws of England, and founded in my opinion on mistaken policy, as by the seeming mitigation of the Laws rigour to offenders on the first conviction in mercy designed and which is always in the power of the King's Prerogative, the Criminals marked out to reproach by the punishments allotted in this Act and rejected on all hands would loose every sense of shame, become desperate and abandon themselves to the perpetration of every kind of enormity, dreading death (the Law's utmost penalty) less than existence held at the expence of everything that can make life desirable.

12th Intituled an Act directing the Punishment of those Persons who shall counterfeit the Gold and Silver Coin and Debenture Bills circulating in this Province, I rejected for the same reasons as the former.

13th Intituled An Act for preventing Persons who by Devise or otherwise are invested with a Life Estate in any Slave or Slaves or other Goods and Chattels from doing injury to the person or persons in reversion, I rejected because it gives a power over the property of the Subject to the County Court unknown to the Laws of England, and that is beyond those inherent in the Court of Chancery.

14th Intituled An Act to prevent burning woods at unseasonable times of the year in the several counties therein mentioned, I rejected, because it gives power to any man being a Freeholder to burn within certain periods the King's vacant waste or other woods to the manifest injury of His Majesty's property.

15th Intituled An Act to prevent the wilful and malicious killing of slaves, I rejected as I declared with concern, its general scope and design being in my opinion good, but it was inconsistent with

His Majesty's Instructions to pass it, as it does not reserve the fines imposed by it pursuant to their direction.

16th Intituled An Act directing the Boundary Line between the Counties of Perquimans and Chowan and appointing commissioners to see the same done, I rejected because it does not ascertain the consideration to be paid to the commissioners appointed to carry the Act into Execution, as in other cases of like nature.

17th Intituled an Act for vesting in certain persons therein named two acres of land at the Indian Town in Currituck County, as Trustees for building a Chappel thereon and enclosing a Burying Ground, I rejected with real regret, as it appeared to me to have the laudable design, but it wanted I conceived the forms requisite by His Majesty's Instructions to an Act of that particular nature.

How far in this important part of my Duty I may have acted properly your Lordship will determine, and I trust to your goodness, my Lord, for viewing my conduct with a generous allowance for my short experience in Legislature business. I can only assure your Lordship that I have paid to the best of my judgment and discernment the most fixed attention to His Majesty's Royal Instructions, with such indulgence to the wishes of the other Branches of the Legislature as I thought consistent therewith.

I have the honor to be &c

JO. MARTIN,

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

Earl of Dartmouth to Governor Martin.

WHITEHALL, June 10th 1773.

SIR,

I have received your Letters of the 26th of February and 12th of March N^{os} 3 & 4, and have laid them before the King.

As I have very much at heart the Welfare and Prosperity of the Colony of North Carolina, and wish that the public business may be carried on with harmony and Union, I cannot see, but with regret and concern, His Majesty's Governor reduced to the necessity of adopting so disagreeable a measure as that of the Dissolution of the Assembly.

The necessity and Propriety of that step are however apparent, and your firmness in the Execution of your Duty is approved by the King.

I am not sufficiently apprized of the state of the Case of the Assembly's claim in respect to the number of Members necessary to constitute a House to give a conclusive opinion upon it, in general it appears to me extravagant and absurd. I will however examine further into it, but in the mean time as the King's Instructions have fixed the Quorum it is my Duty to exhort you to continue firm and steadfast in that obedience thereto which is so essential to the support of His Majesty's Right, trusting that the New Assembly will have met in a temper, and with Sentiments very different from those of their Predecessors, and that I shall soon hear that Peace and Harmony are restored, and the public business has been carried on with Unanimity and Dispatch.

I am etc,
DARTMOUTH.

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

NORTH CAROLINA—Ss.

By His Excellency Josiah Martin Esquire Captain General, Governor and Commander in Chief in and over the said Province.

A Proclamation.

Whereas His Majesty hath been pleased by His Royal Order in Council bearing date at S^t James's the Seventh day of April 1773 to declare His Royal Disallowance of an Act passed in the General Assembly of this Province in December 1771, intituled "An Act to amend an Act intituled an Act for Founding establishing and endowing of Queen's College in the Town of Charlotte in Mecklenburg County." I do in pursuance of His Majesty's Royal Commands issue this Proclamation, hereby declaring the said Act Disallowed, Void, and of none effect whereof all Persons are required to take notice and govern themselves accordingly.

Given under my Hand and the Great Seal of the said Province at New Bern the 28th day of June A. Dom. 1773. In the 13th year of His Majesty's Reign.

JO. MARTIN.

God save the King.

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

COUNCIL JOURNALS.

At a Council held on Monday the 28th June 1773,

His Excellency was pleased to order His Majestys order in Council dated at St James the 7th day of April 1773, be inserted on the Journals of this Board which order is in the following words, Viz^t.

At a Court at St. James 7th April 1773.

Present

The King's most Excellent Majesty

Lord President

Earl of Rochford

Earl of Suffolk

Earl of Dartmouth

Earl of Sandwich

Lord Mansfield.

Whereas it hath been represented to his Majesty that the state and condition of his Majesty's Colonies and Plantations do both in Justice and expediency require that the Authority for granting Lands contained in the Commissions and Instructions given to His Majestys Governors in the plantations should be further regulated and restrained, and that the Grantees of such Lands should be subjected to other conditions than those at present prescribed in the said Instructions. His Majesty having taken the same into His Royal consideration is pleased with the advice of His privy Council to order and it is hereby ordered that the Lords Commissioners for Trade and Plantations do take into their immediate consideration the powers and authorities for granting Lands contained in the Commissions and Instructions to His Majestys Governors in the Plantations and that the said Lords Commissioners do represent to His Majesty at this Board such alteration as they shall think fit and necessary to be made therein, and His Majesty is hereby further pleased to order that in the mean time and until His Majesty's further pleasure be signified, all and every His Majesty's Governors, Lieutenant Governors or other persons in command in His Majesty's Colonies in N^o America who are intrusted with the disposal of His Majestys Lands in the said Colonies do forbear upon pain of His Majestys highest displeasure and of being immediately removed from their Office, to issue any Warrant of survey or to pass any patents for lands in the

said Colonies or to grant any License for the purchase by private persons of any Lands from the Indians without especial directions from His Majesty for that purpose: under His Majestys Signet or Sign Manuel or by order of His Majesty in His privy Council, excepting only in the case of such Commissioned and Noncommissioned Officers and Soldiers who are intituled to Grants of Land in virtue of His Majestys Royal Proclamation of the 7th October 1763 to whom such grants are to be made and passed, in the proportions and under the conditions prescribed in His Majesty's Proclamation.

STEPH. COTTRELL.

NORTH CAROLINA—Ss.

By His Excellency Jo. Martin &c.

A Proclamation.

Whereas His Majesty on representation that the state and condition of His Colonies and Plantations in America do both in Justice and expediency require that the Authority for granting Lands contained in the Commissions and Instructions given to His Majesty's Governors in the Plantations should be further regulated and restrained, and that the Grantees of such Lands should be subjected to other conditions than those at present prescribed in the said instructions hath been pleased to direct by His Majesty's Royal Order in Council bearing date at St James the 7th day of April that the Lords Commissioners for Trade and Plantations do take into their immediate consideration the said powers and authorities of His Majesty's Governors for Granting Lands and that their Lordships do represent to His Majesty in Council such alteration as they shall think fit and necessary to be made therein. And whereas the King hath been pleased hereby to restrain his Majestys Governors of the Colonies and Plantations in the mean time and until His Royal pleasure be signified thereupon from granting any Warrant of Survey or passing any patents in the said Colonies without His Majestys especial direction for that purpose under his Royal Signet or sign Manuel or by order of His Majesty in His Privy Council excepting only in the case of such Commission and Noncommissioned Officers and Soldiers who are entitled to grants of Land in virtue of His Majestys Royal Proclamation of the 7th of October 1763 to whom such Grants are to be made and passed, and in the proportions and under the conditions prescribed in His Majestys

said Proclamation. I have therefore thought fit to issue this Proclamation hereby to make known His Majestys Royal Pleasure and to signify to all persons who have made entries of Lands in the Secretarys Office since the last Court of Claims of this Province or with such persons in the Country as are impowered to take entries that they may withdraw the said entries, and receive the Fees paid thereon, or may let them stand for priority until his Majestys Royal pleasure be further declared, as they shall think proper.

Given under my hand &c dated 28th of June 1773.

JO. MARTIN.

God save the King.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. No. 220]

Governor Martin to Lord Dartmouth.

NO. CAROLINA NEW BERN July 1st 1773.

My Lord,

I have had the honor to receive your Lordship's Dispatch N^o 4 together with an order of His Majesty in Council, dated the 7th day of April last, disallowing an Act passed in the General Assembly of this Province in December 1771, and the Representation of the Lords of Trade, which induced such disallowance. And pursuant to your Lordship's commands I forthwith, declared the Royal Pleasure on the said Act, in the usual manner by Proclamation.

Under the same cover I have also received your Lordship's circular Letter, of the tenth of April, with an order of His Majesty in Council, interdicting the Granting any more of His Majesty's Lands, until the King's pleasure be further signified, to which I shall not fail to pay the strictest regard and in obedience to His Majesty's commands communicated by your Lordship's letter, it was immediately entered on the Council Books. This measure My Lord, will doubtless discourage that spirit of emigration which of late hath prevailed in His Majesty's European Dominions; and seemed to threaten if it was not checked their depopulation, but I apprehend My Lord, it will not operate effectually while the Proprietary Provinces, and the vast Tracts of Land, now held by private persons in all the other Colonies, afford such ample room to Settlers, who will now, I daresay be invited by the intended Proprietors with every

sort of allurements, and encouragement they can set forth, while the idea of restraint, will favour their views, and promote their interests.

In this Province the emoluments arising from Grants of the Crown Land, make so considerable a part of the Governor's Revenue, that I shall sensibly feel this restriction, but I do assure your Lordship, I lament not the defalcation of my income, however little able to bear it, considering it the price of a public benefit, not only from its tendency to prevent emigration, from Great Britain and Ireland, but as I conceive it may afford opportunity to put his Majesty's Revenue of Quit Rents upon a good footing, throughout this Continent, which I look upon to be an object of great importance.

Since I had the honor of writing to your Lordship, I have made a tour to Edenton, and through the North East Counties, as far as the Boundary between this Colony and Virginia, in which I have seen a large tract of the most fertile Land that I have met with in America, and that would be of equal Beauty and value, if the circumjacent Country, was not too uniformly flat and level. Great quantities of wheat will be raised there this year, and I think it inferior to none I have ever seen.

I have the honor to be &c,

JO. MARTIN.

[B. P. R. O. NO. CAROLINA. B. T. VOL. 18.]

Letter from Governor Martin to the Privy Council.

NO. CAROLINA, NEW BERN, July 1st 1773.

MY LORDS,

I have had the honor to receive your Lordships letter of the 11th of March, and it is matter of the highest satisfaction to me that your Lordships have been pleased to approve my observations on the Laws passed in this Province in December 1771.

The King's Royal disallowance of the Act N^o 9, of that Session, having been signified to me by His Majesty's Order in Council, I am to inform your Lordships that the Royal pleasure hath been declared upon it here accordingly.

I will not fail in obedience to your Lordships commands, to recommend to the General Assembly of this Province, at the next Session to pass an Act explanatory of the Act of Indemnity which your Lordships disapprove. I had entertained hopes that as that Law

was framed very nearly upon the plan of the Acts of Parliament passed after the Rebellions in 1715 and 1745 it would have been deemed by your Lordships applicable to the circumstances of this Colony after the late Insurrection.

I have the honor to be &c

JO. MARTIN.

[B. P. R. O. NO. CAROLINA. B. T. VOL. 18.]

Report of Richard Jackson Esq^r upon an Act passed in North Carolina in March last.

TO THE RIGHT HONOURABLE THE LORDS COMMISSIONERS FOR TRADE & PLANTATIONS.

May it please your Lordships,

In humble obedience to your Lordships Commands signified to me by M^r Pownal, I have perused and considered an Act passed by the Governor, Council and Assembly in the Province of North Carolina in March 1773, intituled—

“An Act for dividing the Province into six several Districts, and for Establishing a Superior Court of Justice in each of the said Districts, and for Establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province, & regulating the Proceedings therein.”

And I am of opinion, that the said Act is liable to important objections in point of Law, among these I conceive it to be one, that the original Jurisdiction of the Superior Court (the Determination of which must necessarily be the most conformable to those of the great Courts of Justice in this Country) is confined to Debts and Demands not less than fifty pounds Proclamation money, where the Plaintiff and Defendant both reside in the same District, and not less than twenty five pounds where they reside in different Districts. But as I find in the tenth page of the Law a clause giving an attachment against the Goods of Persons residing in other Governments, expressly contrary to His Majesty's late Royal Instruction, and inconsistent as I think with the true commercial Interest of the Colony, I cannot but advise your Lordships to propose the Repeal of this Law, or at least that His Majestys approbation thereof should not be signified.

Which is humbly submitted

15th July 1773.

R^d JACKSON.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

Letter from Governor Martin to Lord Dartmouth.

NORTH CAROLINA NEW BERN, July 18th 1773.

MY LORD,

I have the honor to transmit herewith for your Lordship's consideration the Draft of a Bill for the more effectual collection of His Majesty's Revenue of Quit Rents, which ought to be very considerable, but in the present circumstances of things yield next to nothing as your Lordship will have perceived by the Receiver Generals Accounts that I have had the honor to lay before you. This arises My Lord, from the difficulty of discovering the present Tenants of the Crown, of ascertaining exactly the Quit Rents that are due from such as are known; which precision is requisite in law, but most of all for want of a legal mode of recovering the Crown Rents, in which the present Laws of this Country are altogether deficient, in the opinion of the ablest Lawyers.

The Principles of the Bill I have now the honor to submit to your Lordship are by a remission of the arrears of Quit Rents (which it is certain the people in general are not able to pay) to engage the Tenants in consideration of such a concession to deposit immediately the Rents that have accrued since 1771, or for two years, to compel them by motives of self interest to register their Title and Conveyances of all sorts, whence an exact Rent Roll will be easily formed and preserved, and to ascertain the regular payment of the growing Quit Rents by establishing a Summary and easy mode to recover them. The first stipulation will raise a sum of money greater than will be necessary to discharge the heavy debt with which the Revenue is charged, and under the other head I am of opinion every regulation is made that may be necessary to secure the regular payment of Quit Rents hereafter, as I am convinced it is no less the Proprietors Interest to adopt the plan for the improvement of his Revenue that I have proposed for the Crown, I have extended the reciprocal benefits of this Bill to Earl Granville and his Tenants.

Although I flatter myself the plan I have now the honor to submit to your Lordship will be effectual, I have no doubt it may be improved. I thought at first My Lord of introducing into it some

regulations concerning Surplus Lands held under erroneous Surveys, as also of appointing particular times and places for the Receipt of the Rents, but on reflection I think the powers of the officers of the Crown, and the Agent of Earl Granville will be competent to order all those matters properly as they shall see occasion from time to time.

As it is for the Interest of the Crown that some measures should be taken as soon as possible to realize its Revenues here that are at this time merely nominal, I shall hope to be honored with your Lordship's sentiments and commands on the subject of the Bill now transmitted, when it shall have been duly considered and moulded into such form as your Lordship shall approve, that it may be proposed to the General Assembly without delay. The concurrence of Lord Granville in this, or any other plan that shall be received by the Crown, and making the acceptance of it by the Legislature the indispensable condition of granting or selling more of the Crown's or his Lordships lands, will exceedingly facilitate its passage, for the Inhabitants of this country, my Lord, look with the greatest avidity towards the territory of Earl Granville, which comprehends almost if not all the valuable lands in this Province at this day ungranted, and the prospect of obtaining them upon any reasonable terms, together with the proposed concession of the vast arrearage of Rents, I must believe will be temptation sufficient to induce the Legislature to pass a Law for the future due collection of the Crown's, as well as the Proprietor's Revenues of Quit Rents.

If, my Lord, the opinions of the Lawyers be well founded, that there is not here any legal mode of recovering His Majesty's Quit Rents, there seems to be only two ways to improve, and put in right train that Revenue, the one to adopt a plan that may be wove into a Provincial Law, the other to establish a constant Court of Exchequer, of which there is at present the shadow in the office of Chief Baron, now a sinecure of £40 sterling per annum, and held by Mr Hasell, President of the Council, who has repeatedly acted on vacancies in the character of Chief Justice, with great reputation, and who will I am persuaded do honor to that appointment, if His Majesty shall be graciously pleased to confirm him in it, and well deserves any addition of salary that shall be annexed to it, when that officer shall be drawn into action, in which case the present allowance will be very incompetent.

I have the honor to be, &c.,

JO. MARTIN.

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

NORTH CAROLINA }
Chatham County } Ss.

At a court of Oyer and Terminer and General Gaol Delivery begun and held in and for the County of Chatham at the Court House of the said County on the nineteenth Day of July in the thirteenth Year of the Reign of our Sovereign Lord George the third now King of Great Britain and so forth, before the Honourable Richard Caswell Esquire one of the Judges and Justices of the Courts of Oyer and Terminer and General Gaol Delivery, in the Province of North Carolina by Letters patent of our said Lord the King under the great Seal of the said province, To the Honourable Martin Howard Esquire Chief Justice of the same, Maurice Moore and the said Richard Caswell Esquires, or either of them, made and directed to inquire more fully the Truth by the Oaths of Good and lawful Men of each and every County in the said Province and by other Ways and Means, by which the Truth of the Matter may be better known and inquired into of all Treasons, Murders, Homicides, Rebellions and Insurrections, Riots and unlawful Assemblings, Rapes, Burglaries, Larcenies and all Felonies, Contempts open Frauds and Deceits, and all Crimes and Offences whether capital or not capital, and Misdemeanors whatsoever perpetrated, committed or done within any or either of the said Counties and the same for this Time to hear and determine after the due Form of Law.

The Jurors for our Lord the King upon their Oath present that John Hudgins late of Saint Bartholemew Parish in the County of Chatham Labourer on the thirtieth Day of April in the thirteenth Year of the Reign of our Sovereign Lord George the third now King of Great Britain and so forth with force and arms at the Parish aforesaid in the County aforesaid one Curry-Comb of the Value of Sixpence Sterling Money of Great Britain, of the Goods and Chattles of John Fyke then and there being found feloniously did steal, take and carry away against the peace of our said Lord the King his Crown and Dignity.

ALEX. MARTIN, Att^o pro D. R.

The King *vs.* John Hudgins. Ind^t pet. Larceny.

Chatham Court of Oyer & Terminer &c, July 19th 1773. Evid. John Fyke, John Watts.

Sworn and Sent. R^{hd} KENNOR, C. C.

A True Bill. ROB^t RUTHERFORD, Foreman.

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

NORTH CAROLINA }
 Chatham County } Ss.

At a Court of Oyer and Terminer and General Gaol Delivery begun and held in and for the County of Chatham at the Court House of the said County on the nineteenth Day of July in the thirteenth year of the Reign of our Sovereign Lord George the third King of Great Britain France and Ireland Defender of the Faith and soforth before the Honourable Richard Caswell Esquire one of the Judges and Justices of the Courts of Oyer and Terminer and General Gaol Delivery in the Province of North Carolina, by Letters patent of our said Lord the King, under the Great Seal of the said Province To the Honourable Martin Howard Esquire Chief Justice of the same Maurice Moore, and the said Richard Caswell, Esquires, or either of them, made and directed to inquire more fully the Truth by the Oaths of good and lawful Men of each and every County in the said Province, and by other Ways and Means by which the Truth of the Matter may be better known and inquired into of all Treasons Murders Homicides, Rebellions and Insurrections Riots and unlawful assemblies Rapes Burglaries Larcenies and all Felonies Contempts open Frauds and Deccits and all Crimes and Offences whether capital or not capital, and all Misdemeanors whatsoever perpetrated committed or done within any or either of the said Counties and the same for this Time to hear and determine after the due Form of Law.

The Jurors for our Lord the King upon their Oath present that Agnes Harrington late of Saint Bartholomew Parish in the County of Chatham Widow on the first Day of June in the thirteenth year of the Reign of our Sovereign Lord George the third now King of Great Britain at the Parish aforesaid in the County aforesaid with Force and Arms, in and about her dwelling House and plantation whereon she now lives did harbour and maintain John Lawrance being an Idle loose and dissolute person of evil Character, and at sundry Times before and since the Time aforesaid did harbour and maintain in and about her dwelling House and plantation loose idle and dissolute persons of evil Character to the evil Example of others in like Case offending contrary to the Form of an Act of Assembly

in such Case made and provided, and against the peace of our said Lord the King His Crown and Dignity.

ALEX MARTIN, Att^o *pro* D. R.

The King *vs* Agnes Harrington. Ind^t Harboursing Loose &c persons.

Chatham Court of Oyer and Terminer &c., July 19th 1773. Evid. William Ashford, R^{hd} Kin.

Sworn and Sent. R^{hd} KENNON, C. C.

A True Bill. ROE^t RUTHERFORD, Foreman.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

Letter from Governor Martin to Lord Dartmouth.

NO. CAROLINA, NEWBERN July 19th 1773.

MY LORD,

On a review of my Letters to your Lordship since the last Session of the General Assembly of this Province, I perceive I have omitted to lay before your Lordship a Copy of the Bill that was presented to me during the Session, to continue for six months, and to the end of the next Session of Assembly, the former Superior Court Act which had been so strongly objected to by the Lords of Trade, and was so inconsistent with His Majesty's Royal Instructions that I was obliged to reject it. I have now the honor to offer it to your Lordship's consideration, and I have subjoined to it the clause relative to attachment that was in the second Bill of this tendency brought into the House of Assembly, at the first reading, with which the Council proposed to pass it, as appears by the Message of that Board, and which would certainly have attained it my Assent, as it restrained proceedings on Attachments here, pursuant to the Royal Instructions, to the modes authorized by the Laws and Statutes of Great Britain, in like cases, although it must be confessed, it wanted the precision that Laws ought to have, which arose from the doubts of People here, concerning the Process in England. This Amendment was however rejected on the second reading of the Bill in the Assembly, and the exceptionable part retained on which after repeated Messages the

Council threw out the Bill. You will find My Lord that I rejected many of the Bills presented to me at the last session, and some of them I am apprehensive your Lordship will think on slight objections, considering the importance of their objects. I will freely acknowledge to you My Lord that there were among the Bills to which I refused my Assent, some, which I should have passed on the ground of expediency, if I could have foreseen or imagined the Assembly would have deserted the public business on the Prorogation for two days, without new modelling those Bills, whose exceptionable parts I had pointed out. After I had declared too, in my speech at that time, that I prorogued the General Assembly, for that short period, that it might immediately reconsider and reform them, and that I had given my Assent to the jury Bill, and such others as were not exceptionable, that had immediate relation to the rejected Court Acts. The loss of the benefit of those Laws, will therefore I hope My Lord be imputable only to the conduct of the Representatives of the People, mine was the pure result of Duty to His Majesty, which I conceived required of me the more strict and exact attention to the Royal Instructions relative to framing and passing Laws, when I perceived so total a neglect of those well known Rules both in the Council and Assembly, and I considered my scrupulous regard to them, as the best means to engage the other Branches of the Legislature to a due respect to those Regulations of His Majesty, a just attention to which on their parts would save a great deal of time and trouble to themselves, and deliver me from the disagreeable necessity of resisting their wishes in the last instance. My conduct at the late Session, will I flatter myself produce some good effects, it ought I think to show the Members of the Legislature that it is their interest to attend to the Royal Instructions, which must at last control their deliberations, and it will assure them of my inflexible perseverance in my Duty to His Majesty, which the Assembly at the last session, seemed studiously to put to the test.

In February last at a Court of Chancery held here, on a decree being made in favour of the Defendant in a cause that had been some time depending between M^r Adair and M^r McCulloh, the complainants council moved for leave to appeal to His Majesty in Council, when it was ruled by the Court, after consideration of His Majesty's 42^d Instruction, which relates particularly to appeals to and from the Governor and Council, as a Court of Error, that the Defendant should have leave to appeal provided he gave security to

prosecute it and answer the condemnation, etc., within fourteen days. As it appeared to me that the design of the King's Instruction was only to secure costs and damages that should be awarded to the appellee, in case the first decree was confirmed, that the term of fourteen days related merely to praying the appeal, and that if security was given before the appeal was actually made it was fully answered. I objected the hardship it would be upon Mr Adair's Attorney, to be limited to so short a time, to procure competent security for so large a sum as One Thousand pounds sterling in a Country where the Party was utterly unknown, and that in default thereof, the complainant who might perhaps be aggrieved, notwithstanding the judgment of that Court, should be precluded of His Right to appeal to Justice in the last resort, and I desired the sense of the Court, that was to rise before the expiration of that allotment of time, whether after it should elapse, if good security was offered, and it should be made to appear to me that it could not be sooner obtained I might accept it, it was decided that I could not. If however, my Lord, the circumstances had occurred, I should have certainly taken upon me, under a different construction of the Royal Instruction, to admit a proper security, for I am persuaded the Interpretation of the Court is not consistant with His Majesty's Justice, nor the meaning of the Instruction, which I shall be happy to learn with certainty from your Lordship.

I thought it proper, my Lord, to direct a minute of my Question to the Court to be entered on the Proceedings, that when they came before the Lords of the Council, it might appear there was a difference of opinion on this head, which may be attended with disadvantage to His Majesty's Subjects.

I have the honor to be &c.,

JO. MARTIN.

An Act to amend and continue an Act passed in the General Assembly of this Province at New Bern the fifth day of Deceniber in the year of our Lord, one thousand seven hundred and sixty eight, intituled An Act for dividing this Province into six several Districts, and for Establishing a Superior Court of Justice in each of the said Districts and for regulating the proceedings therein and for providing adequate salaries for the Chief Justice, and the Associate Justices of the said Superior Courts.

Whereas the said Act if not continued will expire at the end of

this present Session of Assembly and it is thought expedient to continue the same,

Be it therefore enacted by the Governor, Council and Assembly and by the authority of the same that the said Act and every Clause and Article therein contained shall continue and be in force for the Term of Six Months and from thence to the end of the next Session of the Assembly and no longer.

And be it further enacted that the sixty sixth Section of the afore recited Act directing what process shall issue in a suit for the recovery of filial portions when the Sheriff shall return that the Defendant cannot be found be and the same is hereby repealed and made null and void.

And be it further enacted by the authority aforesaid that in all cases of original or Judicial Attachments against Persons residing in Europe the Court to which the same is brought shall continue it twelve months and if the Defendant shall appear, plead and put in Bail within that time, in such case his Estate may be liberated and the Garnishee Discharged.

N. B.—The under written Clause stood in the second Bill of this import on the first reading in the House of Assembly which on the second reading was struck out and the above Clause inserted, and the Bill on its return to the Council was thrown out.

And be it further Enacted by the Authority aforesaid, that for the future no person whatsoever who hath never resided in this Province shall be liable to an Attachment otherwise than according to the Laws and Statutes of England in like cases, and that every Clause and Section in the before recited Act contrary thereto shall henceforth be repealed.

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

Letter from Isaac Edwards to Colonel John Williams.

NEWBURN 20th July 1773.

DEAR SIR

Agreeable to Your request I have made enquiry respecting the price of Mahogany and find that any Quantity of it is not to be purchased here for any price; no more being brought in generally than serves for the consumption of the Neighbourhood.

Inclosed You will receive a Sketch of the fences you desired both the Chief Justices & my own, but I am not certain that I have mechanical phrases enough to convey to You a distinct & clear explanation of them however I will try. In the first place then the Chief Justices is shown by that part of the Sketch marked A, for His is all the same Figure, beneath the chinese work it is planked with plain Boards horisontally directed to the Bottom without either a Bricked Wall at the Bottom or Rails instead of the planks as is represented by the figure of the Gate, which Rails my whole fence is done with as well as the Gate, My Fence has also a double figure represented by the whole Sketch and in each panel there are three parts, Two of one sort Viz. those distinguished by the Letter A. & one of the other distinguished by B. and in the panel adjoining there is two of B and one of A. The Brick Wall shews 12 Inches above the Ground. The next part is 22 Inches and the Chinese work 16 Inches with the three Rails of 4 Inches each makes the Fence 5 Feet two Inches high—The pieces that compose the chinese work are five eighths of an Inch thick and an Inch and Three quarters Broad, the Rails, or if you will pales are an Inch & Quarter Square and are mortised into the lower and middle Rail. The posts are five Inches Square and the panel from the inside to inside of the posts is seven Feet two Inches. The Gates (double) are Six Feet six Inches wide, three Feet each gate with a piece of three Inches fixed to the Gate posts to hang the Gates to, the Gate posts are Fourteen Inches Square, Seven Feet high above Ground with a Ball of Twenty Inches high on the Top. This is all of my own, the Judges differs in several respects—his is a single Gate the proportions of which I don't exactly remember, his is much less expensive but I confess I think not near so elegant & if You propose making one at all You may assure yourself that the difference of the expence is abundantly compensated by the additional Beauty & elegance of the work, therefore dont let a principle of Frugality prompt You to spoil a piece of work which only becomes valuable by its neat, light airy & elegant look.

What are You all doing in these Times—I suppose You, who have money enough, are amusing Yourself by the Improvements of Your plantation, to which You have now leisure to attend, but what does other people whose Barns are less plentifully stored & Coffers not so sufficiently replenished do. If I may judge of them by myself the prospect before them is not the most flattering, nor is

the plentiful harvest, which must at some time come, I fear so near at hand as we wish it. The Mother Country has not of late discovered any great desire to promote the wish of her children, much less to mitigate or relax the mandates of her Sovereign & Supreme power, & if I judge aright her children in this our dear Country have too sacred a regard to what they esteem their unbounded Birthright, tamely to surrender it to the Command of any Tribunal under Heaven. What is to become of us requires deeper penetration than mine to discover but I am apprehensive it will be some Time before matters are accommodated to our Wishes. Terms I fear on the one hand being expected at least, if not exacted, or perhaps I may reverse it & say exacted if not expected, which on the other on constitutional principles cannot I apprehend be relinquished. As yet nothing is known certainly about it. We have nothing scarcely stirring among us, every thing is still, & I am happy to find that in our Neighbourhood the distresses of the Times are as little felt as can possibly be expected in any place under a suspension of Judicial proceeding. Remember me affectionately to Mrs. Williams and Miss Agga, also to Mr Henderson & his Family, what does he do with himself now a Days — I am fearful, tell him, He will grow so domestick an animal, so fat & lazy that He wont be able to work hard in Harvest Time.

I am Dear Colonel with much Esteem

Your Obed hble Servt

I. EDWARDS.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

Earl Dartmouth to Governor Martin.

WHITEHALL August 4th 1773.

SIR,

Your several Dispatches of the 30th & 31st of March, 6th & 20th of April and 20th of May, numbered 5, 6, 7, 8, & 9 have been received, and laid before the King.

His Majesty has seen with concern the business of the last Session of Assembly conducted with so much ill humour, and with such a spirit of opposition on the part of the Representatives of the People to those measures, which had been recommended with no other view than the Welfare and Prosperity of the Province.

It is essential to the good government of the Colonies, and to the happiness of the People there, that Justice should be ably and impartially administered and that the Jurisdiction of the Courts, and their Rules of Proceeding, should be as near as may be agreeable to those in this Kingdom, and I am persuaded it must appear to every man of candour, that the mode of attachment insisted upon by the Assembly is as inconsistent with Justice as it is contrary to the Spirit even of those local Regulations to which they refer.

It is a principal inherent in the Constitution of the Colonies that nothing should be established there but what is consonant to the Laws of England, which know no such Regulation in regard to Attachments as that now proposed. The Court Act therefore which you have transmitted cannot be allowed, but as His Majesty is at all times disposed to yield to the inclinations of the People, as far as it can be done without violating the Constitution, I am commanded to say, that you certainly may without a contradiction of the Spirit and Intention of your Instructions, allow of Provision being made of Attachments in Cases where the Cause of Action arises within the Colony, and due proof has been made upon oath, before such Attachment issues, whether original or Judicial, that the Defendant in the Suit has absconded to avoid Payment of his Debt and that the ordinary process of Law cannot be served upon him, and as I do not find upon the fullest enquiry; that the Regulations with Regard to Attachments, either in the Commercial Cities in this Kingdom or elsewhere, do go beyond what is here suggested, I trust that the Assembly will be induced to desist from that Proposition in the extent it is now contended for.

Another essential objection to the Court Act is, that it restrains the Superior Court from any original Jurisdiction in cases under £50 value.

The Intention of this Restriction is so obvious and it is in its nature so repugnant to every just Principle of Government, that it can never be admitted. The King will not consent that the jurisdiction of his Superior Courts should be limited in Cases of any value whatever, at the same time as the having Inferior Courts of Common Pleas in the several Counties, is a Regulation which under the present Circumstances of North Carolina may be of great utility. There can be no objection to those Courts having a Power to judge and determine in all Cases to the amount of £20 value Proclamation money, and that their Judgments should be final and without

appeal in cases to the amount of £5 Proclamation money, where titles of Land, or the Rights of the Crown shall not be involved in the Question.

In all other respects the Law you have transmitted does not appear unreasonable or improper, nor do I think that the comprehending the Establishment of both Courts in one and the same Law is any ground of material objection, and therefore as I have most sincerely at heart the Welfare of North Carolina, it will give me great satisfaction to receive from you another Act conformable in the two Cases of objection, to what is above suggested. If however the Assembly should persist in the ideas they have adopted in respect to Attachments, and the Jurisdiction of the Courts of Law, and refuse to frame the Court Act conformable in those Cases to what is proposed, it will be your Duty to exert the Authority vested in you by your Commission, and to erect with the advice of His Majesty's Council, such and so many Courts of Judicature as shall be necessary for the Trial of Civil and Criminal Causes, conformable to the Laws of England.

My sentiments with regard to the Justice and Wisdom of that Toleration, which the Laws of England allow to Dissenters, are the same as yours, and therefore I thought it unreasonable and unjust that the Presbyterians in the Counties of Guilford and Wake, should be subjected to greater Restrictions than those in the other Counties. At the same time I cannot approve of the Dissenters in general in North Carolina, having any greater privileges than are allowed to Dissenters in this Kingdom, and I think what whilst Marriages here continue to be regulated by the Act of the 26th of the late King, I am not at liberty by any Concurrence of mine, to admit a different Mode in the Colonies.

With regard to the Bill for erecting a Chappel, inclosed in your Dispatch N^o 8, it appears to me, that in strict propriety, it ought to have passed through all the Forms prescribed by your Instructions in the Case of private Acts, but I do not think that the notices thereby required were of absolute necessity and as the object of the Act is very commendable, I see no objection to its being passed into a Law.

The request of the Freeholders and inhabitants of the Town of Beaufort, as expressed in their petition to you is not unreasonable; and you certainly may with great Propriety, issue a writ for the Election of a Representative for that Town, for tho' on the one hand, I agree with you in opinion that an increase in the number of Rep-

representatives may be some inconvenience yet it is an unavoidable and necessary consequence of the extension of Settlement and increase of Inhabitants, and therefore I do not think that the Provision in the Law of 1715 to which you refer is so improper as to induce a Disallowance of that Law. If the Act for erecting parts of the Counties of Halifax and Tyrrell into one distinct County has no other objection than what you state to it, I do not see any impropriety in its being passed into a Law, but I should at the same time do injustice to you if I did not express my satisfaction at the attention you have shewn to your Instructions in not assenting to it, until the King's Pleasure was known.

Having now Sir signified to you His Majesty's Commands, and expressed my own sentiments upon those parts of your Dispatches which, from the nature and importance of them demanded my more immediate attention, I must not omit to say to you that M^r Burgwin's Conduct, as stated in your dispatch No. 5, appears to me to be exceedingly disingenuous and sinister, and I shall not fail to attend to every circumstance you have related to me, in case he should think fit to make the application you suppose he has in view.

Your acceptance of the Proposal made to you by M^r Thynne is a matter of some delicacy, but as you say that your superintendence of Lord Granville's Affairs will be a signal advantage to Government, and highly satisfactory to the People, I can have no objection, being well satisfied that you will not allow your attention to Lord Granville's Interests to interfere in the least with your duty to the King, in the station in which His Majesty has been graciously pleased to place you.

I am etc,

DARTMOUTH.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

Letter from Judge Maurice Moore to Governor Martin.

September the 2.th 1773.

SIR,

The Bearer of this Letter waits on your Excellency with a Petition in favour of one Reynold M^cDugal, a boy of about 18 years of age whom M^r DeRosset and I condemned on the 9th instant for Murder. There is no reason to doubt of his having been guilty of the fact, the testimony against him was clear. But, Sir, I think

from his appearance he is too young to be executed, to judge of him from his size and looks, one would not imagine him more than thirteen or fourteen years old.

I am, &c.,

M. MOORE.

The Humble Petition of the Magistrates, Freeholders and Inhabitants of the County of Bladen to Governor Martin,
Sheweth,

That whereas Reynold M^cDugal of the said County hath been legally convicted at a Court of Oyer and Terminer and found guilty of the murder of Joseph Atkinson, but out of mere pity to his youth and inexperience we most humbly beg leave to present him to you (not the least doubting your tenderness and humanity) as a real object of your Excellency's mercy. For tender consideration of his youth being only eighteen years of age, and in his figure so diminutive that he does not wear the least appearance of manhood, this too being the first crime he has been accused of and from the real contrition and unfeigned repentance he expresses of his guilt adding to these that he is the sole dependance of an infirm old widowed mother with four helpless, miserable orphans and in her present circumstances already reduced to indigence and want and having no other person whose labour and industry can save her and her miserable children from absolute wretchedness and beggary. We your Petitioners cannot help viewing him as an object of pity and compassion and as such most humbly present him to your Excellency's clemency. From these considerations, we most humbly petition your Excellency to grant him a Reprieve 'till Royal clemency can be obtained.

And your Petitioners as in Duty bound shall ever pray, etc.

David Lock Jun ^r	Angus Sillar Jun ^r	John Taylor
Benjamin Lock	Arch ^d Bricebird	Archibald M ^c Keithen
James Bailey	Angus Camel	Daniel Taylor
Walter Gibson	Alex ^r M ^c Klarty	Angus Taylor
Benj ⁿ Fitzrandolph	James M ^c Klarty	Daniel M ^c Father
W ^m Oliphant	Malcolm M ^c Bryde	John M ^c Father
Francis Lucas	Neil M ^c Coulskey	John Pemberton
James Carver	Christopher Gooden	James Pemberton
Leonard Lock	Donald M ^c Keithen	Alex ^r Mines
A ^o Brown	Duncan M ^c Keithen	Daniel Graham
Angus Sillar	Gilbert M ^c Keithen	Malcolm Graham

Malcolm McFarland	Hand ⁿ Lewis	Stephen White
Murdock Graham	W ^m Starkey	Alex ^d Shaw
Michael Graham	Handson Lewis Jun ^r	Gilbert Shaw
David Lock Jun ^r	Daniel Shipman	Arch ^d McCoulskey
William Elles	Daniel Shipman Jun ^r	James McCoulskey
John Elles	William Bryan	Arch ^d Shaw
John McKown	Evin McMullan	Cha ^s McNaughton
Robert McKown	John McDuffie	Jn ^o McLason
William McKown	William McNeil	Ja ^s Murphy
Daniel Campbell	And ^w McClelland	John Buss
John Campbell	John McClelland	Daniel Shaw
Arch ^d Darock	Arch ^d Sillar	John Shaw Jun ^r
Iver McKay	W ^m McRei	Dugal Blise
John McLeod	Edw ^d Bryan	Simon Burney
Alex ^r Graham	Ben Humphreys	John Connelly
David Boyd	Geo. Brown	Benj ⁿ Beasley
Rich ^d Lloyd	Arch ^d Taylor	Rob ^t Beasley
George Thomas	Neil Shaw	Will Lucas
John DeCamp	John Shaw	Chas Baldwin
Ja ^s Green.		

[B. P. R. O. AM. & W. IND: NO. CAROLINA. NO. 220.]

Governor Martin to Earl Dartmouth.

NO. CAROLINA, NEW BERN, Oct^r 6th 1773.

MY LORD,

I have had the honor to receive your Lordship's Letter No. 5, and as I have most sincerely at heart the welfare and happiness of this Province, it would give me the highest satisfaction to be able to inform your Lordship according to your liberal wishes, that the General Assembly had met, and restored Order and Regularity to the Public Affairs of this Country.

My belief formed upon the Resolves of the House of Assembly at the late Session, and the general turn and disposition of this People that the new House would adhere to the same principles relative to the law of Attachments as the former held, & that meeting the Legislature, while I was not authorized to propose anything new on that head, was the first and principal cause of my prorogation of the General Assembly in April last. Since that time my Lord, I have had

reason to be satisfied with the propriety of my conduct in that matter, having found that the former Members are almost universally elected, and that they maintain their old principles relative to the point on which the embarrassments of the last session arose. This assurance My Lord, my confidence that another meeting will be unavailing until I receive Instructions on that head, the little probability that I can have them in the course of this month, and my apprehensions of the unfitness and indecency of entering again upon the discussion of a matter that now is under the Royal consideration, in the Bill for constituting Courts of Justice, passed at the last Session, under a suspending clause taken altogether have induced me further to prorogue the General Assembly to the 29th day of November, by which time I hope to receive your Lordship's Commands, that will enable me to meet the Legislature on proper ground, and I trust to put the public Affairs in a train of prosperity.

Such My Lord are the reasons which have governed my conduct in this case, the expediency of which I might further support on the general reluctance of the Country people to resort to this Town, on account of its usual unhealthiness in the autumnal season, and until the weather becomes cold, the insufficiency of the Markets here in the month of October to supply even the ordinary consumption that is augmented exceedingly by the concourse of people which is brought together at the meetings of the General Assembly, and the great inconvenience that the Members of that Body (who are for the most part Planters) would suffer by being obliged to leave their Farms at the time of gathering the Indian Corn that is their principal Harvest, and when other parts of domestique economy require a particular attention.

The Courts of Oyer and Terminer and Gaol Delivery which have been held in the several Counties where there were Prisoners pursuant to my intentions that I had the honor to communicate to your Lordship are universally acknowledged to have had the best effect in preserving the Public Peace, which the licentious very early after the General Assembly broke up without Establishing any Plan for the present Administration of Justice, considered themselves at liberty to violate with impunity, in consequence whereof a great number of Criminals were soon found in the several Gaols of the Country. Ten persons My Lord have suffered under the sentences of these Courts for capital offences, and I have granted His Majesty's pardon to one offender convicted of horse stealing in the County of Gran-

ville at the recommendation of the Judge and the solicitation of the People, in tenderness to his youth, and in consideration of some extenuating circumstances that appeared on his Trial.

I have also My Lord been induced to reprieve until His Majesty's Royal pleasure shall be known a youth of the name of Reynold McDugal, lately convicted of murder in the County of Bladen and I transmit herewith to your Lordship the copy of a letter from Mr Moore one of the Judges before whom the boy was tried, and of a Petition of the Magistrates and Freeholders of the County, that His Majesty may be fully informed of the reasons which have moved me thereto. However well My Lord these Courts of Oyer and Terminer have been received in general, and notwithstanding the order and tranquillity that they have confessedly maintained throughout the Country, some of our restless Politicians have not failed to comment on the measure, and to draw into question the legality of those Courts intituled by virtue of the powers granted to me by His Majesty's Royal Commission and not authorized by any Act of the Colony Legislature now actually in force, some objecting that this part of the Prerogative Royal is incommunicable and cannot be delegated, but must be exercised by Majesty itself under certain restrictions prescribed by ancient statutes, that seem to me clearly to apply only to the Realm of England, while others maintain that such Courts can only be erected under the sanction of an Act of the Legislature of the Province. The Law servants of the Crown here with whom I have consulted entertain not a shadow of doubt of the legality of such as have been held, it is certain My Lord, and I can confidently assure your Lordship, they have been conducted in the usual manner, under Commissions of common Established form, and with the strictest regard to the Laws and usages of England and this Colony, and I flatter myself the measure will be found on the closest examination to be as legal as it is universally allowed to have been expedient and beneficial.

The experiments of Rice and Indigo, that I had the honor some time ago to inform your Lordship were making in the Southern parts of this Colony have failed this year, almost totally, owing to the extreme drought of the summer. I hope however that this discouragement will not occasion the Planters there to forsake the culture of those valuable commodities.

I have now the honor to transmit to your Lordship a List of the Patents granted at the last Court of Claims in May, at which time

Five hundred and sixty three Warrants of Survey were issued, and I beg leave to submit to your Lordships consideration, whether it may not be proper whenever His Majesty shall be pleased to authorize further Grants of the Crown Lands to declare whether the lands surveyed in pursuance of those, and former Warrants issued before the receipt of His Majesty's late Order of Council restraining the Governors of the Colonies from passing any more Grants of Land, and not then out of date, shall be grantable in the old conditions, or only on such as His Majesty shall hereafter think fit to ordain.

Your Lordship will receive herewith a Draft of the Line of Boundary between this Province and South Carolina, it is done upon a smaller scale than the Original which I transmitted some time ago and calculated only better from its neatness to be laid before His Majesty. I have an exact Copy of the Original in hand, which I hope soon to be able to transmit properly authenticated.

I have honor to be &c.,

JO. MARTIN.

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

Field Return of the Regiment of Militia for Wake County, at a General muster, the sixth Day of October 1773.

COMMISSIONED OFFICERS.		NON-COMMISS'D OFFICERS.			PRIVATE MEN.		
		Sejeants.	Corporals.	Drummers.	Under Arms.	Absent.	Total.
John Hinton, Colonel. Theophilus Hunter, Lieut. Col. John Hinton Jun ^r , Major.							
1	*Simon Turner, Capt-----	3	3	0	45	8	59
	*John Myat, Lieut-----						
	*Andrew Collins, Ensign-----						
2	James Hinton, Capt-----	3	3	0	23	49	72
	Ruben Rogers, Ensign-----						
	Samuel Person, Capt-----						
3	John Bedingfield, Lieut-----	3	3	1	65	8	73
	Joshua Sugg, Ensign-----						
	James Moore, Capt-----						
4	Swann Thompson, Lieut-----	3	0	0	62	23	88
	Jacob Bledso, Ensign-----						
	Nathaniel Jones, Capt-----						
5	Tignal Jones, Lieut-----	3	3	0	79	12	91
	Thomas Philips, Ensign-----						
	Michael Rodgers, Capt-----						
6	Dempsey Powell, Lieut-----	3	3	0	37	29	66
	Aaron Rodgers, Ensign-----						
	Jeremiah Mobly, Capt-----						
7	Edward Mobly, Lieut-----	3	3	0	41	27	74
	Jonathan Davis, Ensign-----						
	William Simms, Capt-----						
8	Isham Henden, Lieut-----	3	3	0	54	19	73
	Joel Simms, Ensign-----						
	Hardy Saunders, Capt-----						
9	Jacob Utley, Lieut-----	3	3	0	60	8	74
	Etheldred Jones, Ensign-----						
	W ^m Anderson Fowler, Capt-----						
10	Mosias Jones, Lieut-----	3	3	0	31	19	58
	Godfry Fowler, Ensign-----						

* Officers recommended to Vacancies — Cap^t Turner resigned; Tho^s Walton recommended in stead. John Myat, Lieut^e, resigned; John Dempster in stead; Andrew Collins, Ensign, resigned; William Jones in stead.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Governor Martin to Earl Dartmouth.

NO. CAROLINA, NEW BERN, October 8th 1773.

I have had the honor to receive your Lordship's letter of the 5th of July signifying The King's Pleasure, that I should transmit to your Lordships as soon as may be, for His Majesty's information, full and particular Answers, on the several heads of Enquiry, contained in a Paper therewith inclosed.

I beg leave to assure your Lordship that no diligence on my part shall be wanting, in the execution of these or any other of His Majesty's or your Lordship's commands. But, as in the present case, I must depend on the punctuality of many other people, I am to hope your Lordship will make me such large allowance of time as shall be reasonable considering the variety of sources, from whence the desired intelligence must be derived, and the difficulties that will occur, in procuring such precise Knowledge, of some of the subjects, upon which I am expected to report, as I ought to have, to be qualified to make a representation, of such accuracy, as may be fitted for the King's Information, on points of so great consequence, many of which I have laboured in vain to make myself acquainted with ever since I have been in this Country.

I am apprehensive my Lord, that I shall never be able to obtain an exact account of the number of Inhabitants without the aid of a law, the proposal of which there is too much ground would beget suspicions of Government meditating a Plan of Taxation; that would not only be reason for the General Assembly to reject it, but to employ every means to prevent its being procured otherwise. The remissness of the Magistrates and County Court Clerks who are required by Law to take lists of the taxable People only has been such hitherto, that I have never yet had it in my power to make myself master of that first principle of the revenue of this Country, although I was aided by the most diligent searches of a Committee of the General Assembly, at the late Session, when the Knowledge of it became indispensibly necessary towards the settlement of the Public accounts. Your Lordship may depend however upon my employing every feasible measure to acquire exact information on this, and every other head of enquiry.

I have the honor to transmit to your Lordship herewith, a late Compilation of the Laws of this Country, which I am really ashamed to present to your Lordship, in so coarse a dress, but the Bookbinders here are not able to put it in seemly apparel. It is matter of belief and Tradition in this Province, that there were five Acts of dates prior to any of this collection, confirmed by royal authority, of which it is certain I have not been able to find any other trace or record. If My Lord any such Laws have ever existed, it may be presumed they will be found at the Plantation Office, and as they are said to relate to objects of importance, it is to be wished, your Lordship may be pleased to direct them to be sought for, and transmitted here.

In the Bill I had some time ago, the honor to offer to your Lordship's consideration, as a Plan for the effectual Collection of His Majesty's revenue of Quit rents, I assigned certain important duties to the County registers, believing that those Officers were absolutely in the choice, and appointment of the King's Governor, as indeed they are by long usage, but, having since discovered, that by a Law of the year 1715, they are elective annually by the Freeholders, I am apprehensive if it should be again drawn into use, the Office may fall into very improper hands, and I therefore submit it to your Lordship, whether it may not be more expedient, if the power of the Clerk of the Pleas to appoint County Court Clerks, be confirmed, that the services in the Bill allotted to the registers, should be performed by them, although, I am not certain whether, the Strictures of the Bill, may not be sufficient to secure the end proposed, whosoever shall be the instruments employed.

I have the honor to be &c

JO. MARTIN.

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

NORTH CAROLINA,

Richard Caswell Esq^{re} one of the Judges & Justices of the Courts of Oyer & Terminer & General Gaol delivery in the said Province by Letters Patent of our Lord the King under the Great Seal of the Province of North Carolina aforesaid to the Hon^{ble} Martin Howard, Maurice Moore and the said Richard Caswell Esq^{res} or either of them made to enquire more fully the truth, by the Oaths of Good and

Lawfull men of the County of Dobbs in the Province aforesaid, and by other ways and means by which the truth of the matter may be the better known & enquired into of all Treasons, Murders, Rebelions, Insurrections, Counterfeittings, Felonys and all other crimes & offences whether Capital or not Capital within the said County and the same for this time to hear and determine—

To the Coroner of the County of Dobbs Greeting: In behalf of our said Lord the King, you are hereby commanded to cause to come before me and my fellow Justices aforesaid or either of us at Kingston in the said County on Wednesday the Twenty Seventh day of October Ins^t Twenty four Good and Lawfull men Freeholders within your Bailiwick to do and receive all those things which on the behalf of our said Lord the King shall be then & there enjoined them, and that you yourself be then and there in your person to do then those things which to your Office in this behalf doth Appertain and that you have then and there the names of the Jurors & this precept.

Dated under my hand & Seal the 11th day of October in the XIII year of the Reign of our Sovereign Lord George the Third King of Great Britain &c, Anno Dom. 1773.

R^d CASWELL.

Venire to Dobbs to Summon Grand Jury to attend Court of Oyer &c at Kingston 27th Octo. 1773.

In Obedience to the within precept I have Summoned the several persons whose names are in the panel hereunto Annexed, to Act & do as within I am Commanded 27th Octo^r 1773.

THO^s TORRANS, Coro^r.

A Pannell of Grand Jurrors Summoned to Attend the Court of Oyer and Terminer, And General Gaol Delivery to be held at Kingston on the 27th Octob^r 1773.

- | | |
|----------------------------------|------------------------|
| 1. Simon Bright Jun ^r | 10. John Herritage |
| 2. Francis M ^c Ilwean | 11. Samuel Caswell |
| 3. William Whitfield | 12. Thomas Curtis |
| 4. Henry Goodman | 13. Charles Markland |
| 5. Maj ^r Croom | 14. Timothy Goodman |
| 6. Benjamin Caswell | 15. Anthoney Herring |
| 7. Robert White | 16. Jesse Jornigan |
| 8. Stephen Blackman | 17. Jon Charles Dockom |
| 9. Joseph Pipkin | 18. William Rhodes |

19. Spyers Shingelton
20. Henry Howel
21. William Crawford

22. Constantine Whitfield
23. John Linton
24. William Flowers

THO^s TORRANS, Coro^r.

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

Letter from Governor Martin to Samuel Johnston Esq.

NEW BERN Oct. 16th 1773.

SIR,

I have been favoured with your letter, accompanying the Papers relating to y^e Medit^a Passes, and the fees you received upon them.

I have the great satisfaction to inform you, I have received letters by yesterday's Post that I hope, and believe, will obviate the embarrassment with regard to our Court laws, at the next Session, upon which prospect I most sincerely congratulate you.

I have little reason to complain of the health in my family; and I shall be glad to find you have less.

I am with great esteem, &c.,

JO. MARTIN.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 221.]

From Governor Martin to Earl Dartmouth.

NORTH CAROLINA, NEW BERN, October 18th 1773.

MY LORD,

It is two days ago since I had the honor to receive your Lordship's dispatch No. 6, which contains matter that I hope will, and I am persuaded ought to give great facility to the Public business of this Colony at the ensuing Session of the General Assembly. His Majesty's gracious allowance of Provision being made by Law for Attachments to the extent they are used in the Commercial Cities and Towns of England, I am willing to think must satisfy the wishes of this people, but after my disappointment at the late Session, I will not hazard a conjecture concerning the events of the next. I will only assure your Lordship that I shall use my best endeavors to promote His Majesty's Service, and the Welfare and happiness of this Province

I beg leave to make my best acknowledgements to your Lordship for your permission to take upon me the Superintendence of the Proprietary affairs in this country, in confidence that my attention to them, will not interfere with the duties of my public station.

I have no doubt my Lord of making the power to be derived from that appointment conducive to the service of Government, with advantage to the Proprietor, but if contrary to my belief, I shall ever find the least inconsistency between my duty to His Majesty and the Proprietor, I shall from principle, as well as the earnest desire I have to justify your Lordship's obliging confidence in me, relinquish without a moment's hesitation, my connection with my Lord Granville, howsoever advantageous it may be, nor can I pretend to more merit in so doing than that of acquitting myself with fidelity, which as a subject I owe, and, as a servant, I am peculiarly bound to observe to my royal Master

I have the honor to be &c,

JO. MARTIN.

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

NORTH CAROLINA }
New Hanover County. }

These are to Certify that Henry Costin Served as a Soldier in the Company of Artillery Commanded by Cap^t James Walker in the Late Expedition against the People called Regulators, and was present in the Battle of Alamance where he received a wound near the knee which has made him very Lame & will be the cause of a Lameness in that Leg perhaps as long as he lives. And as the Assembly have so Generously rewarded every Person who ventured their lives on that Expedition in the Service of their Country, We beg leave to recommend the above named Henry Costin to the General Assembly for such a reward as his Services may Merit.

21st Nov^r 1773.

JAMES WALKER.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 220.]

Earl Dartmouth to Governor Martin.

WHITEHALL 28th October 1773.

SIR,

Having already signified to you His Majesty's Commands upon the Court Act, and upon that for building and endowing a Chappel

for Currituck County, I have only to say in Answer to your letter of the 30th May that the other Laws which you transmitted, and your observations upon them, shall be laid before the Board of Trade, as also the Bill for continuing the Superior Court Act for six months, which you rejected and which is enclosed in your Letter No. 14.

The Quit Rent Bill enclosed in your letter No. 13 appears to be well formed for the purpose for which it is intended, but I can give you no instruction upon it, until it has undergone the consideration of the Lords Commissioners of the Treasury.

The ground upon which you differed in opinion with the rest of the Members of the Court of Chancery with respect to an appeal to the Privy Council involves a question of some nicety, but as I apprehend from your state of the matter, it must finally come in Judgement before that Board at a Court of Appeal, it would be equally useless and improper for me to give any Directions upon it.

I am etc,

DARTMOUTH.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from Governor Martin to Earl Dartmouth.

NO. CAROLINA NEW BERN, November 5th 1773.

MY LORD,

I have the honor to transmit to your Lordship herewith, a copy of the Draft of the Line of Boundary between this Province, and that of South Carolina, as it was traced last year by Commissioners of the two Colonies, appointed by virtue of His Majesty's Royal Instructions, properly authenticated under the seal of the Province.

M^r Marmaduke Jones who has been more than a year absent in England, has lately by letter to me signified his resignation of his seat in the Council of this Province by which and Sir Nathaniel Dukenfields vacancy, there is room at the Board for M^r Thomas M^cGwire, His Majesty's Attorney General, and M^r Willie Jones, two of the gentlemen I had the honor, some time ago, to recommend to your Lordship, with M^r Waddell, who is since dead; and I shall be happy that your Lordship is pleased to fill these vacancies, with two so respectable and promising characters.

I have the honor to be &c

JO. MARTIN.

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

Field Return of the Regiment of Militia for Pitt County at a General Muster the 18th Day of November 1773.

COMMISSIONED OFFICERS.		NON-COMMISS'D OFFICERS.			PRIVATE MEN.		
		Serjeants.	Corporals.	Drummers.	Under Arms.	Absent.	Total.
John Tison, Colonel. Amos Atkinson, Lieut. Colonel. Aaron Tison, Major.							
1	Rob ^t Grimmer, Cap ^t ----- Simon Pope, Lieut----- Ensign-----						
2	Charles Forbes, Cap ^t ----- James Lanier Lieut----- Allen Sugg, Ensign-----	3	3	1	65		75
3	James Armstrong, Cap ^t ----- Simon Jones, Lieut----- Roland Dixon, Ensign-----	3	3	1	84	12	106
4	John Hardee, Cap ^t ----- Dennis Cannon, Lieut----- William Burney, Ensign-----	3	3	1	79		89
5	Benj ⁿ Brown, Cap ^t ----- Rob ^t Daniel, Lieut----- Will ^m Robinson, Ensign-----	3	3	1	53	9	72
6	Benjamin May, Cap ^t ----- Jacob Tison, Lieut----- James May, Ensign-----	3	3	1	53	9	72
7	*George Porter Cap ^t ----- Jesse Jolley, Lieut----- Ensign-----	3	3	1	69		78
8	James Little, Cap ^t ----- Robert Hodges, Lieut----- Will. Daniel Perket, Ensign-----	3	3	1	67		74

*In the room of Capt. John Noble, deceased.

JOHN SIMPSON, Colo^l.

JOHN LESLIE, Adjut.

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

NORTH CAROLINA—Ss.

By His Excellency Josiah Martin Esquire Captain General, Governor and Commander in Chief in and over the said Province.

A Proclamation.

Whereas a sufficient Number of Members of the General Assembly of this Province have not appeared to Constitute a House I do therefore issue this proclamation hereby proroguing the said Assembly until tomorrow the First day of December next then to meet at New Bern for the dispatch of public business.

Given under my Hand and the Great Seal of the said Province at New Bern the 30th day of November In the 14th year of His Majesty's Reign, Anno Dom. 1773. JO. MARTIN.

By His Excellency's Command

JA^s PARRATT, D. Sec.

God save the King.

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

Letter from Samuel Strudwick, Esq.

NEWBERN, 4th Dec^r 1773.

DEAR SIR

M^r Kinchen tells me he proposes setting out for Hillsborough to-morrow morning: his departure is more sudden than I expected, & just affords me time to send you the Deed with M^r Rutherford's attestation, and the Chief Justice's Order for its being registered, which if not sufficient to establish it, may nevertheless answer some good purposes: I will therefore beg you to put it into the hands of the Register of Orange County. M^r Rutherford is partly acquainted with Gen^l Guise's hand writing, and thoroughly informed of every Circumstance of this transaction from the parties themselves of which knowledge I shall avail myself when we come to take his deposition under the Commission.

I believe we agreed that it would be proper to annex a survey of the Lands when we exhibit our Title in the Court of Chancery, for which reason I have written to M^r Lea, the Surveyor to furnish you with it in time.

There was one M^r Kirk who purchased Tho^s Cates's Right in Newbern when I arrived here. He appears to be sincerely disposed to accommodate the matter in dispute: if He can be left out, or at least put to no expense until I come up in the Spring, I am inclined to shew him any favor that I may do without prejudicing my Cause: He will apply to you to learn whether I am at liberty to grant him this Exemption without making too great a sacrifice to good nature.

His Excellency hath been much indisposed & recovers slowly; upon this account perhaps his Resolution is founded to postpone the Chancery Business to the sitting of the Assembly; when the Session is over I very much doubt whether the Gentlemen of the Council or Bar will attend, as you well know how impatient Every one is to turn his Back upon this place.

I am very sorry we are deprived of your Company at this season, so are all your friends & acquaintances in the place: But we will endeavour to draw Consolation from the misfortune itself, and as we shall have a keener relish, expect a higher gratification in your converse the next time we meet. Please to make our best Respects to your Lady, and believe me with much regard

D^r Sir

Your very obed^t

hum^{ble} Servant

SAM^l STRUDWICK.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. '231.]

Letter from Governor Martin to Earl Dartmouth.

NO. CAROLINA, NEW BERN,

Dec^r 16th 1773.

MY LORD,

I have the honor to transmit to your Lordship herewith, a Copy of my Speech to the Council, and Assembly of this Province, at the opening of their Session, on the 4th instant, and of their Addresses, and my Answers.

The Address of the Assembly contains expressions so unfit, and breathes a spirit so unbecoming a people living under the mild and just Government of His Majesty, that it gives me pain to lay it before your Lordship, and I transmit, with no less concern, a Copy of certain resolves, entered upon the Journals of that House, which

display like discontent and disrespect to Government, these will no doubt appear to your Lordship very inauspicious presages; and the Proceedings of that Branch of the Legislature since, afford me no hopes that any advantage will result to the Public from its present measures. This Body, my Lord, unfortunately consists, for the most part, of men in the lowest state of ignorance, that are gulled into any absurdities by a few artfull and designing men, influenced by selfish and interested motives, who lead them implicitly into their views by representing every salutary proposition of Government as injurious and oppressive, and thus make them instruments to their own little purposes, and their Country's ruin; the poor misguided herd renounce out of the House the sentiments they have but the moment before blindly concurred in, and execrate their own conduct, as soon as they are made to discern its obvious consequences.

The few mischievous, but too successful, Demagogues who have hitherto governed the Assembly, at the present Session, seem by their conduct in the House, as well as out of doors, from its beginning, to have challenged a Dissolution, but as I have a sincere feeling for the Country, and a just contempt for their provocations and sinister designs, I shall I trust be superior to resentment, while it is consistent with the dignity of Government to overlook their rash and hasty proceedings; they are acting My Lord, if I may believe report, contrary to the sense and wishes of the People at large, and I hope if they leave me opportunity to prorogue the Assembly, that after consulting its constituents, I shall soon meet that House, in more corresponding temper and dispositions, and in all events, I will pursue, with my best discernment, my duty to His Majesty, and promote, to the utmost of my power, the good of this Country.

I have the honor to be, &c.,

JO. MARTIN.

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

Instructions to Ralph Macnair and Thomas Hart Esquires Representatives for the County of Orange

GENTLEMEN

We have chosen you our Representatives at the next General Assembly and when we did so we expected and do still expect that

you will speak our Sense in every case when we shall expressly declare it, or when you can by any other means discover it. In all other cases we suppose you left to your own discretion which is ever to be directed by the Good of our Country in general, and of this County in particular. This is our notion of the Duty of Representatives, and the Rights of Electors. And as we remember no time when our Country labored under more difficult and distressing Evils, than the present; or when her Councils proved less Effectual in applying Remedies; so we Judge no Time more proper for Instructing you how to declare our Sentiments on Several Questions which are likely to be stir'd at your next meeting.

First. We Observe by the Proclamation for Dissolving the late Assembly that they are accused of having entered into unconstitutional Resolves, and endeavoring to abrogate a Law by their own Authority. We do not think this ought to be done. But neither do we think the Resolve ought to be viewed in this Light, which only declares that a Tax should cease, that has already drawn from the People more than enough to answer the purpose for which it was laid. We think the Law was to continue only until a certain Event, towit the payment of the Sums Emittid, should happen. And that our Representatives have a Constitutional Right to declare their Opinion concerning such laws and to Enter such Opinion on their Journals. This is what we understand by the Resolve, and think it cannot abrogate a Law or amount to an attempt to do so. Further. If the Sums raised from the People appear sufficient to discharge the Debts contracted by the Public, we think it was the Duty of their Representatives, as far as in them lay, to prevent their paying any more. And we desire you, on every such Occasion for the time to come, to use your best Endeavours to prevent the continuance of Taxes. Also to compel all persons Indebted for monies already levied to a speedy and satisfactory account. And to cause all paper monies, which ought not to be in circulation, to be Immediately withdrawn. If after a full Settlement any Sums are deficient, by Reason of Insolvency of Collectors or other unavoidable circumstance, we think the Public must make it up. But that it will then be time enough to lay a Tax for it. To make People still pay Taxes until such settlement can be brought about, would be leaving room for continuing abuses by Collectors which have long distressed the whole Province, but none more than the Inhabitants of this County. While we are speaking to you of Taxation, we must desire you to look carefully

into every article of public expence, and use your Endeavours to retrench all such as are not absolutely useful. In doing this we doubt not Fort Johnston will occur to you as having long been an Useless Burthen upon an Exhausted People. We recommend it to you to endeavour at an equal Taxation of Property, and that Lands may be made to bear an Proportion of the public Burthens, for it cannot be reasonable that those who Possess large Quantities of Lands should pay nothing, or but an Inconsiderable Proportion of the Price for protecting them.

Once for all, Gentlemen, we desire you to keep in mind that no part of your Duty more particularly claims your attention than what respects Taxation. You well know the Inhabitants of the County you represent, are, for the most part, poor laboring men, who find it enough for their best endeavours to maintain their Families, and of whom many have been obliged to give up Necessaries which nature stands most in need of as Distresses for the payment of Taxes.

Secondly. In General, we wish Courts of Justice might be so framed that Persons really injured could easily obtain redress. But that it may be difficult for vexatious persons to harrass their Neighbours with Suits and Prosecutions and above all that dishonest, or designing men may not have power to distress any one in his person or Property, under Color, or by the abuse of Laws. In particular we think the late Law relative to Attachments was liable to great abuses, and actually was every day much abused. The Western Inhabitants are often obliged to be from home by Reason of the Distance of Markets. And while thus absent on their necessary Business their Effects have often been seized by attachments, in many cases for unjust demands; and before the owner had any knowledge of the matter, have been sold and removed out of his Power. During such absence also, many unjust claims have been established. We have often seen in Courts of Justice, after a man's Effects had been seized and sold by attachment as perishable when a Jury was called to enquire of Damages, no proof could be produced that any Debt was ever due, and they have been required to find a penny under a notion that the Defendant confessed some Damages by not appearing to a suit he never heard of. The Defendants Effects have been charged with costs, and the claimant who could prove no cause has been chargeable with nothing. We have also known valuable effects sold for very little, and as the person charged never had any opportunity of answering, we never could be certain that the Debt

was just. We think a Law highly Inconvenient which can be so easily abused, and which has been the Instrument of so much Wrong, and that the Inhabitants of this County are much exposed to its bad Effects. We also think no right is of greater consequence than that of being heard before a man shall be deprived of anything, or made to suffer anything and that this Right was every day Invaded by the late Attachment Law of this Province. We therefore desire you not to consent to any Law which may expose us to the like Evils. But we also think that when a man means to get his person out of the way of Justice, some way of subjecting his Effects should be provided. And we think when an Attachment is prayed the Judge or Justice should be required to take the examination of the Person praying it, on oath, and to reduce the same to writing, to be signed by such party, and filed along with the Process, and if it shall appear to the Justice on such examination that the Debtor has removed himself privately, that he conceals himself, and that there is no way of giving him legal Notice of a suit against him, or that he is suspected of an intention to keep his person out of the way of Justice, and to remove his Effects, in such case it should be lawful to grant an Attachment, leaving the Debtor still an Opportunity of disputing such suggestions, & by falsifying them to make void the attachment after at any time before final Judgment. We think the attached Effects ought not to be sold before Judgement, because thereby a man may be much Injured before the Justice of the claim against him has been tried. But suppose it may be Necessary for the Sheriff to mark them, and secure all dead moveables, and that all living Effects should remain in their proper range and Pastures, and subject to the creditors claim into whatever Hands they may come, also that it should be made highly penal for any one to remove or Secrete them, over and above making Such person answerable for the Debt. We also think that when any person by any means contracts a Debt in this Province it is Just that his Effects within our reach should be made liable for Such Debt if his Person be out of reach of our Process, and as all such Effects, if moveable, are in the care of some person as Agent or Factor, we think that notice to such Agent or Factor should be deemed Notice to the Principal Debtor, provided Judgement be deferred until after Such time as the Agent may convey notice to him, and receive his Answer. And if Such Agent neglects to give his principle Notice, he ought to be made liable to

make him Satisfaction. We are persuaded that such Means as these would take away all Hopes of Succeeding in doubtful or unjust claims by reason of the Absence of the Persons against whom they are set up, and therefore that attachments would seldom be obtained, but where in right and convenience they ought. We also think that when Lands are Subjected to attachments a considerable time should be given to reverse all the Proceedings, and recover the Freehold upon making appear any Injustice. With Regard to what are called Judicial attachments, we think it, in almost every case, impossible for the person Suing to know with certainty that his Debtor absconds, because not the Suitor, but the Sheriff makes Search for him. But we well know that notwithstanding the late Law forbid the Sheriff to return not found, unless he had been at the Place of abode of the Person Sued, yet the Process was often abused in order to gain to Some Suitors an undue preference, and for other unjust purposes. We have even Seen that Writs were taken out during the Sitting of the Court dated as of the Court before, and made returnable to the Court then Sitting, and actually returned into it the same day, and a Judicial attachment awarded. We think these abuses would be Seldom attempted, if the Sheriff was required to make and return a special affidavit, in all cases where the Defendant is not to be found, that he has been at his last usual place of abode and left there a copy of the Writ. We also think that in many cases the Defendant might not abscond at all but yet keep off the Sheriff; and as it would be false that he absconded, so no man could be required to swear it. In such cases we think the Sheriff's affidavit and return of the Truth of the case ought to be deemed Sufficient Ground for an attachment against his Effects; Because there is no Room to doubt his having notice and therefore an opportunity of defending. We also think a Law very Necessary which would oblige the Prosecutor in Indictments for Inferior Offences, to pay costs in all cases where the Petit Jury shall not find Guilty. We believe such a Law would prevent many vexatious Indictments, and we cannot See any reason against it unless that the Profits of the Officers of the Courts might be less. But we hope you agree with us that the Interests and Convenience of the whole Community are of greater Consequence than the advantages of a few Court Officers. We think the Judges should be men eminent for Skill Integrity and abilities, and that all possible care should be taken to restrain

the appointment to such, and to make it their Interest to perform their Duty. We think their Offices of the highest Importance and that they should be entirely Independant. But we are told there is a Contest on foot for rendering the Chief Justice Independant of the People, tho' it is supposed he is still dependant on the Crown, and that the method proposed for doing this is by revising a Law which gave him fees on Suits. We disapprove of the End, and the means for bringing it about. We wish to see so Important an Officer Independant of Both. But, if this cannot be obtained, we desire you never to consent to a Law which shall leave the Interests of one, who is to decide on the Rights of your fellow Subjects, exposed to the Influence of the Crown, and free from the Constitutional Influence of the People. Such an Officer, so situated, we should dread as an Instrument to speak away our most sacred Privileges whenever the Crown should require it. As to the means, We think Fees on Suits are Improper, at least for two reasons. The one, because it Tempts the Judge to multiply Suits, and to hasten the decisions before they are sufficiently considered. The other, because the Poor are most exposed to wrongs from the Rich, and will therefore have greatest and most frequent need of redress, yet find it most difficult to obtain it. We mean not anything here said as pointed against any Magistrate or Officer in Authority, but we think Laws should be made with a view to hinder the mischiefs that may arise from the Government of the worst men, for we know not how soon we may be Subjected to them, and from such Laws we think good men will feel no restraint because they can have no Inclination to break them. We wish the Jurisdiction of Inferior Courts might be enlarged; and if Suits for Small Sums are permitted to be brought in the Superior Courts, we think the Expences ought not to exceed the Expence in the Inferior. We are Sorry the Situation of the Poorer part of the People was either overlooked, or disregarded by the late Assembly, in making a Law whose Effects are partial to them. They feel themselves every day distressed for the payment of small sums, while their Richer Neighbours owe them much larger which they cannot compel payment of. We hope hereafter that the Courts of Justice will be open alike to all orders of men.

Thirdly. Should the Courts of oyer again become the Subject of debate we desire you not to admit that Courts can be erected by any Power but that which can make Laws. We think that a free

people can have no Power exercised amongst them, but such to which they have given their Consent and that the consent of the People of this Province can only appear by their Acts of Assembly. The Evidence of consent which arises from usage can have no place amongst them, because they are too young to have long approved of any usage, and at their beginning they knew how to give better Testimony of their Consent. The long approved usage of the People of England only proves the Consent of the People of England; and is of no force here but to point out what is Just and useful, and therefore everywhere Lawful. Where their usage is not Just, or of no use to us (which may depend on our Circumstances) we think our Judges and Juries have a right to refuse them, but they have no right to refuse Acts of Assembly; yet we think there is a Power in the Crown of applying remedies to very pressing Evils for which no Law has provided, and the necessity and manner of exercising this Power must afterwards be Judged of by the People either as Juries in Courts or as an Assembly, and if they find there was Necessity, that an expedient remedy was applied, that the manner of applying it was not oppressive, and in a Word that the power was not abused, we think the persons employ'd in it ought to be excused, but severely punished if the Contrary appears. We think the Courts we are now speaking of were a Necessary and useful remedy for very pressing Evils. We were Witnesses of the Necessity, and that they were not abused, and we have experienced their Usefulness, and at this time derive very Considerable security from their Effects. We would contribute to a liberal Satisfaction to the Officers employed in them with greater Chearfulness than to many objects of Expense which now swell the public Taxes.

Fourthly, we are told that the Indemnification Law is disapproved of by his Majesty, and that it is required to be explained so as to prevent its covering from Justice Such as through Ill nature, Avarice, or private Malice committed unnecessary Acts of Violence during the late unhappy Troubles. We rejoice Gentlemen in this Instance of his Majesty's fatherly attention; and we are sorry that in framing that Law our own Assembly had so little attention to the distresses of their Innocent fellow Subjects, and if they had any motives for wording it so loosely we have reason to lament still more. We desire however that you endeavour at this Explanation

so that all that is useful of the Law may be retained; all that is wrongful may be left out.

Fifthly, we think the Sheriffs Law wants much amendment, particularly the Bond required to be given is not for a Sum large enough. The Taxes of this County at present amount to three times as much as the Penalty. And we have known many abuses by Reason of leaving an unlimited time to make their Collection. Very many of the Inhabitants of this County, who, being unlettered, have not required receipts, or having got Receipts unavoidably lost them, and upon Demand being made many years afterwards were unable to prove the former payments because of the Death or Removal of Witnesses of the Loss of the Receipts. Many Demands have also been made where the receipts have been produced. To Remedy this Abuse we think the Collection should be made within a Limited time, and that not to exceed -- Years. We cannot See that giving more time can make the Collection more easy, and we think it only leaves the power of Extorting but not of doing Good.

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

LEGISLATIVE JOURNALS.

NORTH CAROLINA—SS.

At an Assembly began and held at New Bern the fourth day of December in the fourteenth year of His Majesty's reign and in the year of Our Lord one thousand seven hundred and seventy three, being the first session of this Assembly.

In the upper House.

Present.

The Honble	{	James Hasell	Alex. McCulloch	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis H ^r DeRosset	Martin Howard	
		John Sampson	Samuel Cornell	

His Excellency the Governor was pleased to command the immediate attendance of the Members of the Upper and lower House of Assembly in the Council Chamber where they accordingly attended and thereupon His Excellency made to both Houses the following Speech, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL MR SPEAKER AND
GENTLEMEN OF THE HOUSE OF ASSEMBLY,

The state of this Country that I have long beheld with the deepest concern, would have engaged me to meet you, much sooner in General Assembly, if I had consulted only my own wishes to rescue it from the great mischiefs to which it has been exposed, for want of a regular administration of justice, but the difficulties which occurred in framing the Court Acts at the last Session that I had not power to remove, obliged me to wait the determinations of Government which I have received as soon as could be reasonably expected but too late to make an earlier appointment for your meeting.

The Royal disallowance of the Act of the last Session of the General Assembly, for establishing Superior and Inferior Courts of Justice, leaves those fundamental Constitutions, to be modelled again by you, at this Session; the expediency of making them permanent and the good policy of assigning ample and honorable salaries to the Judges, are points I conceive so obvious and essential, that I need not again press them to your consideration. I hope Gentlemen the great importance of such establishments will recommend them to your first attention: that your deliberations upon them, will be guided by that calm temper, which is due to the dissension of matters of so great moment, and concern to the public, and that becomes the dignity of legislative proceedings on all occasions.

With respect to the Law of Attachments that was unhappily the source of so much embarrassment at the last Session of the General Assembly, His Majesty having the most tender and paternal solicitude, for the welfare and happiness of all his people continues disposed to indulge the desires of His Subjects in this Colony, as far as it may be done without violation of the constitution, and is graciously pleased to allow that provision be made here by Law for attachments in cases where the cause of action arises within the Colony: due proof being made upon oath, before such attachment issues, whether original or judicial, that the defendant in the suit has absconded to avoid payment of his debt, and that the ordinary process of Law cannot be served upon him. These, Gentlemen, I am warranted to say, are the Rules governing attachments in the commercial Cities of England and in other parts of Europe and that they do go farther. I trust too Gentlemen they will be found on experience adequate to every good purpose in this Colony.

The limitation of the original Jurisdiction of the Superior Courts, and the extention of that of the Inferior Courts of Justice, designed by the Act of the last Session are deemed totally inadmissible, but the Inferior Courts will be allowed power to Judge and determine in all cases to the amount of twenty pounds proclamation money; and their Judgments to be final and without appeal as far as five pounds proclamation money; where Titles to Land, or the rights of the Crown shall not be involved in the question. I hope Gentlemen I need not urge to you the justice and expediency of guarding against the injurious operation of the Act of Limitations during the suspense of the Courts of Law, which might still highly aggravate the evils of that unfortunate period.

I have thought it proper Gentlemen in order to obviate as much as lies in my power any difficulty upon the important business which is to come before you, to communicate to you freely at the opening of the Session the restrictions by which my conduct must be regulated; that you may take your measures in the first instance accordingly and avoid those delays that are so inconvenient to the Members of the Legislature and which tend only to swell the public expence by protracting your Session to a needless length.

The great number of Criminals found in the various Gaols of this Country immediately after the expiration of the late Court Act evinced but too soon the miseries and the dishonor incident to a people without the restraints of a regular administration of Laws, and obliged me to exercise the power vested in me by His Majestys Royal Commission of appointing Courts of Oyer and Terminer and Gaol delivery for the immediate dispensation of Justice. This measure Gentlemen I have the satisfaction to see has had the most salutary influence towards maintaining the public peace and giving security to individuals when of late licentiousness and disorder under a sense of impunity began to triumph in the misfortunes of this country and to bid defiance to its dormant Laws, alarming His Majestys Subjects for their Dearest rights and threatening the Colony with all the horrors and all the disgrace of uncivilized barbarism. The zeal, uprightness and ability with which the Judges of those Courts have served their Country give them just claim to the best and most public testimonials of my approbation, and I persuade myself cannot fail to recommend them to your particular regard.

It is my duty to remind you Gentlemen that it still remains for you to make effectual His Majestys most Gracious intentions towards

the people concerned in the late Insurrection, by passing an Act of pardon and Oblivion with such exceptions as to your wisdom shall seem meet and proper.

The policy of the Legislature of Virginia in the measures it has taken to prevent that most baneful crime of counterfeiting the paper currency circulating in the Colonies of America is so perfectly wise and good that I cannot but earnestly recommend it to your imitation.

Mr Speaker and Gentlemen of the House of Assembly. The long acknowledged utility of Fort Johnston for the protection of a principal and most important port of this province, will I hope render it unnecessary for me to dwell upon the expediency of supporting the establishment of that Garrison and of repairing the Works and Barracks, an estimate of the expence of which I shall lay before you in the course of the Session.

It becomes my duty to recommend to you in the most particular manner to provide for defraying the charges incident to the Courts of Oyer and Terminer that have been held in this province and especially to make provision for the Judges suitable to their eminent services.

Gentlemen of His Majesty's Honble Council, Mr Speaker and Gentlemen of the House of Assembly, As I have nothing more at heart than the honor and welfare of this Colony, it will afford me the highest satisfaction to see the business of the Session conducted with a Spirit of union and dispatch, and conclude with the utmost possible advantage to the Public. Nothing that I can do to promote it shall be wanting, and let me assure you Gentlemen that as I always have been willing, so I shall be ever happy to meet your wishes and to concur in your measures as far as may be consistent with my duty.

New Bern.

JO. MARTIN.

Then the House adjourned till Monday morning 10 o'Clock.

Monday December 6th 1773.

The House met according to adjournment.

Present.

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis H ^y DeRosset	Martin Howard	
		John Sampson	and	
		Alex. M ^c Culloch	Samuel Cornell	

On motion, ordered that His Excellencys speech be read. The same was accordingly read and taken under consideration and there upon ordered that the Honorable Samuel Strudwick and Martin Howard Esquires be appointed a Committee of this House to draw up an Address in answer to the Governors speech.

Then the House adjourned 'til tomorrow morning 10 o'Clock.

Tuesday Morning 7th December 1773.

The House met according to adjournment.

Present.

The Honble	{	James Hasell	Alex. McCulloch	} Esquires
		John Rutherford	William Dry	
		Lewis DeRosset	Martin Howard	
		John Sampson	Samuel Cornell	

Then the House adjourned 'til tomorrow morning 10 o'Clock.

Wednesday Morning 8th December 1773.

The House met according to adjournment.

Present.

The Honble	{	James Hasell	Alex. McCulloch	} Esquires
		John Rutherford	William Dry	
		Lewis DeRosset	Martin Howard	
		John Sampson	Samuel Cornell	

The Committee appointed to draw up an address in answer to his Excellencys speech Reported they had prepared the same, which was ordered to be read. The same was read and approved of and that it be entered on the Journals of the House as follows, Viz^t,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, HIS MAJESTYS CAPTAIN GENERAL, GOVERNOR AND COMMANDER IN CHIEF OF THE PROVINCE OF NORTH CAROLINA,

May it please your Excellency,

We the Members of His Majestys Council of this province, return your Excellency our thanks for your Speech at opening this Session.

We assure your Excellency that we will concur in any Law for establishing the Courts of Justice upon such a plan as may, with His Majestys approbation, be at the same time suitable to the condition and circumstances of this community. To make the establishment of the Courts permanent and so render the salaries of the Judges respectable, are points we sincerely wish to see accomplished.

We thank your Excellency for the free and candid communication of those terms upon which the Law for regulating attachments can be made, and we earnestly hope they may be so far reconcilable as not to impede the passing of a Court Law upon which the very being of this province depends.

We bear the fullest testimony to the Wisdom and prudence of the measure your Excellency has taken, in the exercise of His Majesty's prerogative, vested in you by His royal Commission. The necessity of issuing Commissions of Oyer and Terminer was indispensable.

The occasion so justly described in your Excellency's Speech called loudly for that protection which the English Constitution teaches every dutiful subject to look up for and expect from the King, the fountain and distributor of Justice to all; and permit us Sir to add that when we cease to owe allegiance to our Sovereign, then and not till then shall we presume to question the legality of his Commissions of Oyer and Terminer in this province.

We will pay all due attention to the other matters recommended to us by your Excellency and laying aside all useless professions endeavor to pursue the true interest of our Country

JAMES HASELL, P. C.

In the upper House 9th Dec 1773.

By order. J HAWKS Clk.

Received from the Assembly by Mr Oldham and Mr John Johnston the following Message, Viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL.

This House have appointed Mr Harnett, Mr Knox, Mr Cray, Mr Hewes, Mr Samuel Johnston, Mr Hunt, Mr Lanier, Mr Jarvis, Mr Edwards, Mr Howe, Mr John Campbell, Mr Hooper and Mr Hatch on the public accounts And Mr Martin, Mr Gray, Mr Ashe, Mr Vail, Mr Oldham, Mr John Johnston, Mr Rowan, Mr Allen Jones, Mr Perkins, Mr Hart, Mr Thomas Jones, Mr Field and Mr Simpson, a Committee of this House to settle and allow public claims in Conjunction with such of your Honours as you shall think fit to appoint.

JOHN HARVEY Speaker

In the Assembly 8th December 1773.

By Order JAMES GREEN Jr. Clk.

Then the House adjourned 'til tomorrow morning 10 o'clock.

Thursday Morning 9th December 1773.

The House met according to adjournment.

Present

The Hon ^{ble}	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex ^r M ^c Culloch	Samuel Cornell	

On motion ordered the following Message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your Message relative to the Committees this House have appointed the Honorable John Rutherford, Alex^r M^cCulloch, William Dry, Samuel Strudwick and Samuel Cornell Esquires, on the public Accounts, And the Honorable Lewis H^r DeRosset, John Sampson and Martin Howard Esquires a Committee of this House to settle and Allow public claims.

In the upper House 9th Dec. 1773.

By order JOHN HAWKS, Clk.

Then the President attended by the House, waited on His Excellency at the palace and presented him with their address to which His Excellency was pleased to return the following answer Viz

MR PRESIDENT AND GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

I return you my thanks for this address. Your approbation of my conduct, is highly acceptable to me, and adds to the satisfaction I derive from consciousness of the rectitude of my own intentions, the firmest confidence of the legality and expediency of the measures I have taken for the public good, and the fullest evidence that they have afforded that protection to His Majestys Subjects in this province for which they were calculated and that it was my indispensable duty to extend to them.

It will give me the truest pleasure Gentlemen, to see provisions made by the Legislature for the lasting establishment of peace and happiness in this Country; and I want no assurance of your good dispositions, to promote His Majestys most Gracious intentions,

ever directed to the advancement of the true interests and prosperity of his people.

JO. MARTIN.

New Bern December 9th 1773.

Then the House adjourned till tomorrow morning 10 o'clock

Friday Morning 10th December 1773.

The House met agreeable to adjournment

Present

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alexander M ^c Culloch	Samuel Cornell	

Then the House adjourned till to-morrow morning 10 o'clock.

Saturday Morning 11th December 1773.

The House met agreeable to adjournment

Present

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex M ^c Culloch	Samuel Cornell	

Received from the Assembly by Mr Knox and Mr Benbury

A Bill for dividing this province into six several districts and for establishing a Superior Court of Justice in each of the said Districts.
Read the first time and passed

Received from the Assembly by Mr Thompson and Mr Bryan

A Bill for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this province and for regulating the proceedings therein.

On motion read the first time and passed

Received from the Assembly by Mr Lanier and Mr Person,

A Bill to discontinue the poll Tax of one shilling and duty of four pence per gallon on rum, wine and other spiritous Liquors

Received from the Assembly by Mr Rowan and Mr John Johnston,

A Bill for establishing Triennial Assemblies.

Then the House adjourned till Monday Morning 10 o'clock.

Monday Morning 13th December 1773.

The House met agreeable to adjournment

Present

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex McCulloch	Samuel Cornell	

Received from the Assembly by Mr Lanier and Mr William Moore,

A Bill of pardon and oblivion to the persons concerned in the late insurrection except such persons as are therein excepted. Read the first time and passed.

Received from the Assembly by Mr Person and Mr Alston the following Bills, Viz,

A Bill for further continuing an Act entituled an Act for appointing a printer to this province. Read the first time and passed.

A Bill to oblige the prosecutors of offences not capital to pay the costs of prosecution where the defendant shall be acquitted. Read the first time and passed.

A Bill to amend the Staple of Tobacco and prevent frauds in His Majestys Customs. On motion read the first time and passed.

On motion ordered the following Bills to be read, viz

A Bill for establishing Triennial Assemblies. Read the first time and passed.

A Bill to discontinue the Poll Tax of one shilling and duty of four pence $\frac{3}{4}$ gallon on rum, wine and other spiritous liquors Read the first time and passed.

Received from the Assembly by Mr Kenan and Mr Spier,

A Bill to explain an Act for erecting a Parish in Chatham County by the name of St. Bartholomew. On motion read the first time and passed.

Then the House adjourned 'til tomorrow morning 11 o'clock.

Tuesday Morning 14th December 1773.

The House met agreeable to adjournment.

Present.

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		Alex. McCulloch	Samuel Cornell	

Received from the Assembly by Mr Martin and Mr McNair,

A Bill for dividing this province into six several districts and for establishing a Superior Court of Justice in each of the said districts.

On motion read the second time, amended and passed.

Received from the Assembly by Mr Moore and Mr William Person the following Bills, Viz^t,

A Bill for appointing Commissioners for building a Court House, prison and stocks for the County of Tryon.

On motion read the first time and passed.

A Bill for the further continuing an Act for the more speedy recovery of all debts and demands under five pounds proclamation money within this province.

On motion read the first time and passed.

Received from the Assembly by Mr Field and Mr Roberson,

A Bill for laying out a public road from William Dents in Guilford County on the trading road to Salisbury.

On motion read the first time and passed.

Received from the Assembly by Mr Nash and Mr Benbury,

A Bill to amend the Staple of Tobacco and prevent frauds in His Majestys Customs.

Received from the Assembly by Mr Rowan and Mr Thomson,

A Bill for establishing Triennial Assemblies.

Received from the Assembly by Mr Rowan and Mr Murfree the following Resolve, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have resolved that Henry Castin a soldier who served in the artillery Company in the late expedition against the insurgents, and who received a wound which in all probability will render him a cripple for life, be allowed the sum of ten pounds proc. money £ annuum during his life; and that the Treasurers or either of them pay him the same, and be allowed in their accounts with the Public, and desire your Honours Concurrence thereto.

JOHN HARVEY, Speaker.

In the Assembly 14th December 1773.

By order JAMES GREEN, jun, Clk.

In the upper House 15th Dec. 1773. Concurred with.

JAS. HASELL, P. C.

By order JOHN HAWKS, Clk.

Received from the Assembly by Mr Lanier and Mr Ferg. Campbell

A Bill for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this Province and for regulating the proceedings therein.

On motion read the second time, amended and passed.

Received from the Assembly by Mr Hunt and Mr Frazier

A Bill to oblige the prosecutors of offences not capital to pay the costs of prosecution where the defendant shall be acquitted.

Then the House adjourned 'til to-morrow morning 10 °Clock.

Wednesday morning 15th December 1773.

The House met according to adjournment.

Present

The Honble {	James Hasell	William Dry	} Esquires.
	John Rutherford	Samuel Strudwick	
	Lewis DeRosset	Martin Howard	
	John Sampson	and	
	Alex M ^c Culloch	Samuel Cornell	

Received from the Assembly by Mr Kenan and Mr Reading the following Bills, Viz^t

A Bill to amend an Act intituled an Act for repairing the Gaol for the District of Halifax in the Town of Halifax. Read the first time and passed.

A Bill to prevent the crime of Horse stealing.

On motion read the first time and passed.

A Bill to prevent the wilful and malicious killing of slaves.

On motion read the first time and passed.

Received from the Assembly by Mr Picket and Mr Robinson,

A Bill to empower the Justices of Anson County to establish free ferries and lay a tax for defraying the charges thereof.

On motion read the first time and passed.

Received from the Assembly by Mr Field and Mr F. Jones.

A Bill to facilitate the passage of fish in Deep River in Guilford County.

On motion read the first time and passed.

Received from the Assembly by Mr Respass and Mr Salter,

A Bill to repeal an Act made at a General Assembly held at Edenton the twenty first day of August 1740, intituled an Act for the more effectual establishing a Ferry from Bath Town to Core point and from Core point to Bath Town, and for preventing any

other Ferry within ten miles of the said Town of Bath, and Core point on the same side of the River.

On motion read the first time and passed.

Received from the Assembly by Mr Knox and Mr Benbury,

A Bill directing the boundary line between the Counties of Perquimons and Chowan and appointing Commissioners to see the same run.

On motion read the first time and passed.

Received from the Assembly by Mr Stewart and Mr Frazier,

A Bill for erecting part of the Counties of Halifax and Tyrell into one distinct County and parish.

On motion read the first time and passed.

Received from the Assembly by Mr Edwards and Mr Martin the following Bills Viz^t

A Bill for dividing the parish of Edgecomb in the County of Halifax into two distinct parishes.

On motion read the first time and passed.

A Bill to discontinue the poll Tax of one shilling and duty of four pence $\frac{3}{4}$ gallon on rum, wine and other spiritous liquors.

Received from the Assembly by Mr Hunt and Mr Robinson Junr, the following Resolve Viz^t

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

This House have resolved that Mensucan Hunt and Zachariah Bullock who acted as Sergeants at Arms to this House in summoning a number of Witnesses to attend the House at December Session 1770 to give evidence on a charge of perjury, extortion &c^s, against Mr Thomas Person one of their Members, be allowed the sum of nineteen pounds ten shillings each. And also that the several Witnesses who attended the House on that occasion be allowed the several sums mentioned against their respective names, Viz^t

	£	s.	d.
William Moore-----	3	15	--
James Hester-----	4	10	--
Robert Lewis-----	4	10	--
William Johnston-----	3	15	--
John Willingham-----	4	--	--
Joseph Glover-----	4	--	--
David Mitchell-----	4	--	--
John Williams (son of Dan ^l)-----	4	--	--

	£	s.	d.
Harris Gilliam -----	4	--	--
William Potter -----	4	--	--
James Yancey -----	4	10	--
William Bullock -----	4	--	--
Pinkethman Hawkins -----	3	15	--
Philemon Hawkins -----	3	15	--
Len ^d Henry Bullock -----	4	--	--
Reuben Searcey -----	4	--	--
Nathaniel Henderson -----	3	15	--

And that the public Treasurer or either of them pay the same to the said several persons above mentioned and be allowed in their Accounts, to which we desire your Honors Concurrence.

JOHN HARVEY, Speaker.

In the Assembly 14th December 1773.

By order JAMES GREEN jun^r Clk.

In the upper House 15th December 1773. Concurred with.

JAMES HASELL, P. C.

By order JOHN HAWKS Clk.

Received from the Assembly by Mr Rowan and Mr Spicer

A Bill to empower certain Commissioners therein named to dispose of the pews in the Church in the Town of Brunswick and to appropriate the money arising therefrom to the purposes therein mentioned.

On motion read the first time and passed.

Received from the Assembly by Mr Coor and Mr Hatch

A Bill directing the Duty of Sheriffs with respect to insolvent Taxables.

On motion read the first time and passed.

Then the House adjourned till tomorrow morning 10 o'clock.

Thursday Morning 16th December 1773.

The House met agreeable to adjournment.

Present

The Honble	{	James Hasell	Alex M ^c Culloch	}	Esquires
		John Rutherford	William Dry		
		Lewis DeRosset	Samuel Strudwick		
		John Sampson	Martin Howard		

Received from the Assembly by Mr Moore and Mr Renhart

A Bill for appointing Commissioners for building a Court House prison and Stocks for the County of Tryon

On motion read the first time and passed.

Received from the Assembly by Mr Person and Mr Alston

A Bill to amend an Act intituled an Act for repairing the Gaol for the district of Halifax in the Town of Halifax.

On motion read the second time and passed.

Received from the Assembly by Mr Stewart and Mr Frazier,

A Bill for erecting part of the Counties of Halifax and Tyrrel into one distinct County and Parish.

On motion read the second time and passed.

Received from the Assembly by Mr Coor and Mr Hatch,

A Bill to empower the Commissioners therein named to build a bridge over Trent River on the main road leading from New Bern to Wilmington.

On motion read the first time and passed

Received from the Assembly by Mr. Spicer and Mr Rowan.

A Bill to prevent the pernicious practice of hunting with a gun in the night by fire light and other purposes

On motion read the first time and passed

Then the House adjourned till tomorrow Morning 10 Clock.

Friday Morning 17th December 1773.

The House met agreeable to adjournment

Present

The Honble {	James Hasell	William Dry	} Esquires
	John Rutherford	Samuel Strudwick	
	Lewis DeRosset	Martin Howard	
	John Sampson	and	
	Alex McCulloch	Samuel Cornell	

Received from the Assembly by Mr Spicer and Mr Person the following Bills, Viz.

A Bill for further continuing an Act intituled an Act concerning Vestries.

Read the first time and passed.

A bill to restrain Fishing with seines in New River in Onslow County.

On motion read the first time and passed.

A Bill for further continuing an Act intituled an Act for appointing a printer to this province.

On motion read the first time amended and passed

Received from the Assembly by Mr Field and Mr Robinson.

A Bill of pardon and oblivion to the persons concerned in the late Insurrection except such persons as are therein excepted

On motion read a second time amended and passed

Received from the Assembly by Mr Robinson and Mr Picket

A Bill directing the duty of Sheriffs with respect to insolvent Taxables

On motion read the second time and passed

A Bill to empower the Justices of Anson County to establish free ferries and lay a tax for defraying the charges thereon.

On motion read the second time and passed

Received from the Assembly by Mr Haywood and Mr Battle.

A Bill for dividing the parish of St. Marys in the County of Edgecomb into two district parishes

On motion read the first time and passed.

Received from the Assembly by Mr Moore and Mr Renhart

A Bill for appointing Commissioners to build a Court House prison and Stocks for the County of Tryon.

On motion read the second time and passed.

Received from the Assembly by Mr John Johnston and Mr Stanly

A Bill for enlarging the time of saving lots in the Town of Windsor for erecting a Court House, prison and stocks for the County of Bertie in the said Town and other purposes.

On motion read the first time and passed.

Received from the Assembly by Mr Lock and Mr Rutherford the following Bills, Viz'

A Bill for establishing Inferior Courts of pleas and quarter sessions in the several Counties in this Province and for regulating the proceedings therein.

A Bill directing the mode of appointing the Clerks of the pleas and quarter sessions.

On motion read the first time and passed.

A Bill to oblige Vessels having infectious distempers on Board to perform their quarantine.

On motion read the first time and passed.

A Bill to continue an Act intituled an Act to amend an Act for the regulation of the Town of Wilmington.

On motion read the first time and passed.

Then the House adjourned till to-morrow morning 10 o'clock.

Saturday Morning 18th December, 1773.

The House met agreeable to adjournment.

Present

The Honble {	James Hasell	William Dry	} Esquires.
	John Rutherford	Samuel Strudwick	
	Lewis DeRosset	Martin Howard	
	John Sampson	and	
	Alex McCulloch	Samuel Cornell	

Received from the Assembly by Mr Spicer and Mr Davison

A Bill to restrain fishing with seines in New River in Onslow County.

On motion read the second time and passed.

On motion ordered the following message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House upon the third reading of the Bill for establishing Superior Courts are much concerned that the amendments they inserted upon the second reading of that Bill are not approved by your House. They now acquaint you that they must still adhere to those amendments and desire with candor and moderation to justify their conduct by such reasons as they trust will be satisfactory to the good people of this Province.

Your House are requested to call to mind that an Act for establishing Superior Courts containing the same Clauses now insisted upon, relative to attachments and limiting the Jurisdiction of the Superior Courts, passed last Session of Assembly with a suspending Clause, and was transmitted by His Excellency the Governor to His Majesty for his Royal assent. Your House has this Session been fully informed of His Majestys disallowance of that Act, a disallowance expressly grounded upon the very clauses for which you now so earnestly contend. Under these circumstances we confess ourselves at a loss to know what beneficial end or purpose can be answered by either House persisting to pass a Bill containing clauses which the Governor has so recently and solemnly declared to us in General Assembly he cannot pass.

The Bill as amended by this House is conformable to the plan proposed by His Majesty and we are persuaded contains ample provision for the administration of Justice within this province. Two legal Branches of the Legislature thus far approve the Bill but if unhappily your House shall finally withhold its assent we shall soon

find by sad experience that the wretchedness of this Country is not yet half complete

The necessity of a Court Law is acknowledged by all. Without one this province must soon be deserted by its inhabitants, and an end put to its name and political existence. This House therefore are grieved to find so inestimable a good as the Bill now offers to the people rejected and refused by their representatives, for the sake only of a comparatively small advantage supposed to lie in a mode of proceeding by attachments, a proceeding unknown both to the Common and the Statute Law of the Mother Country, relative only to the private dealings between subject and subject, and if totally extinguished cannot in the remotest manner be said to affect or endanger the civil or political rights of the people.

With regard to the section granting an allowance to the Chief Justice and Attorney General this House inserted it because it was part of the late expired law, not with any view of multiplying the causes which at present so unfortunately divide the different Branches of the Legislature. We shall therefore not embarrass the present Bill by retaining that Section, but will submit a suitable provision for those officers to the Equity and Justice of the General Assembly, but this House cannot consent to a repeal of the Fee Bill passed in 1748 till an equally sure and permanent allowance is otherwise provided for the Chief Justice.

Such are the Terms upon which alone this House can consent to pass the important Bill now before them, and if acceded to by your House, the alterations will be made in the presence of such of your members as you will be pleased to send for that purpose.

In the Upper House 18th December 1773.

By order

JOHN HAWKS, Clk.

Received from the Assembly by Mr John Johnston and Mr Stanly,

A Bill for enlarging the time of saving lots in the Town of Windsor for erecting a Court House, prison and stocks for the County of Bertie in the said Town and other purposes.

On motion read the second time and passed.

Received from the Assembly by Mr Moore and Mr Pickett the following Bills, Viz;

A Bill to amend an Act intituled an Act for repairing the Gaol for the district of Halifax in the Town of Halifax.

On motion read the third time and passed. Ordered to be engrossed.

A Bill for appointing Commissioners for building a Court House, prison and stocks for the County of Tryon.

Received from the Assembly by Mr Benbury and Mr Harvey,

A Bill for directing the boundary line between the Counties of Perquimons and Chowan and appointing Commissioners to see the same run.

On motion read the second time and passed.

Received from the Assembly by Mr Simpson and Mr Salter,

A Bill to amend an Act for the laying out a Town on the Lands of Richard Evans in Pitt County by the name of Martinborough and for removing the Court House, prison and stocks into the said Town,

On motion read the first time and passed.

Received from the Assembly by Mr Stuart and Mr Frazier,

A Bill for erecting part of the Counties of Halifax and Tyrell into one distinct County and Parish.

On motion read the third time and passed. Ordered to be engrossed.

Ordered the following Message be sent to the Assembly viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time in this House the Bill for establishing Inferior Courts of pleas &c We propose the following amendments Viz^t

That the following Clause relative to the Clerk of the pleas *deleted* by you at your third reading be *stetcd* Viz^t

“And be it further enacted by the authority aforesaid that the Clerk of the pleas, for the time being shall nominate and appoint skillful and discreet persons to serve as Clerks of the several Courts hereby established, and each of the said Clerks shall give Bond &c.”

That the preamble to the Clause regulating the proceedings in Original or Judicial Attachments be *deleted*, and instead thereof the following inserted Viz

“And whereas Original and Judicial attachments have been found beneficial to this province and its circumstances.”

That before Judicial attachments be granted an Oath be made, agreeable to the Royal Instruction, for which purpose we propose that the clause inserted by us at our second reading and *deleted* by you on your third reading be *stetcd*.

That the proviso we had inserted at our second reading and you have *deleted* at your third reading for granting appeals for any sum,

even under five pounds, where the titles to Land or the Rights of the Crown are concerned be *stet*d, the same being pursuant to the King's instructions.

That the following Clause be added to the Bill.

"And be it further enacted by the authority aforesaid, that the time elapsed since the expiration of the late Inferior Court Law to the passing of this Act, shall not be allowed of in any plea of limitation, any Law to the contrary notwithstanding."

To which amendments if your House agree be pleased to send some of your Members to see the same made to the Bill.

In the upper House 18th December 1773.

By order JOHN HAWKS, Clk.

Then the House adjourned till Monday Morning 10 °Clock.

Monday Morning 20th December 1773.

The House met agreeable to adjournment.

Present

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex McCulloch	Samuel Cornell	

Received from the Assembly by Mr Polk and Mr Everigin the following Resolves Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that Peter Mallet of Wilmington be allowed the sum of seventy five pounds proc money for a certain negro called Biscuit who was outlawed and afterwards shot and wounded by Mr Thomas Jones of New Hanover County in apprehending, of which wounds he died. That the Public Treasurers or either of them pay him the same and be allowed in their accounts with the public, and desire your Honours concurrence thereto.

JOHN HARVEY Speaker.

In the Assembly 18th December 1773.

By Order. JAMES GREEN Jun^r Clk.

In the upper House 20th December 1773. Concurred with.

JAMES HASELL P. C.

By order. JOHN HAWKS Clk.

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

This House have resolved that Joseph Hughes be allowed the sum of one hundred and fifty pounds proe money for pursuing, apprehending, money expended, and conveying under Guard to Hillsborough nine robbers, for pursuing Winslow Driggers, James Johnston and William Hodges who robbed the waggon of the said Hughes of goods to the amount of four hundred and thirty six pounds and for apprehending and conveying Winslow Driggers under Guard to the Cheraws in the year 1771. That the public Treasurers or either of them pay him the same and be allowed in their accounts with the public, and desire your Honours concurrence thereto.

JOHN HARVEY Speaker.

In the Assembly 18th December 1773.

By order.

JAMES GREEN Jun^r Clk.

Received from the Assembly by Mr Spruil and Mr Smithwick,
A Bill for dividing the parish of St. Mary's in the County of Edgecomb into two distinct parishes.

On motion read the second time and passed.

Received from the Assembly by Mr Ward and Mr Person,

A Bill to amend the Staple of Tobacco, and prevent frauds in his Majestys Customs.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Field and Mr W^m Moore,

A Bill to explain an Act for erecting a parish in Chatham County by the name of Bartholomew.

On motion read the second time and passed.

A Bill for further continuing an Act intituled an Act concerning Vestries.

On motion read the second time and passed.

Received from the Assembly by Mr Jordan and Mr Reding the following Bills Viz^t

A Bill directing the duty of Sheriffs with respect to insolvent Taxables.

On motion read the third time and passed. Ordered to be engrossed.

A Bill for regulating the Borough of Campbleton and erecting public buildings therein.

A Bill for dividing the parish of Edgecomb in the County of Halifax into two distinct parishes.

On motion read the third time and passed. Ordered to be engrossed.

A Bill for further continuing an Act intituled an Act for appointing a printer to this province.

On motion read the third time and passed. Ordered to be engrossed.

A Bill to amend an Act intituled an Act for establishing a Town on the Lands of John and William Russel, minors, sons of John Russel deceased, on the West side of the North West Branch of the Cape Fear River near the mouth of Cross Creek by the name of Campbleton.

A Bill for laying out a public road from William Dents in Guilford County on the trading road to Salisbury

On motion read the second time and passed

Received from the Assembly by Mr Rowan and Mr. Oldham,

A Bill to amend an Act for encouraging the building of public Mills and directing the duty of Millers.

On motion read the first time and passed

Received from the Assembly by Mr Coor and Mr Hatch.

A Bill to empower the Commissioners therein named to build a bridge over Trent river on the main road leading from New Bern to Wilmington.

On motion read the second time and passed

Received from the Assembly by Mr Harvey and Mr Benbury

A Bill for directing the boundary line between the Counties of Perquimons and Chowan and appointing Commissioners to see the same run.

On motion read the third time and passed

Ordered to be engrossed.

Received from the Assembly by Mr Williamson and Mr Stanly the following Bill and Message Viz^t.

A Bill to empower Commissioners therein named to dispose of the pews in the Church in the Town of Brunswick and to appropriate money arising therefrom to the purpose therein mentioned.

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL.

In answer to your message of Saturday last received this day respecting the Bill for Establishing Inferior Courts &c

We cannot agree to *set* the clause by you proposed relative to the Clerk of the pleas.

We agree that instead of the preamble to the clause regulating attachments the following be inserted *Viz*’.

“Whereas original and judicial attachments have been found beneficial to the Inhabitants and a right essentially necessary to their Commercial Interests” but cannot agree to the insertion of any other regulations with regard to the issuing Attachments.

We agree that there be an appeal in all cases above forty shillings.

We agree to the Clause you propose regarding the operation of the Act of limitation and would propose the following addition to that Clause after the Word *limitation* *Viz*’ “or in the computation of time by law allowed for proving Accounts under the Act ascertaining the method of proving Book-debts.”

If you think proper to pass the Bill thus altered we will send two of our members to see the amendments inserted.

JOHN HARVEY, Speaker.

In the Assembly 20th December 1773.

By order JAMES GREEN jun, Clk.

Received from the Assembly by Mr Nash and Mr Lanier
A Bill to prevent the willful and malicious killing of Slaves
Then the House adjourned till tomorrow morning 10 o’Clock.

Tuesday Morning 21st December 1773.

The House met agreeable to adjournment.

Present

The Honble	{	James Hasell	William Dry	} Esquires.
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex McCulloch	Samuel Cornell	

On motion ordered the following message be sent to the Assembly, *Viz*’

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House taking into consideration your answer to our message respecting the bill for establishing Inferior Courts &c.

We agree to the amendment you propose instead of the preamble to the clause regulating attachments, you will consent to strike out the following words, *viz*’, “a right essentially.”

We agree to your proposed amendment to the clause regarding the operation of the Act of limitation.

If you think proper to amend the Bill agreeable to this message, be pleased to send some of your members to see the same inserted.

Received from the Assembly by Mr. Spicer and Mr. Smith the following Bills, Viz^t

A Bill to empower the Justices of Anson County to establish free ferries and lay a tax for defraying the charges thereof.

On motion read the third time and passed. Ordered to be engrossed.

A Bill to restrain fishing with seines in New River in Onslow County.

On motion read the third time and passed. Ordered to be engrossed.

A Bill for enlarging the time of saving Lots in the Town of Windsor, for erecting a Court House, prison and stocks for the County of Bertie in the said Town and for other purposes.

On motion read the third time and passed. Ordered to be engrossed.

A Bill to prevent Counterfeiting the paper money of this and the other British Colonies and to prevent Counterfeiting the gold and silver coin circulating in this province.

On motion read the first time and passed.

A Bill for the more effectual obtaining an exact list of Taxables for the Town of New Bern, for compelling the Inhabitants of the said Town to pay their Taxes and for other purposes therein mentioned.

On motion read the first time and passed.

Received from the Assembly by Mr. Martin and Mr. Kenan,

A Bill to continue the several Acts therein mentioned.

On motion read the first time and passed.

Received from the Assembly by Mr. Battle and Mr. Murfree the following Bills Viz^t

A Bill for laying out a public road from William Dents in Guilford County on the trading road to Salisbury.

On motion read the third time and passed. Ordered to be engrossed.

A Bill to continue an Act intituled an Act to amend an Act intituled an Act for the regulation of the Town of Wilmington.

On motion read the second time and passed.

A Bill for dividing the Parish of St Marys in the County of Edgecomb into two distinct parishes.

On motion read the second time and passed.

Received from the Assembly by Mr Simpson and Mr Salter,

A Bill to amend an Act for the laying out a Town on the Lands of Richard Evans in Pitt County by the name of Martinborough and for removing the Court House prison and stocks into the said town.

Received from the Assembly by Mr Davison and Mr Moore,

A Bill for altering the dividing line between the Counties of Rowan, Mecklenburg and Tryon.

On motion read the first time and passed.

Received from the Assembly by Mr Polk and Mr Davison,

A Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County and for regulating the said Town.

On motion read the first time and passed.

Received from the Assembly by Mr Peison and Mr Hatch,

A Bill for further continuing an Act intituled an Act concerning Vestries.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Nash and Mr T. Jones the following Message viz^t

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

In answer to your Message of the eighteenth Instant upon the third reading in your House of the Bill for establishing a Superior Court &c,

This House ever attentive to the faithful discharge of the important trust reposed in them by the Inhabitants of this province have in the conduct of every public measure which during this Session hath been subject to our deliberations, had in view the interests and happiness of our Constituents, as the grand object that ought to Govern all our determinations. Appointed by the people to watch over their rights and priviledges, and to guard them from every encroachment of a private and public nature, it becomes our duty and will be our constant endeavour to preserve them secure and inviolate to the present age and to transmit them unimpaired to posterity.

We have given to the Bill for establishing a Superior Court the attention it merits and without suffering private Interest, passion or prejudice to intrude themselves upon our enquiries, conscious from our late melancholy experience of the unhappy consequences that attend the extinguishment of the Civil and Criminal Jurisdiction in this province we dread the consequence of the calamity, and submit still to suffer, only to avoid a greater misfortune. We look back upon past grievances without reproaching ourselves for being the cause of them, for an impartial world will do us the Justice to own that we contend for nothing more than what we have 'till lately enjoyed in common with the rest of His Majesty's Subjects in America.

The right of Foreign Attachments is exercised by our Sister Colonies with every latitude requisite to promote their Commercial Interests and to secure the property of their Inhabitants. It is a right essential to every well regulated System of police, and is a security inseparable from Traffick in a province situated as this is, where Trade is the vital principal of its Constitution. Every Circumstance that places us on a more unfavorable footing than our neighbors is to enrich them at our expence, and build the increase of their Trade upon the ruin of our own. You are well aware that we need but look to the Colonies next adjoining us, to discover the invidious distinction, and to find cause to regret that with equal merit we have been less the favourites of Government.

We are fully sensible that the application to His Majesty that an Act passed at the last Session of Assembly for establishing Superior and Inferior Courts in this province with a suspending Clause 'til his Majesty's pleasure was known, with the rights of Attachment reserved to this province in its due extent, has failed to obtain his Majesty's Concurrence. We lament the ill success of our endeavours, but still flatter ourselves that our Sovereign is not inexorable and that he will ever lend an ear to the just complaints of his Subjects. To despair of obtaining redress from the grievances we now complain of would be to impeach the Justice of the British Government and to distrust the virtues of our King and Father:

To sit patiently down in an humble acquiescence under this denial of a security by attachment would render us unworthy His Royal interposition. It would be an implied resignation of the rights of Subjects and a violation of the duty we owe to him as the protector of them. We shall in the most humble manner address his Majesty

upon this interesting occasion, and doubt not but that you, equally zealous for the happiness of this Colony, will heartily concur with us in a measure that promises the greatest probability of being accompanied with success; altho' your opinions are different from what this House maintain we shall be happy to find that no passion nor private motives influence your consultations, but that with candor and moderation you pursue the same object tho' by different means.

We doubt not but that in altering the Bill for a Superior Court &c, a most faithful and strict attention has been paid to the plan proposed by his Majesty to his Governor, but this House the most important Branch of the Legislature cannot conceive that the attachment clauses as proposed by the Council give a remedy equal to the evil they are intended to obviate. The limits within which an attachment so restrained can only operate, are too confined to render that process beneficial. The Oath prescribed as a necessary previous step to obtain it renders it unattainable by every one who is not a stranger to the pleasing influence of truth and horror of perjury.

To swear that a man absconds to avoid payment of his debt, is to pry into the secret movements of the human heart and to assume a province not short of Inspiration.

That you approve the Bill is by no means obligatory upon our Assent, and whatever may ensue from this difference of opinion it will not be difficult to decide whether the calamity is to be charged on this House, contending for a right which the Inhabitants of this Province have for a long time exercised beneficially or to those who urge an Innovation in the Constitution of this province which must deprive its Inhabitants of what it has so long enjoyed unimpeached.

This House for themselves and their Constituents heartily acknowledge the necessity of Court Laws and without anticipating the horrors of a desertion of the Inhabitants of this Colony, and the extinguishment of its name and political existence, they experience in the present unhappy state of this province, sufficient to induce them to wish a change upon legal constitutional principals. The rules of right and wrong, the limits of the Prerogative of the Crown and the privileges of the people are in the present refined Age well known and ascertained, to exceed either of them is highly unjustifiable. Were the attachment Law as formerly enjoyed by us as small an advantage compared with that of having Court Laws as you contend it is, the right we possess to that is equal to the right to a more important object. In the smallest it is bartering the right of a peo-

ple for a present convenience, in a greater it will be the same crime aggravated only by its circumstances. We observe with surprise that a doctrine maintained by a former House of Assembly is now adopted by you, and that you disclose as your opinion that attachments are not known to the Common or Statute Law of England. What then did Government tender to this people in lieu of their former mode when it proffered to the last Assembly a mode of attachment agreeable to the Laws of England?

This House upon all occasions will avow the necessity of attachments in the manner we lately enjoyed it in point of expedience as well as right. And viewed upon the Scale of Relation to the private dealings between Subject and Subject it has every advantage that can be reasonably sought, as the Trade of this Colony and "its neighbours" is principally confined to that mutual intercourse which you mention.

With respect to the allowance to the Chief Justice and Attorney General inserted by you in the Bill for constituting a Superior Court &c and referred to in your Message, in answer that it is the undoubted privilege of the people and of their Representatives to make a disposition of their own monies. The interposition of the Council with respect to such disposition, is an infringement upon the rights of the people, and an open infraction of a fundamental principle in our Constitution. Sensible of the importance of the Judicial Character, and desirous to provide for those to whom Government may think fit to intrust that department, in a manner worthy the acceptance of Men of Integrity and Eminence.

We conceive the Bill for regulating the Fees of the Chief Justice to be a mode of provision not adapted to the circumstances of this province or to the dignity of that Office: a dependance upon the precarious increase or diminution of Suits, and the uncertainty which attends the collection of the Fees accruing from them, excite an inconvenience which this House are desirous to obviate. And when his Majesty shall be pleased to appoint the Judges during good behaviour, we will shew the most sincere gratitude for such an acquisition both in our profession and practice, and will give a perpetual Salary to such Officers that will do ample Honor to the appointment. In the mean time this House will by a Temporary Law make such provision for the Chief Justice and Associate Judges and Attorney General as shall be suitable to the circumstances of this province.

These are the motives which have ruled the conduct of this House, they are submitted to you as circumstances which if they do not induce you to alter your determinations will to you and to the world afford the fullest conviction that we are sincere and determined in the measures we have adopted, and that we are convinced that we cannot in the smallest degree depart from them without a breach of faith to the public, and without debasing our Legislative character. Of course we cannot consent to the alterations you propose in the Bill.

JOHN HARVEY Speaker

In the Assembly 21st December 1773.

By order.

JAMES GREEN Jun^r Clk.

On motion the Bill for dividing this province into six several Districts and for establishing a Superior Court of Justice in each of the said districts was

Read the third time and rejected.

Then His Excellency the Governor was pleased to prorogue the General Assembly until Tuesday the first day of March next.

NORTH CAROLINA,

At an Assembly begun and held at New Bern the Fourth day of December in the fourteenth 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 seventy three, being the first session of this present Assembly.

In the House of Assembly

The Clerk of the Crown having certified that the following persons were duly elected and returned Representatives for the respective Counties and towns Viz^t

Anson — James Picket, William Robeson.

Bladen — John Burgwin, Thomas Robeson.

Brunswick — Robert Howe, John Rowan.

Town of Brunswick — Mau. Moore.

Beaufort — Roger Ormond, Thomas Respass.

Bute — Benj^a Ward, Memucan Hunt.

-
- Bertie — John Campbell, John Johnston, David Stanley.
 Town of Bath — Wyrriot Ormond.
 Craven — James Coor, Lemuel Hatch.
 Carteret — Jacob Shepard, William Thomson.
 Chowan — Samuel Johnston, Edward Vail, Tho^s Benbury, Thomas Oldham, Thomas Jones.
 Currituck — Samuel Jarvis, Thomas Macknight, Solomon Perkins, Henry White, Francis Williamson.
 Cumberland — Ferquhard Campbell, Alexander McAlister.
 Town of Campbellton — Robert Rowan.
 Chatham —
 Dobbs — Richard Caswell, Simon Bright.
 Duplin — Thomas Gray, James Kenan.
 Edgecombe — William Haywood, Elisha Battle.
 Town of Edenton — Joseph Hewes.
 Granville — Thomas Person, Memucan Hunt.
 Guilford — Alexander Martin, William Field.
 Halifax — Benjamin M^cCulloch, John Alston.
 Hertford — -----
 Hyde — Rotheas Latham, Seth Hovey.
 Town of Hillsborough — Francis Nash.
 Town of Halifax — Joseph Montfort.
 Johnston — John Smith, Needham Bryan,
 Mecklenburg — Thomas Polk, John Davison.
 Town of New Bern — Isaac Edwards.
 New Hanover — John Ashe, William Hooper.
 Northampton — Allen Jones, Jephtha Atherton.
 Orange — Ralph M^cNair, Thomas Hart.
 Onslow — William Cray, John Spicer.
 Perquimons — John Harvey, Benjamin Harvey, Andrew Knox, Nath^l. Williams, Thomas Harvey.
 Pasquotank — Jonathan Hearring, Joseph Jones, Edward Everigin, Joseph Reding, Robert Jordan.
 Pitt — John Simpson, Edward Salter.
 Rowan — Griffith Rutherford, Matthew Lock.
 Town of Salisbury — Hugh Montgomery.
 Surry — Robert Lanier, Charles M^cAnally.
 Tyrrel — William Slade, Benjamin Spruill, Jeremiah Frazier, Edward Southwick, Thomas Hunter.
 Tryon — William Moore, Christian Reinhart.

Town of Wilmington—Corn^s Harnett.

Wake—Michael Rogers, Tignal Jones.

Pursuant to which the following Members appeared Viz^t,

Messrs. John Harvey, Thomas Harvey, John Simpson, Edward Smithwick, Michael Rogers, Tignal Jones, Richard Caswell, Simon Bright, Francis Nash, Benj^a McCulloh, John Alston, Memucan Hunt, Thomas Hart, Rotheas Latham, William Person, Thomas Respass, Alexander Martin, William Field, Mau. Moore, John Ashe, William Thomson, William Hooper, Cornelius Harnett, Lemuel Hatch, James Coor, Samuel Jarvis, Francis Williamson, Solomon Perkins, Isaac Edwards, John Campbell, John Johnston, Samuel Johnston, Thomas Oldham, Thomas Jones, Allen Jones, William Cray, John Spicer, Joseph Hewes, William Moore, Christian Reinhart, Robert Howe, John Rowan, Jonathan Herring, Edward Everigin, Robert Jordan and Joseph Reding.

The Clerk of the House waited on His Excellency the Governor and acquainted him that a sufficient number of Members to constitute a House were met, and requested His Excellency to appoint some of the Members of Council to see them qualified; being returned, brought for answer that his Excellency would appoint two of the Members of Council to see them qualified immediately.

The Honble Alexander McCulloch and Samuel Cornell Esquires two of the Members of Council came to the House, and the above forty six Members qualified by taking the Oaths by Law appointed for the qualification of Public Officers and repeating and subscribing the Test.

Mr Nash and Mr Martin waited on His Excellency the Governor to inform him that the Members had qualified, and that they waited to receive his Commands, who being returned reported to the House, that his Excellency would receive them at the palace at 2 o'clock in the afternoon.

The Members waited on his Excellency the Governor in the Palace when he was pleased to direct that they return to the House and make choice of a Speaker.

The Members being returned to the House Mr Ju^s Campbell proposed and set up Col^o John Harvey who was unanimously chosen Speaker and placed in the Chair accordingly.

On motion ordered Mr Caswell and Mr Allen Jones wait on his Excellency the Governor and acquaint him that the House have made choice of a Speaker and desire to know when they shall wait

on his Excellency to present him, who being returned brought for answer that his Excellency would receive the House immediately in the palace.

The House waited on his Excellency the Governor in the palace and presented their Speaker, whom he was pleased to approve of. Then Mr Speaker requested his Excellency to confirm the rights and privileges of the House and that no mistake or error of his might be imputed to the House, to which his Excellency was pleased to answer, he would support the House in all 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, he has obtained, and laid the same before the House.

Then on motion ordered the said speech be read. Read the same and is as follows, to wit,

[For the Governor's speech see Journals of upper House, p. 707.—EDITOR.]

On motion ordered His Excellency the Governors Speech be taken into consideration on Monday next.

Then the House adjourned 'till Monday Morning 10 o'Clock.

Monday 6th December 1773.

The House met according to adjournment.

Mr James Picket and Mr Charles Robinson the members for Anson County, Mr Robert Lanier one of the members for Surry County, Mr Edward Vail and Mr Thomas Benbury two of the members for Chowan County, and Mr Andrew Knox one of the members of Perquimans County, Mr Seth Hovey one of the members of Hyde County, Mr Thomas Gray one of the members of Duplin County, Mr Jephtha Atherton one of the members of Northampton County, and Mr Edward Salter one of the members for Pitt County appeared.

The Honble William Dry and Samuel Cornell Esquires two of his Majesty's Council came to the House and Mr Edward Vail, Mr Benbury, Mr Knox, Mr Salter, Mr Picket, Mr Robinson, Mr Hovey, Mr Gray, Mr Lanier, Mr Atherton, were qualified by taking the several Oaths by Law appointed for qualification of public officers and repeating and subscribing the test.

Mr Speaker acquainted the House he had received sundry Letters and resolutions from the different Provinces of Massachusetts Bay, Virginia, Rhode Island, Connecticut and the Countries on Delaware, which he laid before the House.

On motion the said Letters and Resolves be read. The same were read and ordered that Mr Johnston, Mr Howe and Mr Harnett be a Committee to draw up an answer to the said Letters, and report the same to this House for approbation.

The order of the day being read, Resolved, the House resolve itself into a Committee of the whole House to take under Consideration His Excellency the Governor's Speech.

The House resolved itself into a Committee of the whole House accordingly, and chose Mr John Campbell Chairman, and after some time spent therein came to several resolutions. Then on motion Mr Speaker resumed the Chair and Mr Chairman was directed to report that the Committee had come to several resolutions, but not having time to reduce them to form, desired leave to sit again tomorrow.

Then on motion ordered the said Committee have leave to sit again tomorrow.

Then the House adjourned 'till tomorrow morning 10 o'Clock.

Tuesday 7th December 1773.

The House met according to adjournment.

The order of the day being read,

Resolved the House resolve itself into a Committee of the whole House to take under further consideration His Excellency the Governor's Speech.

The House resolved itself into a Committee of the whole House accordingly Mr John Campbell in the Chair, and after some time spent therein came to several Resolutions. Then Mr Speaker resumed the Chair, and Mr Chairman reported that the Committee had taken under consideration His Excellency the Governor's Speech and came to several Resolutions therein, to wit,

Resolved, That it is the opinion of this Committee that the thanks of the House be returned to the Governor for his Speech &c^a.

That the House express its sense of the unhappy state of the Province in having been so long denied that Security to the persons and properties of its Inhabitants which arises from a Constitutional establishment of Courts.

That the House will with all the Dispatch Consistent with the Deliberation and attention due to so important a subject, proceed to frame Laws for establishment of Courts, in such manner as may be judged best adapted to the situation and circumstances of their constituents.

That the mode of issuing attachments recommended by the Governor is not an adequate remedy to the mischiefs intended to be obviated by that process, and therefore such as they cannot adopt.

That the power of issuing Commissions of Oyer and Terminer and General Gaol delivery delegated by his Majesty to the Governor, cannot be legally carried into execution without the aid of the Legislature of this Province; and the House cannot consistent with the Justice due to their Constituents make provision for defraying the expence attending a measure which they do not approve.

That the other parts of His Excellency the Governors Speech be answered generally.

On motion ordered that the foregoing resolutions be instructions to the Committee to be appointed to draw up an Address in Answer to His Excellency the Governors Speech.

Then on motion ordered that Mr Samuel Johnston, Mr Hooper, Mr Edwards, Mr Howe, Mr Mau. Moore, Mr Hewes and Mr Harnett be a Committee of the House to prepare an address in answer to the said Speech and report the same for approbation.

Mr Needham Bryan one of the Members for Johnston County, and Mr William Murfree one of the Members for Hertford County appeared.

Then the House adjourned 'till tomorrow morning 10 o'clock.

Wednesday 8th December 1773.

The House met according to adjournment.

The House being informed Mr Wyriot Ormond, the member for Bath Town, Mr Jacob Shepard one of the members for Carteret County and Mr Stephen Poe one of the members for Chatham County are dead,

On motion ordered the following message be sent to His Excellency the Governor to wit.

TO HIS EXCELLENCY, JOSIAH MARTIN, ESQUIRE CAPTAIN GENERAL,
GOVERNOR &c^a,

SIR,

This House being informed that Mr Wyriot Ormond, the member elected for the Town of Bath, Mr Jacob Shepard one of the members elected for Carteret County and Mr Stephen Poe, one of the members elected for the County of Chatham are dead, Therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue writs for electing members for the said Town and Counties to sit and vote in this present Assembly.

JOHN HARVEY, Sp.

Sent by Mr Respass and Mr Benbury.

On motion ordered that Mr Hewes, Mr Allen Jones, Mr Ashe, Mr Harnett, Mr Thomas Jones, Mr Edwards, Mr Knox, Mr Martin, Mr Vail, Mr Williamson and Mr Atherton be a Committee of privileges and Elections and that they have power to send for persons, papers and records as the case may require

On motion ordered that Mr Harnett, Mr Knox, Mr Cray, Mr Hughes, Mr Sam^l Johnston, Mr Hunt, Mr Lanier, Mr Jarvis, Mr Edwards, Mr Howe, Mr Jn^o Campbell, Mr Hooper and Mr Hatch be a Committee of Public Accounts and that Mr Martin, Mr Gray, Mr Ashe, Mr Vail, Mr Oldham, Mr John Johnston, Mr Rowan, Mr Allen Jones, Mr Perkins, Mr Hart, Mr Thomas Jones, Mr Field and Mr Simpson be a Committee of Public Claims in conjunction with such of the members of His Majestys Honble Council as they shall think fit, and that the following message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL.

The House have appointed Mr Harnett, Mr Knox, Mr Cray, Mr Hewes, Mr S. Johnston, Mr Hunt, Mr Lanier, Mr Jarvis, Mr Edwards, Mr Howe, Mr John Campbell, Mr Hooper and Mr Hatch, on the Public Accounts, and Mr Martin, Mr Gray, Mr Ashe, Mr Vail, Mr Oldham, Mr Jn^o Johnston, Mr Rowan, Mr Allen Jones, Mr Perkins, Mr Hart, Mr Thomas Jones, Mr Field and Mr Simpson a Committee of the House to settle and allow public claims in conjunction with such of your Honors as you shall think fit to appoint.

JOHN HARVEY, Sp.

Sent by Mr Oldham and Mr Jn^o Johnston.

On motion ordered that Mr Pickel, Mr Rowan, Mr Respass, Mr W. Person, Mr John Campbell, Mr Hatch, Mr Thomson, Mr Tho^s Jones, Mr Jarvis, Mr Caswell, Mr Gray, Mr Hewes, Mr Hunt, Mr Martin, Mr McCulloch, Mr Murfree, Mr Latham, Mr Needham Bryan, Mr Edwards, Mr Ashe, Mr Allen Jones, Mr Hart, Mr Spicer, Mr Thomas Harvey, Mr Herring, Mr Salter, Mr Lanier, Mr Frazier, Mr William Moore, Mr Harnett and Mr Tignal Jones be a Committee of propositions and Grievances.

On motion ordered that Mr Caswell, Mr Martin, Mr Edwards, Mr Gray, Mr Thomas Jones, Mr Hooper, Mr Harnett, Mr John Johnston, and Mr Howe be a Committee to enquire what Laws are expired or near expiring and report the same to the House with their opinion of such Laws as are necessary to be revived, amended or continued.

Mr Howe from the Committee appointed to answer the several Letters and Resolutions laid before the House by Mr Speaker in the course of this Session, reported they had prepared the said answers, and laid the same before the House. Ordered the same be read. Read the same, and it is as follows, to wit,

Upon the Speaker communicating to the House a Letter from the truly patriotic House of Burgesses of his Majesty's ancient Dominion of Virginia inclosing a copy of certain resolves entered into by them upon the 12th day of March last; and requesting that this House would appoint a Committee to Communicate from time to time, with a corresponding Committee by them then appointed; and also Letters from several of our Sister Colonies expressing their high appreciation of, and concurrence with so salutary a measure this House Resolve,

That the vigilance which the Honble House of Burgesses of Virginia have displayed in attending to every encroachment upon the rights and Liberties of America, and the wisdom and vigor with which they have always opposed such encroachments are worthy the imitation, and merit the gratitude of all their Sister Colonies, and in no instance more particularly than in the measure proposed for appointing Corresponding Committees in every Colony, by which such Harmony and communication will be established among them, that they will at all times be ready to exert their united efforts, and most strenuous endeavours to preserve their just rights and Liberties of the American Colonies, which appear of late to be so systematically invaded that we heartily concur with their Spirited Resolves.

Resolved that a Standing Committee of Correspondence and Enquiry be appointed, to consist of nine persons to wit, Mr Speaker, Mr Robert Howe, Mr Cornelius Harnett, Mr William Hooper, Mr Richard Caswell, Mr Edward Vail, Mr John Ashe, Mr Joseph Hewes, and Mr Sam^l Johnston, and five of them to be a Committee whose business it shall be to obtain the most early and authentic intelligence of all such Acts and resolutions of the British Parliament, or proceedings of Administration as may relate to or effect the British Colonies in America and to keep up and maintain a correspondence and communication with our Sister Colonies respecting these important considerations and the result of such, their proceedings from time to time, to lay before this House.

Resolved that it be an instruction to the said Committee that they do without delay inform themselves particularly of the principles and Authority on which was Constituted a Court of Enquiry said to have been lately held in Rhode Island with powers to transmit persons accused of offences committed in America to places beyond the seas to be tried.

Resolved that the Speaker of this House write Respectful Answers to the Letters above mentioned and also a circular Letter of thanks to the Speaker of the several Houses of Assembly who have so spiritedly adopted the patriotic resolutions and measures of the truly respectable House of Burgesses of Virginia, and for their obliging communication thereof to this House, inclosing a copy of our proceedings and requesting them to lay the same before their respective Assemblies.

Mr John Smith one of the Members of Johnston County, Mr Jeremiah Frazier and Mr Benjamin Spruil two of the Members for Tyrrel County, Mr William Haywood and Mr Elisha Battle the Members for Edgecombe County, and Mr David Stanly one of the Members for Bertie County appeared.

The Honble John Rutherford and John Sampson Esquire two of his Majesty's Council came to the House and Mr Smith, Mr Frazier, Mr Spruil, Mr Haywood, Mr Battle and Mr Stanly were qualified by taking the several Oaths for the qualification of public officers and repeating and subscribing the Test.

Mr John Campbell presented a certificate from the Inferior Court of Bertie County therein recommending Jonathan Miller to be exempted from the payment of public Taxes.

Ordered he be exempt accordingly.

Mr Knox presented a certificate from the Inferior Court of Perquimans County recommending Joseph Salisbury to be exempted from the payment of Public Taxes and doing public duties.

Ordered he be exempted from doing public duties only.

Rec^d from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Pursuant to your desire I have directed the Clerk of the Crown to issue Writs for electing a Member for the Town of Bath, a Member for each of the Counties of Carteret and Chatham in the room of deceased Members. JO. MARTIN.

New Bern 8th December 1773.

Then the House adjourned 'till tomorrow Morning 10 o'clock.

Thursday 9th December 1773.

The House met according to adjournment.

On motion ordered that Mr Samuel Johnston, Mr Gray, Mr McCulloch, Mr Nash, and Mr William Person be added to the Committee of Privileges and Elections.

Mr Samuel Johnston from the Committee appointed to prepare an address in Answer to his Excellency the Governor's Speech informed the House they had prepared the same, which was read. Then on motion ordered the same stand as the address of this House, and is as follows, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE CAPTAIN 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 Assembly of North Carolina return your Excellency our sincere thanks for your speech at the opening of this Session.

We most heartily sympathize with your Excellency in the grief you express for the present disordered state of this Province. The interruption of the Judicial and Executive powers of Government is one of the greatest calamities to which any political society can be liable; This misfortune this Colony has for some time past experienced in the highest degree, and it is a circumstance which adds

pungency to our distress, that at this day we have so little expectation of relief from the interposition of Government. Loyal in our practice and principles and zealously attached to the powers which constitutionally preside over us, we have been ready upon all occasions to testify our obedience to every salutary measure which his Majesty through his Governor has been pleased to recommend to us. Ruled by the same sovereign and equally entitled to the blessings of the British Constitution with the rest of his Subjects, we claim a security for our properties essential to our Commercial Interest, and uniformly enjoyed by the more favoured Inhabitants of our Sister Colonies.

The idea of foreign attachments is inseparable from a Trading people, and under the former happy Constitution of our Courts, it gave a credit to the Province and secured the confidence of our neighbours; the alterations which your Excellency has thought fit to communicate with the utmost candor to us, we humbly conceive to be by no means an adequate remedy for the mischiefs which it is the purpose of that process to obviate, and such as we cannot in duty to ourselves and our constituents adopt. These our sentiments thus freely expressed have been called forth from an earnest desire to co-operate with your Excellency's wishes, to expedite the business of this session, and to prevent those delays which may arise from reserve. Calamitous as the circumstances of a people may be, from the interruption both of criminal and civil Jurisdiction, yet the misery of such a situation vanishes in competition with a mode of redress exercised by courts unconstitutionally framed; it is the blessed distinction of the British Code of Laws that our civil and criminal Jurisdiction have their foundation in the Laws of the Land, and are regulated by principles as fixt as the Constitution.

We humbly conceive that the power of issuing Commissions of Oyer and Terminer and General Gaol Delivery, delegated by his Majesty to your Excellency cannot be legally carried into execution without the aid of the Legislature of this Province, and that we cannot consistent with the Justice due to our Constituents make provision for defraying the expence attending a measure which we do not approve. With respect to the other matters contained in your Excellency's speech, we shall give them that attention which from their importance they justly claim.

JOHN HARVEY, Sp.

On motion ordered that Mr Samuel Johnston, Mr Hooper, Mr Edwards, Mr Tho^s Gray, Mr Caswell, Mr Maurice Moore, and Mr Martin be a Committee to prepare and bring in the following Bills, to wit,

A Bill for dividing the Province into six several districts and for establishing a Superior Court of Justice in each of the said Districts

A Bill for establishing Inferior Courts of pleas and quarter sessions in the several Counties of this Province and regulating the proceedings therein.

A Bill to provide adequate salaries for the Chief Justice and the Associate Judges for the time being.

Mr Martin moved for leave to prepare and bring in a Bill of Pardon and oblivion to the persons concerned in the late Insurrection, except such persons as are therein excepted.

Ordered he have leave accordingly

Mr Hewes moved for leave to prepare and bring in a Bill to prevent the counterfeiting the paper money of this and the neighbouring Colonies.

Ordered he have leave accordingly

Mr Howe moved for leave to prepare and bring in a Bill for establishing Triennial Assemblies in this Colony.

Ordered he have leave accordingly.

The House having taken into consideration the law passed in the year 1754 Intituled an Act for granting to His Majesty the sum of £40,000, in Public Bills of Credit at a 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 for continuing a poll tax of one shilling proc. money imposed by an Act passed in the year 1748, Intituled an Act for granting unto his Majesty the sum of £21,350 proc. money, and for stamping and emitting the said sum of £21,350 public Bills of Credit of this Province at the rate of proclamation money to be applied towards building fortifications in this Province, payments of public debts, Exchanging the present Bills of Credit, and for making proper provision for defraying the contingent charges of Government and for repealing the several Laws hereinafter mentioned. And also for laying a duty of 4^d ⁷/₈ gallon on all spiritous Liquors imported into this province, are of opinion that the said Laws have had their effect. This House do therefore Resolve *Nem Con*, that the said Tax

of one shilling 7^d poll and duty of 4^d 7^d gallon on Spiritous Liquors ought henceforth to cease.

On motion ordered that Mr Howe, Mr Hewes, Mr Edwards, Mr Harnett, and Mr Rowan, do prepare and bring in a Bill to discontinue the poll Tax of one Shilling and duty of 4^d 7^d gallon on Rum, Wine and other spiritous Liquors.

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, this House have appointed the Honble John Rutherford, Alexander McCulloch, William Dry, Samuel Strudwick and Samuel Cornell Esquires on the public accounts, and the Honble Lewis H. DeRosset, John Sampson and Martin Howard Esquires a Committee of this House to settle and allow public claims.

In the upper House 9th December 1773.

Mr Ferquard Campbell, one of the members for Cumberland County and Mr Robert Rowan the member for the Borough of Campbelton appeared.

The Honble William Dry and Samuel Cornell Esquires two of the Council came to the House and Mr Ferquard Campbell and Mr. Robert Rowan were qualified by taking the several oaths by Law appointed for the qualification of public officers and repeating and subscribing the Test

Mr Martin presented the petition of Thomas Stewart of Tyrrell County, complaining of an undue election of Representatives for the said County, praying relief

Mr Caswell presented the petition of Major Croom of Dobbs County, complaining of an undue election of Mr Simon Bright, one of the Representatives of the said County, praying relief.

Ordered the said petitions be referred to the Committee of Privileges and Elections.

Then the House adjourned till tomorrow morning 10 o'clock

Friday 10th December 1773.

The House met according to adjournment

Mr Knox moved for leave to prepare and bring in a Bill directing the boundary line between the Counties of Perquimans and Chowan and appointing Commissioners to see the same run.

Ordered he have leave accordingly.

On motion ordered that Mr Knox and Mr McCulloch wait on his Excellency the Governor and acquaint him the House have prepared an address in answer to His Excellency's Speech and desire to know when they shall wait on him to present the same; being returned brought for answer that his Excellency would receive the House at 1 o'clock tomorrow.

The Chairman of the Committee of Privileges and Elections reported to the House as follows, Viz^t—

Your Committee having taken into consideration the right and privilege of the Town of Tarborough to elect a Member to sit and vote in the General Assembly of this Colony as referred to your Committee do report the following facts. That it appears to your Committee that by certain Letters of Incorporation dated at Hillsborough the 24th day of August 1772, and signed by his Excellency the Governor certain privileges were granted to the said Town of Tarborough, among which is, that the Inhabitants thereof shall elect a Member to represent them in the Assembly of this Colony; That in consequence of the same a Writ was directed to the Sheriff of Edgecombe County, empowering him to hold an Election for the said Town, who by virtue of the said Writ, returned Mr Henry Ervin the elected representative to sit and vote in the present Assembly.

That it also appears to your Committee that by an Act of Assembly passed in the year 1715, Intituled an Act for appointing a Town in the County of Bath &c^a it is provided that the election for members of Assembly to serve for the Town of Bath, or any other Town whatsoever shall not begin or commence until such Town shall have at least sixty Families.

That it further appears to your Committee that the said Town of Tarborough had not at the time of obtaining the said Letters of Incorporation at the time of election or at any time since sixty families resident therein agreeable to the directions of the Act above recited.

And lastly that it appears to your Committee that no person from the said Town hath ever had a seat as a member in any Assembly heretofore held in this Colony. Resolved by this Committee that the facts as above stated be referred to the House for their further consideration.

CORN^a HARNETT, Chair.

The House taking the same into consideration do Resolve that the said Town of Tarborough is not Intitled by Law to be represented in this Assembly and therefore the House cannot admit the said Henry Ervin to take seat in the same.

The Chairman of the Committee of Privileges and Elections further report to the House as follows, to wit,

Your Committee having taken into consideration the petition of Mr Thomas Stewart setting forth an undue election of members to represent the County of Tyril by the Sheriff on the Writ of Election, do report,

That it appears to your Committee from the poll taken in the said Election that two persons gave each of their votes at two sundry times but for different persons, and also that a person voted who was not a freeholder, which votes gave Mr Slade a majority.

And lastly it appears to your Committee upon casting up the votes exclusive of the above mentioned that Mr Thomas Stewart hath a Majority in his favour. Resolved that the above facts be referred to the House for their further consideration.

CORN^s HARNETT, Chair.

The House having taken the said report under consideration, Concurred therewith, and the House do Resolve that Mr Tho^s Stewart, be the sitting member in the room of the said William Slade, and that the Sheriff of the County of Tyrril be directed to amend the return on the Writ of Election, Conformable thereto.

Mr John Burgwin one of the Members for Bladen County appeared.

The Honble Alexander McCulloch and Samuel Cornell Esquires, two of his Majesty's Council came to the House and Mr Thomas Stewart, one of the Members for Tyrril County, Mr Ralph McNair, one of the Members for Orange County, Mr Thomas Robeson jun^r, one of the Members for Bladen County were qualified by taking the several oaths by Law appointed for the qualification of Public officers and repeating and subscribing the Test.

Mr Martin informed the House of an undue Election in the County of Wake, where the deputy Sheriff held the election, and returned the high sheriff his principal to sit in the present Assembly, as appears by the return of the Writ of the said Election.

Ordered the same be referred to the Committee of Privileges and Elections and that they report their opinion to the House.

Then the House adjourned 'till tomorrow morning 10 o'Clock.

Saturday 11th December 1773.

The House met according to adjournment.

Mr Caswell presented the petition of Thomas Wade of Anson County complaining of an undue Election in the said County of Anson, praying relief.

Ordered the same be referred to the Committee of Privileges and Elections.

The Honble Alexander McCulloch and Samuel Cornell Esquires two of his Majesty's Council came to the House and Mr John Burgwin one of the members for Bladen County was qualified by taking the several Oaths by Law appointed for qualification of public officers and repeating and subscribing the test.

Mr Edwards from the Committee to prepare and bring in a Bill for dividing this province into six several Districts, and for establishing a Superior Court of Justice in each of the said Districts, presented the same 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 Knox and Mr Benbury.

Mr Edwards from the Committee to prepare and bring in a Bill for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province, and for regulating the proceedings therein, presented the same 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 Thomson and Mr Bryan.

Mr Edwards from the Committee to prepare and bring in a Bill to discontinue the poll Tax of one shilling and duty of 4^d ^{per} gallon on rum, wine and other spiritous Liquors, presented the same 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 Lanier and Mr W^m Person.

Mr Howe according to order presented the Bill for establishing Triennial Assemblies 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 Rowan and Mr Jno. Jackson.

Rec^d from the Council the following Bills, towit,

The Bill for dividing this Province into six several Districts and

for establishing a Superior Court of Justice in each of the said Districts.

The Bill for establishing Inferior Courts of pleas and quarter sessions in the several Counties in this Province and for regulating the proceedings therein. Endorsed, In the upper House 11th December 1773. Read the first time and passed.

Mr Speaker with the House waited on his Excellency the Governor in the palace and presented him with the address of this House, and being returned Mr Speaker reported that he with the House had waited on his Excellency and presented him with the said address, to which his Excellency was pleased to return an Answer, a Copy of which to prevent mistakes, he had obtained and laid the same before the House.

Ordered the same be read. The same was read, and ordered to be entered in the Journals, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

It is impossible for me to express the concern I feel on receiving from a Branch of the Legislature of this Province professing to be dutiful and loyal subjects, an address, that, I wish not to think indecently arraigns the Justice of our most Gracious Sovereign, and his Government, who holds forth to you with the most princely beneficence all the blessings of the British Constitution; and indulges your wishes, with regard to the mode of proceeding against Debtors (the object you seem to have so much at heart), as far as may be done, without violence to that sacred venerated Fabric.

The inconsistency of the proceeding by attachment, that formerly obtained here with the Laws of England; its tendency to destroy Commercial Credit, and confidence, and its obvious repugnancy to the particular statutes, which are framed for their preservation, upon the most liberal principles of equity and universal Justice, may be presumed, to have been the grounds of the restriction now proposed to Government, a restriction that I will take upon me to affirm, was never designed injuriously to distinguish this province from its neighbours, but founded upon the essential policy of assimilating the Constitution of the Colonies, as much as possible to that of the Mother Country, and supported by the well known and general received maxim that the convenience of particular members should yield to the general interests of the State.

I have seen with real concern intemperate resolves entered upon the Journals of your House, one of which, I grieve to think, has an apparent tendency to sap the very Foundations of the Constitution by cancelling that assurance of protection which is the first great Bond of the subjects allegiance. If the doctrine you have first broached, could possibly be received, that the aid of the Legislature of this Province, is necessary, to any legal administration of Justice, it follows of consequence, that a branch of it declining to adopt any system for that purpose, can unhinge the State, and dissolve all those solemn ties, that according to the British happy and wisely poised, form of Government reciprocally bind the Sovereign and his people, in Mutual Interest. I leave to your contemplation, the reasonableness of such a principle, and the woes of such a Constitution

Of the legality of the measures, I have pursued for the public good that have been immemorially authorized, and never before impeached, I rest perfectly satisfied, and I rejoice in their salutary effects. Their expediency I am willing to submit to your candor, when you shall reflect that at the forced, and precipitated conclusion of the late session, this Country, was left destitute by the Legislature, of any establishment for the dispensation of Justice to the people, naked, defenceless, and exposed to every injury! happily for the Province thus consigned to rapine and disorder, there resided in the prerogative power to shield the subject from the hand of violence, its protection was sought solicited and implored and many parts of this Colony, can bear testimony of its wholesome influence.

This power Gentlemen, that has saved your Country from the last state of confusion, with which it was threatened, and that you have so hastily condemned, it will be my duty to exercise, as well as every other Constitutional Authority, entrusted to me by his Majesty, whenever the security and welfare of his subjects shall require it. I hoped you would have thought it indispensibly becoming your duty to make just and reasonable compensation to the Judges, and other Ministers of Justice, who deserve so highly of the public, but since you have determined otherwise, I have no doubt, that they will find the noblest reward in the consciousness of having greatly served their Country.

Consider calmly I beseech you Gentlemen the unhappy state of this Province! how much its prosperity depends upon your present measures; and how much it is incumbent upon you to promote it.

New Bern December 11th 1773.

JO. MARTIN.

Then on motion the same lie over for consideration till Monday next.

Then the House adjourned till Monday morning 10 o'Clock.

Monday 13th December 1773.

The House met according to adjournment.

Mr Martin according to order presented a Bill of pardon and oblivion to the persons concerned in the late Insurrection, except such persons as are therein excepted, which he read in his place and delivered in at the Table, where the same was again read and passed, and ordered to be sent to the Council

Sent by Mr Lanier and Mr W^m Moore

Mr Allen Jones moved for leave to present a Bill to amend the Staple of Tobacco, and prevent frauds in His Majestys Customs. Ordered he have leave accordingly

Mr Allen Jones presented the said 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 W^m Person and Mr Alston.

Mr Hunt moved for leave to present a Bill to oblige the prosecutors of offences not capital to pay the costs of prosecutions where the defendant shall be acquitted. Ordered he have leave accordingly.

Mr Hunt presented the said 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 W^m Person and Mr Alston

Mr Edwards moved for leave to present a Bill for further continuing an Act Intituled an Act for appointing a printer to this Province. Ordered he have leave accordingly

Mr Edwards presented the said 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 W^m Person and Mr Alston.

Mr Hooper moved for leave to present a Bill to explain an Act for erecting a Parish in Chatham County by the name of St Bartholomew. Ordered he have leave accordingly

Mr Hooper presented the said 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 Kenan and Mr Spicer

The order of the day being read, ordered the same be deferred till tomorrow.

Mr Benjamin Ward one of the Members of Bute County, and Mr Alexander M^cAlister one of the members for Cumberland County appeared.

The Honble John Rutherford and Samuel Corniell Esquires, two of his Majestys Council came to the House and Mr Ward and Mr M^cAlister were qualified by taking the several oaths by Law appointed for qualification of public officers, and repeating and subscribing the Test.

Rec^d from the Council the following Bills, Viz^t

The Bill to amend the staple of Tobacco and prevent Frauds in his Majestys Customs.

The Bill to discontinue the poll tax of one shilling and duty of 4^d ³/₄ per gallon on rum, wine and other spiritous Liquors.

The Bill for establishing Triennial Assemblies.

The Bill for further continuing an Act, Intituled an Act for appointing a Printer to this Province.

The Bill of pardon and oblivion to the persons concerned in the late Insurrection except such persons as are therein excepted, &

The Bill to oblige the prosecutors of the offences not capital to pay the costs of prosecutions where the defendant shall be acquitted. Endorsed, In the upper House 13th December 1773. Read the first time and passed.

Rec^d from the Council the Bill to explain an Act, for erecting a Parish in Chatham County by the name of St Bartholomew. Endorsed, In the upper House 13th December 1773. Read the first time and passed.

On motion ordered the Bill for Dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Martin and Mr M^cNair.

On motion ordered the Bill for establishing Triennial Assemblies be read the second time. Read the same a second time passed and ordered to be sent to the Council.

Sent by Mr Rowan and Mr Thomson.

Mr Hooper moved for leave to prepare and bring in a Bill to prevent the willful and malicious killing of Slaves.

A Bill to prevent the crime of Horse stealing.

A Bill to prevent the pernicious practice of hunting with a gun in the night by firelight and other purposes.

Ordered he have leave accordingly.

Mr Hooper moved for leave to prepare and bring in a Bill to impower certain commissioners therein mentioned to dispose of the pews in the Church in the Town of Brunswick, and appropriate the money arising therefrom to the purposes therein mentioned.

Ordered he have leave accordingly.

Then the House adjourned till tomorrow Morning 10 o'Clock.

Tuesday 14th December 1773.

The House met according to adjournment.

Mr William Moore moved for leave to present a Bill for appointing commissioners for building a Court House prison and stocks for the County of Tryon.

Ordered he have leave accordingly.

Mr W^m Moore presented the said 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 W^m Moore and Mr W^m Person.

Mr William Person moved for leave to present a Bill for the further continuing an Act for the more speedy recovery of all debts and demands under five pounds proc. money within this Province.

Ordered he have leave accordingly.

Mr W^m Person presented the said 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 W^m Moore and Mr W^m Person.

Mr Field presented a petition from Sundry Inhabitants of Rowan and Guilford Counties praying a Law may pass for laying out a public road from William Dents in Guilford County, on the Trading Road to Salisbury.

Mr Field presented a Bill pursuant to the prayer of the said Petition 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 Field and Mr Robinson.

On motion ordered the Bill to amend the staple of Tobacco and prevent Frauds in his Majesties Customs be read the second time.

Read the same a second time amended passed and ordered to be sent to the Council.

Sent by Mr Nash and Mr Benbury.

Mr Ashe presented the petition of Henry Costin a Soldier who served in the Artillery Company in the late Expedition against the Insurgents, and who rec^d a wound, which in all probability will render him a cripple for life praying relief.

The House do therefore Resolve that Henry Costin a soldier who served in the Artillery Company in the late Expedition against the Insurgents and who rec^d a wound which in all probability will render him a cripple for life, be allowed the sum of ten pounds proc. money £ annuum during his life, and that the Treasurers or either of them pay him the same and be allowed in their accounts with the public, and desire your Honors Concurrence thereto.

JOHN HARVEY, Sp.

Sent by Mr Rowan and Mr Murfree.

Mr Edwards moved for leave to prepare and bring in a Bill directing the mode of appointing Clerks of the Inferior Courts of pleas and quarter sessions.

Ordered he have leave accordingly.

On motion ordered the Bill for establishing Inferior Courts of pleas and quarter sessions in the several Counties in this Province, and for regulating the proceedings therein, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Lanier and Mr F. Campbell.

On motion ordered the Bill to oblige the prosecutors of offences not capital to pay the costs of prosecution where the defendant shall be acquitted, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Hunt and Mr Frazier.

Mr Hooper according to order presented the Bill to prevent the wilful and malicious killing of slaves 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 Kenan and Mr Reding.

Mr Hooper according to order presented the Bill to prevent the crime of horse stealing, 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 Kenan and Mr Reding.

Mr McCulloch moved for leave to present a Bill to amend an Act Intituled an Act for repairing the gaol for the District of Halifax in the Town of Halifax.

Ordered he have leave accordingly.

Mr McCulloch presented the said 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 Kenan and Mr Reding.

Mr McCulloch moved for leave to present a Bill for dividing the parish of Edgecomb in the County of Halifax into two distinct parishes.

Mr McCulloch presented the said 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 Edwards and Mr Martin.

On motion ordered the Bill to discontinue the poll tax of one shilling and duty of 4^d ℥ gallon on rum, wine and other spiritous Liquors be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Edwards and Mr Martin.

Mr Samuel Johnston presented a Petition from a number of the Inhabitants and Freeholders of Chowan County praying a dividing line be run between the County of Chowan and Perquimons conformable to the said petition.

Then on motion ordered that Mr Edwards, Mr Martin and Mr Harnett be a Committee to take under consideration the same and report their opinion to this House.

Mr Harnett Chairman of the Committee of Privileges and Elections reported as follows, to wit,

Your Committee having taken under consideration the memorial of Thomas Wade as referred by the House, setting forth an undue election of Representatives in the County of Anson, having heard the proofs and examined into the allegations of the same,

Resolved, that it is the opinion of your Committee that the charges contained in the said memorial are not sufficiently supported by testimony, so as to set aside the said election.

On motion Resolved the House concur with the said report.

Your Committee further having taken into consideration the Election of the County of Wake, as also referred, report that the Deputy Sheriff held the poll of the said Election, as appears from the said poll, and Writ exhibited to your Committee, upon which the said Deputy hath returned his principal Mr Michael Rogers the then high Sheriff, and Mr Tignal Jones the elected member,

Resolved, that the above facts be submitted to the future consideration of the House.

CORN^s HARNETT, Chair.

The House taking the same into consideration, ordered the same lie for consideration

The order of the day being read, ordered the same be deferred till tomorrow morning.

On motion ordered the following Message be sent to His Majesty's Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved that Memucan Hunt and Zachariah Bullock, who acted as Sergeant at Arms to this House in summoning a number of witnesses to attend the House at December Session 1770, to give evidence on a charge of perjury, extortion &c^a against Mr Thomas Person one of their Members, be allowed the sum of nineteen pounds ten shillings each. And also that the several witnesses who attended the House on that occasion, be allowed the several sums mentioned against their respective names, to wit,

	£	s.	d.
William Moore-----	3	15	--
James Hester -----	4	10	--
Robert Lewis -----	4	10	--
William Johnston -----	3	15	--
John Willingham -----	4	--	--
Joseph Glover-----	4	--	--
David Mitchell-----	4	--	--
John Williams (son of Dan')-----	4	--	--
Harris Gilliam-----	4	--	--
William[Potter]-----	4	--	--
James Yancey -----	4	10	--
William Bullock -----	4	--	--

	£	s.	d.
Pinkethman Hawkins-----	3	15	--
Len ^d Henry Bullock-----	4	--	--
Reuben Searcey-----	4	--	--
Nathaniel Henderson-----	3	15	--

And that the Public Treasurers or either of them pay the same to the said several persons above mentioned and be allowed in their accounts with the public, to which we desire your Honors concurrence

JOHN HARVEY, Speaker.

Sent by Hunt and Mr Robinson jun^r

Then the House adjourned 'til tomorrow morning 10 o'Clock.

Tuesday Morning 15th December 1773.

The House met according to adjournment

Mr Charles Robeson moved for leave to present a Bill to empower the Justice of Anson County to establish free Ferries, and lay a tax for defraying the charges thereof

Ordered he have leave accordingly

Mr Robeson presented the said 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 Picket and Mr Hunt.

Mr Field presented a Petition from a number of Inhabitants of Guilford County praying a Law may pass to facilitate the passage of Fish in Deep River in Guilford County

Mr Field presented a Bill pursuant to the prayer of the said petition which he read in his place and handed in at the Table, where the same was again read passed and ordered to be sent to the Council

Sent by Mr Field and Mr Tignal Jones

Mr Knox according to order presented the Bill directing the boundary line between the Counties of Perquimons and Chowan, and appointing commissioners to see the same run, 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 Knox and Mr Benbury.

Mr Respass moved for leave to present a Bill to repeal an Act made at a General Assembly held at Edenton the 21st day of August 1740, Intituled an Act for the more effectual establishing a ferry from Bath Town to Core point, and from Core point to Bath Town

and for preventing any other Ferry within ten miles of the said Town of Bath and Core point on the same side of the River.

Ordered he have leave accordingly

Mr Respass presented the said 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 Respass and Mr Salter.

Mr Stewart moved for leave to present a Bill for erecting part of the Counties of Halifax and Tyrrel into one distinct County and Parish

Ordered he have leave accordingly

Mr Stewart presented the said 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 Stewart and Mr Frazier. .

Rec^d from the Council the Bill for dividing the parish of Edgecomb in the County of Halifax into two distinct parishes. Endorsed, In the upper House 15th December 1773. Read the first time and passed.

Mr Howe according to order presented the Bill to Impower certain commissioners therein named to dispose of the pews in the Church in the Town of Brunswick, and to appropriate the money arising therefrom to the purposes therein mentioned, 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 Rowan and Mr Spicer.

Mr Edwards moved for leave to prepare and bring in a Bill to oblige vessels having infectious distempers on Board. to perform their quarantine.

Ordered he have leave accordingly.

Mr Coor moved for leave to present a Bill directing the duty of Sheriffs with respect to insolvent Taxables.

Ordered he have leave accordingly.

Mr Coor presented the said 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 Coor and Mr Hatch.

The House taking into consideration the report of the Committee of Priviledges and Elections of yesterday, Resolve that the late Election for the County of Wake as appears by the return of the Writ is

in itself altogether void and illegal, and that the following Message be sent to his Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

This House having taken into consideration the return of the Writ of Election for the County of Wake Have Resolved the said Election void and illegal,

Therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue a new Writ for the said County for electing two Members in the room of Michael Rogers and Tignal Jones to sit and vote in this present Assembly.

JOHN HARVEY Sp.

Mr Ashe acquainted the House that Mr William Cray from his indisposition to attend requested him to obtain leave to absent himself from the service of the House during this Session.

Ordered he have leave accordingly

Received from the Council the following Bills, to wit,

The Bill to repeal an Act made at a General Assembly held at Edenton the twenty first day of August 1740, Intitled an act for the more effectual establishing a Ferry from Bath Town to Core Point, and from Core Point to Bath Town, and for preventing any other Ferry within ten miles of the said Town of Bath and Core Point on the same side of the River.

The Bill to prevent the wilful and malicious killing of slaves.

The Bill directing the boundary line between the counties of Perquimans and Chowan, and appointing commissioners to see the same run.

The Bill to impower certain commissioners therein named to dispose of the pews in the Church in the Town of Brunswick, and to appropriate the money arising therefrom to the purposes therein mentioned.

The Bill to amend an Act Intitled an Act for repairing the gaol for the district of Halifax in the Town of Halifax.

The Bill to facilitate the passage of Fish in Deep River in Guilford County.

The Bill to impower the Justices of Anson County to establish free ferries, and lay a tax for defraying the charges thereof.

The Bill for erecting part of the Counties of Halifax and Tyrrell into one distinct County and Parish

The Bill for appointing commissioners for building a Court House prison and stocks for the County of Tryon.

The Bill for the further continuing an Act for the more speedy recovery of all debts and demands under five pounds proc. money within this Province

The Bill for laying out a public road from William Dents in Guilford County on the Trading [path] to Salisbury. Endorsed, In the upper House 15th December 1773. Read the first time and passed.

Mr Coor moved for leave to present a Bill for an additional Act concerning servants and slaves in the several Counties therein mentioned.

Ordered he have leave accordingly.

Mr Knox presented the said 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 Benbury and Mr Everigin

Mr Edwards according to order presented the Bill directing the mode of appointing Clerks of the Inferior Courts of Pleas and quarter sessions 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.

The order of the Day being read Resolved the same be deferred till tomorrow morning.

Then the House adjourned 'till tomorrow morning 10 o'Clock.

Thursday 16th December 1773.

The House met according to adjournment.

On motion ordered Mr Allen Jones have leave to absent himself from the services of this House.

On motion ordered the Bill for appointing commissioners for Building a Court House, prison and stocks for the County of Tryon be read the second time. Read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr W^m Moore and Mr Reinhart.

On motion ordered the Bill for erecting part of the Counties of Halifax and Tyrril into one distinct County and Parish be read the

second time. Read the same a second time, amended passed, and ordered to be sent to the Council.

Sent by Mr Stewart and Mr Frazier.

Rec^d from the Council the following Bills, Viz^t

The Bill to amend the staple of Tobacco, and prevent frauds in his Majesty's Customs. Endorsed, In the upper House 15th December 1773. Read the second time amended and passed, and,

The Bill directing the duty of Sheriffs with respect to Insolvent Taxables. Endorsed, In the upper House 15th December 1773. Read the first time and passed.

Also two Resolves of this House, the one for allowing sundry serjeants at Arms and Witnesses to this House on a charge of Perjury, Extortion &c^a against Mr Thomas Person a member of this House; the other for allowing Henry Costin a soldier wounded in the late Expedition the sum of ten pounds, annually. Endorsed, In the upper House 15th December 1773. Concurred with.

JAMES HASELL, P. C.

On motion ordered the following Message be sent to his Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

This House herewith send your Excellency Resolves thereof for allowing Memucan Hunt, and Zachariah Bullock Serjeant at Arms to this House, and the several witnesses therein mentioned on a charge of perjury, extortion &c^a the sums therein mentioned, and for allowing Henry Costin ten pounds p^{a} annum during life. Concurred with by his Majesty's Honorable Council and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Nash and Mr John Johnston.

Mr Ashe moved for leave to present a Bill to empower the Commissioners therein mentioned to build a Bridge over Trent river on the main road leading from Newbern to Wilmington.

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, passed and ordered to be sent to the Council.

Sent by Mr Coor and Mr Hatch.

On motion ordered the Bill to amend an Act Intituled an Act for repairing the gaol for the District of Halifax in the Town of Halifax be read the second time. Read the same a second time, passèd and ordered to be sent to the Council.

Sent by Mr W^m Person and Mr Ashe.

Mr Griffith Rutherford and Mr Matthew Lock the two members of Rowan County appeared.

On motion ordered the Bill for dividing the Parish of Edgecomb in the County of Halifax into two distinct Parishes, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Haywood and Mr Battle.

The Honble William Dry and Alexander M^cCulloch Esquires two of his Majestys Council came to the House and Mr Griffith Rutherford and Mr Matthew Lock the two members for Rowan County were qualified by taking the several Oaths by Law appointed for qualification of Public officers and repeating and subscribing the Test.

Rec^d from the Council the following Bills, Viz^t,

A Bill for erecting part of the Counties of Halifax and Tyrell into one distinct County and Parish.

A Bill to amend an Act intituled an Act for repairing the Gaol for the district of Halifax in the Town of Halifax.

Endorsed, In the upper House, 16th December 1773. Read the second time and passed, and

A Bill to impower the Commissioners therein named to build a bridge over Trent river on the main road leading from New Bern to Wilmington. Endorsed in the upper House 16th December 1773. Read the first time and passed.

Rec^d from his Excellency the following Message, towit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

Pursuant to your desire, I have directed the Clerk of the Crown to issue a Writ for the election of two members for the County of Wake, in the room of the members whose election you have declared void.

JO. MARTIN.

Newbern, December 16th 1773.

Also the following message, towit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send herewith for your consideration a Petition of certain inhabitants of Guilford County relative to the situation of the Court House of that County. Also a petition of Joseph Hughes, and two Petitions from persons concerned in the late insurrection.

JO. MARTIN.

Received the Petitions above mentioned, and on motion ordered they lie for consideration.

On motion ordered the Bill for dividing the Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Harnett and Mr Campbell, attended by the whole House except Mr Speaker.

Ordered Mr Respass have leave of absence from this House till Monday next.

Mr Hooper according to order presented the Bill to prevent the pernicious practice of hunting with a gun in the night by firelight and other purposes, which he read in his place and delivered in at the Table where the same was again read passed and sent to the Council by Mr Spicer and Mr Rowan.

Rec^d from the Council the Bill to amend an Act Intituled an Act for repairing the gaol, for the District of Halifax in the Town of Halifax. Endorsed, In the upper House 16th December.

On motion ordered the Bill of pardon and oblivion to the persons concerned in the late Insurrection except such persons as are therein excepted be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Field and Mr Robinson.

The order of the day being read, Resolved the same be deferred 'till tomorrow morning.

Mr Thomas Polk and Mr John Davison, the two elected Members for Mecklenburg County, appeared.

Then the House adjourned 'til tomorrow morning 10 o'clock.

Friday 17th December 1773.

The House met according to adjournment.

On motion ordered that Mr Burgwin have leave to absent himself from the service of this House.

Mr Spicer moved for leave to present a Bill to restrain Fishing with seines in New River in Onslow County.

Ordered he have leave accordingly.

Mr Spicer presented the said 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 Spicer and Mr W^m Person.

Mr William Person moved for leave to present a Bill for further continuing an Act, Intitled an Act concerning Vestries.

Ordered he have leave accordingly.

Mr W Person presented the said 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 Spicer and Mr W^m Person.

On motion ordered the Bill for further continuing an Act Intitled an Act for appointing a printer to this Province be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Spicer and Mr W^m Person.

On motion ordered the Bill to empower the Justices of Anson County to establish free ferries and lay a tax for defraying the charges thereof, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Robinson and Mr Picket.

On motion ordered the Bill directing the duty of Sheriffs with respect to insolvent Taxables be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Robinson and Mr Picket.

Mr Haywood moved for leave to present a Bill for dividing the Parish of St Marys in the County of Edgecomb into two distinct Parishes.

Ordered he have leave accordingly.

Mr Haywood presented the said 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 Haywood and Mr Battle.

On motion ordered that Mr Mau. Moore have leave to absent himself from the service of this House.

Rec^d from the Council the Bill for establishing Inferior Courts of pleas and quarter sessions in the several Counties of this Province,

and for regulating the proceedings therein, Endorsed, In the upper House, 17th December, 1773 read the second time amended and passed.

Rec^d from the Council the Bill of pardon and oblivion to the persons concerned in the late Insurrection except such persons as are therein excepted, Endorsed, In the upper House 17th December, 1773, read the second time amended and passed.

Mr John Johnston presented a petition from the Inhabitants of Windsor in Bertie County, praying a law may pass for enlarging the time for saving lots in the Town of Windsor, for erecting a Court House prison and stocks for the County of Bertie in the said Town and other purposes.

Mr Johnston presented a Bill pursuant to the prayer of the said Petition 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 John Johnston and Mr. Stanly.

The Honble Alexander McCulloch and William Dry Esquires two of his Majesty's Council came to the House, and Mr Polk and Mr Davison were qualified by taking the several Oaths by Law appointed for the qualification of public officers and repeating and subscribing the Test.

Rec^d from the Council the following Bills, to wit,

The Bill to prevent the pernicious practice of hunting with a gun in the night by firelight and other purposes

The Bill to prevent the crime of horse stealing.

The Bill for an additional Act concerning servants and slaves in the several Counties therein mentioned

The Bill for enlarging the time of saving lots in the Town of Windsor for erecting a Court House, prison and stocks for the County of Bertie in the said Town and other purposes

The Bill to restrain fishing with seines in New River in Onslow County.

The Bill for dividing the parish of St Marys in the County of Edgecomb into two distinct Parishes, and,

The Bill for further continuing an Act, Intituled an Act concerning Vestries. Endorsed, In the upper House 17th December 1773. Read the first time and passed.

The Bill directing the duty of Sheriffs with respect to Insolvent Taxables.

The Bill to impower the Justices of Anson County to establish free ferries and lay a Tax for defraying the Charges thereof.

The Bill for appointing Commissioners for building a court house prison and stocks for the County of Tryon. Endorsed, In the upper House, 17th December 1773. Read the second time and passed, and

The Bill for further continuing an Act Intitled an Act for appointing a printer for this Province. Endorsed, In the upper House, 17th December 1773. Read the second time, amended and passed.

On-motion ordered the Bill for establishing Inferior Courts of pleas and quarter sessions in the several Counties in this Province, and for regulating the proceedings therein be read the third time. Read the same a third time amended, passed, and ordered to be sent to the Council.

Sent by Mr Lock and Mr Rutherford.

Mr Harnett moved for leave to bring in a Bill to continue an Act Intitled an Act to amend an Act intitled an Act for the regulation of the Town of Wilmington.

Ordered he have leave accordingly.

Mr Harnett presented the said 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 Lock and Mr Rutherford.

Mr Edwards according to order presented the Bill to oblige vessels having infectious distempers on board to perform their quarantine, which he read in his place and delivered in at the Table where the same was read, passed, and ordered to be sent to the Council.

Sent by Mr Lock and Mr Rutherford.

Mr Martin from the Committee appointed to consider the petition of a number of the freeholders and inhabitants of Chowan County praying a division line be run between the said County and that of Perquimons, conformable to the said petition, Report as follows, to wit,

Your committee having taken into consideration the boundary line of Chowan and Perquimons Countys as referred by the House do report, That it appears to your Committee by the affidavit of William Ashley that he has been acquainted with the reputed dividing Line of the Counties of Chowan and Perquimons for fifty years past; that it always has been deemed and taken to run from the mouth of Yeo-

pim River to a Water Grist Mill formerly the property of Ja^s Eger-ton, thence through a large body of peconson land to a plantation of William Jackson and the place called the Horse pasture; that the said Ashley and all the Inhabitants to the line aforesaid for fifty years past to the best of his knowledge have done public duties and paid their Taxes to the Sheriffs of Chowan County.

That it also appears to your Committee by two certain patents granted to Rich and Skinner in the year 1718, by Lord Carteret Palatine, that the Lands mentioned therein are declared to be situated in Perquinons County adjoining Bear Swamp, the one of which begins at a pine in a meadow at William Wordley's corner tree.

That it further appears by the affirmation of Caleb Elliot one of the people called quakers that the said corner tree has been deemed and taken by the Inhabitants adjacent since the time he came of age, and always before, as far as he ever knew to be the reputed Boundary of the said Counties.

Resolved, that it is the opinion of your Committee that there is a greater presumption that the last mentioned Boundary appearing from the Patents and affirmation aforesaid, is the true reputed ancient boundary of the said Counties, but whether to continue the same will be most convenient and proper in the modern situation of their respective Inhabitants is a matter we submit to the further Consideration of the House.

CORN^s HARNETT

ALEX. MARTIN

I. EDWARDS

Then on motion ordered the same lie for consideration of the House.

The order of the day being read,

Resolved, the same be referred till tomorrow.

Then the House adjourned 'till tomorrow morning 10 o'clock.

Saturday 18th December 1773.

The House met according to adjournment.

On motion ordered the Bill to restrain Fishing with seines in New River in Onslow 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 Spicer and Mr Davidson

On motion ordered the Bill directing the boundary line between the Counties of Perquimans and Chowan and appointing commissioners to see the same run, be read the second time. Read the

same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Benbury and Mr Harvey.

Received from his Excellency the Governor the following Message to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith two resolves of your House of the 14th and 15th Instant, concurred in by his Majesty's Council with my assent thereto
JO. MARTIN.

Received the above mentioned two resolves for allowing a number of Witnesses their fees and Henry Costin Ten pounds p^{a} annum.
Endorsed, Assented to. JO. MARTIN.

Received from his Excellency the Governor the following Message to wit

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send herewith for your consideration a representation of Mr Archibald McKissak a magistrate of the County of Bladen relative to a number of free negroes and mulattoes who infest that county and annoy its Inhabitants
JO. MARTIN.

New Bern, December 18th 1773.

Ordered the same lie for consideration

Received from the Council the following Message, Viz^t.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House upon the third reading of the Bill for establishing a Superior Court, are much concerned that the amendments they inserted upon the second reading of that Bill, are not approved by your House. They now acquaint you that they must still adhere to those amendments, and desire with candor and moderation to justify their conduct by such reasons as they trust will be satisfactory to the good of this province.

Your House are requested to call to mind that an Act for establishing Superior Courts containing the same now insisted upon, relative to attachments and Limiting the Jurisdiction of the Superior Courts, passed last session of Assembly with a suspending clause,

and was transmitted by his Excellency the Governor to His Majesty for his Royal assent. Your House has this session been fully informed of his Majesty's disallowance of that Act, a disallowance expressly grounded upon those very clauses for which you now so earnestly contend

Under these circumstances we confess ourselves at a loss to know what beneficial end or purpose can be answered by either House persisting to pass a Bill containing clauses which the Governor has so recently and solemnly declared to us in General Assembly he cannot pass.

The Bill as amended by this House is conformable to the plan proposed by his Majesty and we are persuaded contains ample provision for the Administration of Justice within this Province, two legal branches of the Legislature thus far approve the Bill, but if unhappily your House shall finally withhold its assent, we shall soon find by sad experience that the wretchedness of this Country is not yet half complete.

The necessity of a Court Law is acknowledged by all; without one this Province must soon be deserted by its Inhabitants, and an end put to its *name* and *political existence*. This House therefore are grieved to find so inestimable a good as the Bill now offers to the people rejected and refused by their Representatives, for the sake only of a Comparatively small advantage supposed to lie in a mode of proceeding by attachment, a proceeding unknown both to the Common and Statute Law of the Mother Country, relative only to the private dealings between subject and subject, and if totally extinguished, cannot in the remotest manner be said to affect the civil or political rights of the people.

With regard to the section granting an allowance to the Chief Justice and Attorney General, This House inserted it, because it was part of the late expired Law, not with any view of Multiplying the causes which at present so unfortunately divide the different branches of the Legislature. We shall therefore not embarrass the present Bill by retaining that Section, but will submit a suitable provision for those officers to the equity and Justice of the General Assembly, But this House cannot consent to a repeal of the Fee Bill passed in 1748, 'till an equally sure and permanent allowance is otherwise provided for the Chief Justice.

Such are the terms upon which alone this House can consent to pass the important Bill now before them, and if acceded to by your

House the alteration will be made in the presence of such of your members which you will be pleased to send for that purpose. In the upper House 18th December, 1773.

Ordered the same lie for consideration.

On motion ordered the Bill for erecting part of the Counties of Halifax and Tyrril into one distinct 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 by Mr Stewart and Mr Frazier.

Mr Simpson presented a Petition from the Inhabitants of Pitt County, praying a Law may pass to amend an Act for the laying out a Town on the Land of Richard Evans in Pitt County by the name of Martinborough, and for removing the Court House, prison and stocks into the said Town.

Mr Simpson presented a Bill pursuant to the prayer of the said Petition 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 Simpson and Mr Salter.

On motion ordered the Bill for appointing Commissioners for building a Court House, prison and stocks for the County of Tryon be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr W^m Moore and Mr Picket.

On motion ordered the Bill to amend an Act Intituled an Act for repairing the gaol for the District of Halifax 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.

Sent by Mr W^m Moore and Mr Picket.

On motion ordered the Bill for enlarging the time of saving Lots in the Town of Windsor for erecting a Court House, prison and stocks for the County of Bertie, in the said Town 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 by Mr Jn^o Johnston and Mr Stanly.

Ordered Mr Gray have leave of absence till Friday next.

The House taking into consideration the petition of Joseph Hughes as referred by his Excellency of his message of the 16th Instant, Resolved, that the said Joseph Hughes be allowed the sum

of one hundred and fifty pounds proc. money for pursuing, apprehending, money expended, and conveying under Guard to Hillsborough, nine robbers, and for pursuing Winslow Driggers, Ja^s Johnston, and William Hodges who robbed the waggon of said Hughes of Goods to the amount of £436 proc. money and for apprehending and conveying Winslow Driggers under Guard to the Cheraws in the year 1771. That the public Treasurers or either of them, pay him the same and be allowed in their accounts with the public, and that the following message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

This House have resolved that Joseph Hughes be allowed the sum of one hundred and fifty pounds proc. money for pursuing, apprehending, money expended, and conveying under Guard to Hillsborough nine robbers, for pursuing Winslow Driggers, James Johnston and William Hodges who robbed the waggon of the said Hughes of goods to the amount of four hundred and thirty six pounds and for apprehending and conveying Winslow Driggers under Guard to the Cheraws in the year 1771. That the public Treasurers or either of them pay him the same and be allowed in their accounts with the public, and desire your Honours concurrence thereto.

JOHN HARVEY Speaker.

Sent by Mr Polk and Mr Everigin

Mr. Harnett presented sundry affidavits and other papers setting forth that a certain negro called Biscuit the property of Peter Mallett of Wilmington was outlawed and afterwards shot and wounded by Mr Thomas Jones of New Hanover County in apprehending, of which wounds he died

On motion, resolved that the said Peter Mallett be allowed the sum of seventy five pounds proc. money for the said negro, that the public Treasurers or either of them pay him the same, and be allowed in their accounts with the public, and that the following message be sent to the Council Viz^t.

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

This House have Resolved that Peter Mallett of Wilmington be allowed the sum of seventy five pounds proc. money for a certain negro called Biscuit who was outlawed and afterwards shot and wounded by Mr Thomas Jones of New Hanover County in apprehending, of

which wounds he died. That the public Treasurers or either of them pay him the same and be allowed in their accounts with the public, and desire your Honors concurrence thereto.

JOHN HARVEY Sp.

Sent by Mr Polk and Mr Everigin.

The order of the day being read Resolved the same be deferred till Monday next.

Then the House adjourned till Monday Morning 10 o'clock.

Monday Morning December 20th 1773.

The House met according to adjournment.

On motion ordered the Bill for dividing the Parish of St Mary's in the County of Edgecomb into two distinct Parishes be read the second time. Read the same a second time, amended, passed and ordered to be sent the Council.

Sent by Mr Spruil and Mr Smithwick.

On motion ordered the Bill to amend the staple of Tobacco and prevent frauds in his Majesty's Customs be read the third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr Ward and Mr W^m Person.

Rec^d from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time in this House the Bill for establishing Inferior Courts of pleas &c^a we propose the following amendments, viz^t,

That the clause relative to the Clerk of the pleas *deled* by you at your third reading, be *steted*, viz^t,

"And be it further enacted by the Authority aforesaid that the Clerk of the pleas for the time being shall nominate and appoint skilful and discreet persons to serve as clerks of the several Courts hereby Established, and each of the said Clerks shall give Bond" &c^a.

That the preamble to the clause regulating the proceedings in original and Judicial attachments be *deled* and instead thereof the following inserted viz^t, "And whereas original and judicial attachments have been found beneficial to this Province and its circumstances."

That before judicial attachments be granted an Oath be made agreeable to the royal Instruction for which purpose we propose that the clause inserted by us at our second reading and *deled* by you on your third reading be *steted*.

That the proviso we had inserted at our second reading and you have *deled* at your third reading for granting appeals for any sums even under five pounds where titles to Land or the rights of the Crown are concerned be *steted*, the same being pursuant to the Kings Instructions.

That the following clause be added to the Bill, viz^t,

“And be it further enacted by the authority aforesaid, that the time elapsed since the expiration of the late Inferior Court Law to the passing of this Act, shall not be allowed of in any plea of limitation, any Law to the contrary notwithstanding.”

To which amendments if your House agree be pleased to send some of your members to see the same made to the Bill.

In the upper House 18th December 1773.

The House taking the same under consideration ordered the following Message be sent to the Council, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

In answer to your Message of Saturday last rec^d this day respecting the Bill for Establishing Inferior Courts &c^a, We cannot agree to *stet* the clause you propose relative to the clerk of the pleas. We agree that instead of the preamble to the clause regulating attachments the following be inserted, viz^t, “Whereas original and judicial attachments have been found beneficial to the Inhabitants and a right essentially necessary to their commercial Interest,” but cannot agree to the insertion of any other regulations with regard to the issuing attachments.

We agree that there be an appeal in all cases above forty shillings. We agree to the Clause you propose regarding the operation of the Act of limitation, and would propose the following addition to that clause after the word (Limitation) Viz^t “or in the computation of time by Law allowed for proving accounts, under the Act ascertaining the method of proving book debts.” If you think proper to pass the Bill thus altered we will send two of our Members to see the amendments inserted.

JOHN HARVEY Sp.

On motion ordered the Bill to explain an Act for erecting a Parish in Chatham County by the name of St Bartholomew, be read the second time. Read the same a second time passed and ordered to be sent to the Council.

Sent by Mr Fields and Mr W^m Moore.

On motion ordered the Bill for further continuing an Act intituled an Act concerning Vestries be read the second time. Read the same a second time amended, passed and ordered to be sent to the Council.

Sent by Mr Field and Mr W^m Moore.

On motion ordered the Bill for laying out a public road from W^m Dents in Guilford County on the Trading road to Salisbury be read the second time. Read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr Reding and Mr Jordan.

On motion ordered the Bill for dividing the parish of Edgecomb in the County of Halifax into two distinct Parishes be read the third time. Read the same a third time amended passed and ordered to be sent to the Council.

Sent by Mr Reding and Mr Jordan.

On motion ordered the Bill for further continuing an Act intituled an Act for appointing a printer to 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 Reding and Mr Jordan.

On motion ordered the Bill directing the duty of Sheriffs with respect to insolvent Taxables be read the third time. Read the same a third time passed and ordered to be sent to the Council.

Sent by Mr Reding and Mr Jordan.

Mr Ferquard Campbell moved for leave to present a Bill to amend an Act Intituled an Act for establishing a Town on the Lands of John and William Russell, minors, sons of John Russell dec^d on the west side of the North West branch of the Cape Fear River near the mouth of Cross Creek, by the name of Campbelton

Ordered he have leave accordingly

Mr Ferquard Campbell presented the said 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 Reding and Mr Jordan.

Mr Robert Rowan presented a petition from sundry Inhabitants of Cumberland County and Borough of Campbelton praying a Bill may pass for regulating the Borough of Campbelton and erecting public Buildings therein.

Mr Rowan presented a Bill pursuant to the prayer of the said petition 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 Reding and Mr Jordan.

On motion ordered the Bill to empower the Commissioners therein named to build a bridge over Trent River on the main road leading from Newbern to Wilmington, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Hatch and Mr Coor

Rec^d from the Council the following Bills Viz^t.

The Bill to oblige the prosecutors of offences not capital to pay the costs of prosecution where no bill shall be found by the grand jury. Endorsed, In the upper House, 20th December 1773. Read the second time and passed.

The Bill for directing the mode of appointing Clerks of the Inferior Courts of Pleas and quarter sessions. Endorsed, In the upper House 20th December 1773. Read the first time and passed.

The Bill to amend the staple of Tobacco and prevent frauds in his Majesty's Customs. Endorsed in the upper House 20th December 1773. Read the third time and passed. Ordered to be Engrossed.

The Bill directing the boundary line between the Counties of Perquimans and Chowan and appointing commissioners to see the same run.

The Bill for the further continuing an Act Intituled an Act concerning Vestries

The Bill to explain an Act for erecting a Parish in Chatham County by the name of St Bartholomew.

The Bill for dividing the Parish of St Marys in the County of Edgecomb into two district Parishes

The Bill for enlarging the time of saving Lots in the Town of Windsor for erecting a Court House prison and stocks for the County of Bertie in the said Town and other purposes.

The Bill to restrain fishing with seines in New River in Onslow

County, Endorsed In the upper House 20th December 1773. Read the second time and passed.

The Bill to continue an Act Intituled an Act to amend an Act Intituled an Act for regulation of the Town of Wilmington.

The Bill to oblige vessels having infectious distempers on board to perform their quarantine.

The Bill to amend an Act for the laying out a Town on the Lands of Rich^d Evans in Pitt County by the name of Martinborough and for removing the Court House, prison and stocks into the said Town, Endorsed, In the upper House, 20th December 1773. Read the first time and passed.

The Bill to amend an Act Intituled an Act for repairing the gaol for the District of Halifax in the Town of Halifax.

The Bill for appointing commissioners for building a Court House, prison and stocks for the County of Tryon.

The bill for erecting part of the Counties of Halifax and Tyrrel into one distinct County and Parish, Endorsed, In the upper House 20th December, 1773. Read the third time and passed. Ordered to be engrossed.

Mr Robert Rowan moved for leave to present a Bill to amend an Act Intituled an Act for encouraging the building of public mills and directing the duty of millers.

Ordered he have leave accordingly.

Mr Robert Rowan presented the said 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 Robt Rowan and Mr Oldham

Rec^d from the Council the following Bills, Viz^t,

The Bill directing the duty of Sheriffs with respect to insolvent Taxables. Endorsed, In the upper House 20th December 1773. Read the third time and passed. Ordered to be engrossed.

The Bill for laying out a public road from William Dents in Guilford County on the trading road to Salisbury. Endorsed, In the upper House 20th December 1773. Read the second time and passed.

The Bill for further continuing an Act, Intituled an Act for appointing a printer to this Province.

The Bill for dividing the Parish of Edgcomb in the County of Halifax into two distinct Parishes.

Endorsed, In the upper House 20th December 1773. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill directing the boundary line between the Counties of Perquimons and Chowan and appointing Commissioners to see the same run, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Oldham and Mr T. Harvey.

Rec^d from the Council the Bill directing the boundary line between the Counties of Perquimons and Chowan and appointing Commissioners to see the same run. Endorsed, In the upper House 20th December 1773. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to Impower certain Commissioners therein named to dispose of the Pews in the Church in the Town of Brunswick and to appropriate the money arising therefrom to the purposes therein mentioned, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Williamson and Mr Stanly.

On motion ordered the Bill to prevent the wilful and malicious killing of slaves be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Nash and Mr Lanier.

Mr Martin moved for leave to present a Bill to continue the several acts therein mentioned.

Ordered he have leave accordingly.

Mr Martin presented the said 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 Martin and Mr Kenan.

On motion ordered the Bill for enlarging the time of saving lots in the Town of Windsor for erecting a Court House, prison and stocks for the County of Bertie in the said Town and 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 Spicer and Mr Smith.

On motion ordered the Bill to restrain Fishing with seines in New River in Onslow County be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Spicer and Mr Smith.

Mr Hewes according to order presented the Bill to prevent counterfeiting the paper money of this and other British Colonies and to prevent counterfeiting the gold and silver coin circulating in 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 by Mr Spicer and Mr Smith.

Mr Edwards moved for leave to present a Bill for the more effectual obtaining an exact list of Taxables for the Town of New Bern for compelling the Inhabitants of the said Town to pay their Taxes and for other purposes therein mentioned.

Ordered he have leave accordingly.

Mr Edwards presented the said 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 Spicer and Mr Smith.

On motion ordered the Bill to empower the Justices of Anson County to establish free ferries and lay a tax for defraying the charges thereof be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Spicer and Mr Smith.

Rec^d from the Council the Resolve of this House for allowing Peter Mallett seventy five pounds for a negro called Biscuit outlawed and shot. Endorsed, In the upper House 20th December 1773. Concurred with.

JAMES HASELL, P. C.

On motion ordered the following message be sent to His Excellency the Governor, Viz^t

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a,

SIR,

This House herewith send your Excellency a resolve thereof for allowing Peter Mallett of Wilmington the sum of seventy five pounds proc. money for a certain negro called Biscuit, outlawed and afterwards shot. Concurred with by His Majestys Honble Council. and request your Excellencys assent.

JOHN HARVEY, Sp.

The order of the day being read Resolved, the same be deferred till tomorrow morning.

The House taking under consideration the Councils Message of the 15th Instant regarding the Bill for Establishing Superior Courts, Ordered the following Message be sent to the Council Viz^t,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

In answer to your Message of the 18th Instant upon the third reading in your House of the Bill for establishing a Superior Court &c^a,

This House ever faithful to the discharge of the Important trust reposed in them by the Inhabitants of this Province have in the conduct of every Public Measure which during this Session hath been subjected to our deliberation, had in view the interest and happiness of our constituents, as the grand object that ought to govern all our determinations. Appointed by the people to watch over their rights and privileges, and to guard them from every encroachment of a private and public nature it becomes our duty and will be our constant endeavour to preserve them secure and inviolate to the present age, and to transmit them unimpaired to posterity.

We have given to the Bill for establishing a Superior Court the attention it merits, and without suffering private interest, passion or prejudice to intrude themselves upon our enquiries. Conscious from our late melancholy experience of the unhappy consequences that attend the extinguishment of the Civil and Criminal Jurisdiction in this Province, We dread the continuance of the calamity and submit still to suffer, only to avoid a greater misfortune.

We look back upon past grievances without reproaching ourselves for being the cause of them, for an Impartial world will do us the justice to own that we contend for nothing more than what we have 'till lately enjoyed in common with the rest of his Majesty's subjects in America.

The right of foreign attachment is exercised by our sister Colonies with every latitude requisite to promote their commercial interest and to secure the property of their Inhabitants; it is a right essential to every well regulated system of police, and is a security inseparable from Traffic, in a Province situated as this is, where Trade is the vital principle of its Constitution. Every circumstance that places us on a more unfavorable footing than our neighbors is to enrich them at our expence and build the increase of their Trade upon the ruin of our own; you are well aware that you need but look to the Colonies next adjoining us, to discover the invidious distinction and to find cause, to regret that with equal merit we have been less the favorites of Government.

We are fully sensible that the application to his Majesty that an Act passed at the last session of Assembly for establishing Superior

and Inferior Courts in this Province with a suspending Clause 'till his Majesty's pleasure was known, with the rights of attachments reserved to this Province in its due extent, has failed to obtain His Majesty's concurrence; we lament the ill success of our endeavors but still flatter ourselves our sovereign is not inexorable, and that he will ever lend an ear to the just complaints of his faithful subjects.

To despair of obtaining redress from the grievances we complain of, would be to impeach the Justice of the British Government and to distrust the virtues of our King and Father.

To sit patiently down under an humble acquiescence under this denial of a security by attachment, would render us unworthy his Royal Interposition, it would be an implied resignation of the rights of subjects and a violation of the duty we owe to him as the protector of them. We shall in the most humble manner address his Majesty upon this interesting occasion, and doubt not but that you equally zealous for the happiness of this Colony will heartily concur with us in a measure that promises the greatest probability of being accompanied with success, altho' your opinions are different from what this House maintain. We shall be happy to find that no passion nor private motives influence your consultations but that with candor and moderation you pursue the same object tho' by different means.

We doubt not but that in altering the Bill for a Superior Court &c^a a most faithful and strict attention has been paid to the plan proposed by his Majesty to his Governor, but this House the most important branch of the Legislature cannot conceive that the attachment clause as proposed by the Council gives a remedy equal to the evils they are intended to obviate. The Limits within which an attachment so restrained can only operate, are too confined to render that process beneficial; the oath prescribed as a necessary previous step to obtain it, renders it unattainable by everyone who is not a stranger to the pleasing influence of Truth and horror of Perjury; to swear that a man absconds to avoid payment of his debt, is to pry into the secret movements of the Human breast, and assume a province not short of inspiration. That you approve the Bill is by no means obligatory upon our assent, and whatever may issue from this difference of Opinion, it will not be difficult to decide whether the calamity is to be charged on this House contending for a right which the Inhabitants of this Province have for a long time

exercised beneficially, or to those who urge an innovation in the constitution of this Province which must deprive its Inhabitants of what it has so long enjoyed unimpeached.

This House for themselves and their constituents heartily acknowledge the necessity of Court Laws, and without anticipating the horrors of a desertion of the Inhabitants of this Colony and the extinguishment of its name and political existence, they experience in the present unhappy State of this Province sufficient to induce them to wish a change upon legal constitutional principles. The rules of right and wrong, the limits of the prerogative of the Crown and of the privileges of the people are in the present refined age well known and ascertained; to exceed either of them is highly unjustifiable. Were the attachment Law as formerly enjoyed by us as small an advantage, compared with that of having Court Laws as you contend it is, the right we possess to that is equal to the rights to a more important object, in the smallest, it is bartering the rights of a people for a present convenience, in a greater it would be the same crime aggravated only by its circumstances. We observe with surprise that a doctrine maintained by a former House of Assembly is now adopted by you, and that you disclose as your opinion that attachments are not known to the Common or Statute Law of England; what then did Government tender to this people in lieu of their former mode, when it proffered to the last Assembly *a mode of attachment agreeable to the Laws of England?* This House upon all occasions will avow the necessity of attachments in the manner we lately enjoyed it, in point of expedience as well as right, and viewed upon the scale of relation to the private expedience as well as right, and viewed upon the scale of relation to the private dealings between subjects and subjects it has every advantage that can be reasonably sought as the trade of this Colony and its neighbours is principally confined to that private mutual intercourse which you mention.

With respect to the allowance to the Chief Justice and Attorney General inserted by you in the Bill for constituting a Superior Court &c^a, and referred to in your Message, we answer, that it is the undoubted privilege of the people and their representatives to make a disposition of their own monies, the interposition of the Council with respect to such disposition is an infringement upon the rights of the people and an open infraction of a fundamental principle in our Constitution. Sensible of the importance of the Judicial charac-

ter and desirous to provide for those to whom Government may think fit to intrust that department, in a manner worthy the acceptance of men of integrity and eminence,

We conceive the Bill for regulating the fees of the Chief Justice to be a mode of provision not adapted to the circumstances of this Province or to the dignity of that Office. A dependance upon the precarious increase or diminution of Suits and the uncertainty which attends the collection of the fees accruing from them excite an inconvenience which this House are desirous to obviate, and when his Majesty shall be pleased to appoint the Judges during good behaviour, we will shew the most sincere gratitude for such acquisition both in our profession and practice, and will give a perpetual Salary to such officer that will do ample Honor to the appointment. In the mean time this House will by a Temporary Law make such provision for the Chief Justice, Associate Judges and Attorney General, as shall be suitable to the circumstances of this Province.

These are the motives which have ruled the conduct of this House. They are submitted to you as circumstances which if they do not induce to alter your determinations, will to you and the world afford the fullest conviction that we are sincere and determined in the measures we have adopted, and that we are convinced that we cannot in the smallest degree depart from them without a breach of faith to the public, and without debasing our Legislative Character; of course we cannot consent to the alterations you propose in the Bill.

JOHN HARVEY, Sp.

Sent by Mr Tho^s Jones and Mr Nash.

Then the House adjourned 'till tomorrow morning 10 o'Clock.

Tuesday 21st December 1773.

The House met according to adjournment.

On motion ordered the Bill for dividing the Parish of St Marys in the County of Edgecomb into two distinct Parishes be read the third time. Read the same a third time, amended and ordered to be sent to the Council.

Sent by Mr Battle and Mr Murfree.

On motion ordered the Bill to continue an Act Intituled an Act to amend an Act, Intituled an Act for the regulation of the Town of Wilmington, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Battle and Mr Murfree.

On motion ordered the Bill for laying out a public road from W^m Dents in Guilford County on the trading road to Salisbury be read the third time. Read the same a third time amended, passed and ordered to be sent to the Council.

Sent by Mr Battle and Mr Murfree.

Mr Polk moved for leave to present a Bill for establishing a court house in the Town of Charlotte in Mecklenburg County and for regulating the said Town.

Ordered he have leave accordingly

Mr Polk presented the said 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 Polk and Mr Davison.

On motion ordered the Bill to amend an Act, for laying out a Town on the Land of Richard Evans in Pitt County by the name of Martinborough, and for removing the court house, prison and stocks into the said Town be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Simpson and Mr Salter.

On motion ordered to Bill to facilitate the passage of fish in Deep River in Guilford County be read the second time. Read the same a second time and rejected.

Mr Davison moved for leave to present a Bill for altering the dividing line between the Counties of Rowan, Mecklenburg and Tryon.

Ordered he have leave accordingly.

Mr Davison presented the said 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 Davison and Mr Moore.

On motion ordered the Bill to oblige the prosecutors of offences not capital to pay the costs of prosecution where the defendant shall be acquitted, be read the third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr Hunt and Mr Everigin.

On motion ordered the Bill for further continuing an Act Intituled an Act concerning vestries be read the third time. Read the same a third time passed and ordered to be sent to the Council.

Sen by Mr W^m person and Mr Hatch

Rec^d from the Council the following Bills viz^t.

The Bill for enlarging the time of saving Lots in the Town of Windsor for erecting a Court House prison and stocks for the County of Bertie in the said Town and other purposes

The Bill to restrain fishing with seines in New River in Onslow County, and

The Bill to empower the Justices of Anson County to establish free ferries and lay a tax for defraying the charges thereof, Endorsed In the upper House 21st December 1773. Read the third time and passed. Ordered to be engrossed.

The Bill to continue the several Acts therein mentioned

The Bill to prevent counterfeiting the paper money of this and the other British Colonies, and to prevent counterfeiting the gold and silver coin circulating in this Province.

The Bill for the more effectual obtaining an exact list of Taxables for the Town of New Bern for compelling the Inhabitants of the said Town to pay their Taxes and for other purposes therein mentioned.

The Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County and for regulating the said Town, Endorsed, In the upper House 21st December 1773. Read the first time and passed

The bill to continue an Act Intituled an Act to amend an Act Intituled an Act for the regulation of the Town of Wilmington, and

The Bill to prevent the wilful and malicious killing of slaves, Endorsed in the upper House 21st December 1773. Read the second time and passed.

Received from his Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the resolve of your House allowing the sum of seventy five pounds to Peter Mallet, concurred in by His Majestys Council with my assent thereto.

JO. MARTIN.

Rec^d the Resolve above mentioned, Endorsed, Assented to.

JO. MARTIN.

Mr Martin from the Committee &c^e reported that the following Acts will expire at the end of this Session of Assembly, Viz^t

An Act concerning Vestries, and recommend the same be continued with an amendment to this purpose: That when any vestry have failed or neglected to levy for the support of the poor of its respective Parish, that in such case the County Court shall be invested with that necessary power, That at no time the poor of this County be neglected, who always ought to be one of the principal objects of Legislative care. Also an Act for establishing a militia in this Province. Also an Act to ascertain and regulate the fees of the Clerks of the pleas in the Superior and Inferior Courts in this Colony directing the method of paying the same and for taxing Law suits. Also an Act for the directing the method of appointing Jurors in all causes Civil and Criminal. As the above Acts are still necessary in this Colony we recommend that the same be continued.

And further we report that an Act to defray the contingent charges of Government together with an additional Act thereto will expire at the end of this Session, and as the monies levied by the said Act are found to be lodged chiefly in the hands of the Sheriffs and collectors and not yet accounted for, which when paid might be sufficient to defray the contingencies of Government for some time to come, but whether the immediate exigencies of Government still require a continuance of the same in whole or in part, or whether it would not be most beneficial to ease the Inhabitants of this Province for the present of a burthensome Tax, are matters we submit to the future consideration of the House.

Also an Act to appoint an agent &c^a, As the purposes by this Act intended have not been fully answered, it therefore becomes useless to this Province. We therefore recommend that the same be permitted to Expire.

And lastly, "An Act for the more speedy recovery of all debts and demands under five pounds *proe.* money in this Province." As the mode of the recovery of the same is in a different manner prescribed in the present Inferior Court Bill and its good intentions equally answered, it will therefore be useless to continue longer.

R. CASWELL
JN^o JOHNSTON
CORNELIUS HARNETT
R. HOWE
WILL HOOPER
ALEX MARTIN
THO^s JONES

The House taking the same under consideration, Concurred therewith.

Mr Polk presented a certificate from the Inferior Court of Mecklenburg County therein recommending Daniel M^cKirmin to be exempted from the payment of public taxes.

Ordered he be exempted accordingly.

Rec^d from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House taking into consideration your Answer to our Message respecting the Bill for establishing Inferior Courts &c^a

We agree to the amendments you propose, instead of the preamble to the clause regulating attachments provided you will consent to strike out the following words, Viz^t, "a right essentially."

We agree to your proposed amendment to the clause regarding the operation of the Act of limitation.

If you think proper to amend the Bill agreeable to this Message be pleased to send some of your members to see the same inserted.

In the upper House 21st December 1773.

Rec^d from his Excellency the Governor a verbal message by Mr Biggleston his Secretary requiring the immediate attendance of the House at the palace.

The House having taken into consideration his Majesty's instruction relative to attachments, and sensible of the deplorable situation to which this Colony must be reduced, should the restrictions therein specified be continued, think it a duty they owe themselves, their constituents and Posterity to fall upon every expedient to prevent it, Resolve *Nemine Contradicente*, that a Committee be appointed to prepare a dutiful address to his Majesty humbly soliciting that he would be graciously pleased to withdraw an instruction which however equitable it might have appeared to his Royal mind, ever attentive to the interests of his Subjects, is so unadapted to the circumstances of this Colony, and to the Commercial Interest thereof as to render its operation extremely injurious to both, and that he would be pleased to permit his Governor to pass a Law, which tho' adapted to the policy of this country may be so framed as not in any manner to be injurious to the interests of Great Britain, which his faithful Subjects in North Carolina think it their highest duty to promote. And in order to convey this our humble address in the most accept-

able manner to our Sovereign, and as the most effectual means to promote its success upon which the well being of this Colony so essentially depends, This House also Resolve, *Nem. Con.*, that the said Committee do address his Excellency William Tryon Esquire the present Governor of New York who happily for this Country for many years presided over it, and of whose good intentions to its welfare we feel the fullest conviction. That they forward to him our dutiful Address to his Majesty, and request that he should be pleased to convey the same to our most gracious Sovereign, support our earnest solicitations with his interest and influence, and that he would accept of this important Trust as testimony of the great affection this Colony bears him, and the entire confidence they repose in him

Resolved, that Mr Speaker, Mr Howe, Mr Sam^l Johnston, Mr Hooper, Mr Edwards, Mr Ashe, Mr Harnett and Mr Hewes be appointed a Committee to carry into Execution the purposes of the above Resolves

The House waited upon his Excellency the Governor at the palace, when his Excellency was pleased to make the following Speech, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I see with infinite concern, so much time consumed by you, and so great expence incurred by the public in vain; for I must think, your longer attendance here, to no purpose, while you refuse to adopt any plan for the due Administration of Justice, with which I have it in my Power to comply. I have made you fully acquainted with the restrictions that must govern my conduct; and I am sure they are such, as have been calculated by Government, upon the maturest consideration, for the welfare, and happiness of this people. Appeal Gentlemen, to them, Consult your Constituents, state to them candidly, the point for which you contend; nor let them be ignorant, that his Majesty, is graciously disposed to indulge your wishes for them, as far as it is consistent with the principles of the Constitution, and the common interests of all his Subjects. Then ask them, if they wish to relinquish all the blessings, all the advantages, and all the securities for their lives, and properties, that result from a regular execution of the Laws of their Country in contention for a mode of proceeding against debtors, applicable only to particular

cases, that is in itself unconstitutional and which, if it would be obtained, would not avail one person in a thousand, among them.

Represent these facts to the people fairly Gentlemen, and I am firmly persuaded, they know too well their own interests, to make such a Sacrifice, or to approve your conduct. That I may give you opportunity to learn their Sentiments, I now, by virtue of the power, and Authority in me vested, by His Majesty, prorogue this Assembly, to Tuesday the first day of March next; and this Assembly is accordingly hereby prorogued.

JO. MARTIN.

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

COUNCIL JOURNALS.

At a Council held at New Bern 6th December 1773

Present

His Excellency the Governor.

The Hon ^{ble}	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis H. DeRosset	Martin Howard	
		John Sampson	Samuel Cornell	

His Excellency was pleased to lay before the Board a letter from Major General Haldimand enclosing an extract from a letter from the Superintendent of Indian Affairs for the Southern District together with an Affidavit of Ann Trantham relating to the murder of two Cherokee Indians by Hezekiah Collins on the frontiers of Georgia upon which his Excellency had issued a proclamation offering a reward of £100 *pro^a* money for apprehending the murderer which was unanimously approved.

NORTH CAROLINA — Ss.

By His Excellency Josiah Martin Esquire, Captain General, Governor and Commander in Chief in and over the said Province.

A Proclamation.

Whereas I have received advice from Major General Haldimand, Commander in chief of His Majesty's forces in America, that accounts have been transmitted to him by his Majesty's Superintendent of Indian Affairs in the Southern district of a most barbarous murder

wantonly and without provocation committed by a certain Hezekiah Collins in the back part of the Province of Georgia on the bodies of two young Cherokee Indians, which hath highly exasperated that nation, and may tend to interrupt the good harmony subsisting between his Majesty's Subjects and that and other tribes of Indians unless satisfaction be made for the said Violence; and whereas the murderer hath absconded, and the Commander in Chief of his Majestys forces hath requested me to offer on his behalf a reward of One hundred pounds sterling for apprehending the said Hezekiah Collins so that he may be brought to Justice, and other large rewards are offered in the Southern Colonies for securing the said Offender; I have thought proper, in a Case of such common concern and importance to his Majestys subjects, to concur in the said measures, and have therefore issued this Proclamation, hereby promising to any person or persons who shall apprehend and secure the said Hezekiah Collins, so that he may be brought to Justice, the further reward of one hundred pounds, proclamation money; and I do hereby command and enjoin all Magistrates, Sheriffs and others, within this province, to be vigilant, and as much as possible aiding and assisting herein.

Given under my hand, &c., dated 18th September 1773.

JO. MARTIN.

God save the King.

His Excellency was pleased likewise to communicate to the Board a letter from Lieutenant Governor Bull of South Carolina acquainting him that the Chief of the Catawba Indians had complained to him in Council of their being interrupted in hunting and meeting with other acts of unkindness from our people in this Province and desiring that the Rights reserved to the Indians by the Treaty made at Augusta in the year 1763 might be known to them.

At a Council held at New Bern 18th December 1773.

Present

His Excellency the Governor

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis H. DeRosset	Martin Howard	
		John Sampson	and	
		Alexander McCulloch	Samuel Cornell	

Upon a Complaint of the Chief of the Tuscarora Indians that one William King had entered upon and committed waste upon the Lands lying on the North side of Moratuck which lands were granted to Col. Needham Bryan by the Lords proprietors upon the failure of that nation of Indians and afterwards confirmed to him by the Legislature of this Province, it was the opinion of this Board that His Excellency should write a letter to Mr W^m King to remove off the Land or shew cause why he had possession of it.

At a Council held at New Bern 21st December 1773.

Present

His Excellency the Governor and Council as above.

Read a petition of several persons who had obtained patents for parcels of Land contained within a Barony the property of John Campbell Esquire in the County of Mecklenburg upon a supposition that the Land so patented had been surrendered to the Crown by Henry E. M'Culloch Esq^r as agent to the said John Campbell in the Year 1765 praying that he might be called upon to acknowledge the said surrender.

Mr Campbell being examined and declaring that he had never made or consented to such a surrender the Secretary was directed to search the Records in his Office and certify if any deed of surrender of the Lands is to be found there.

It appeared upon search that no such surrender had actually been made altho' by a minute in the Council Journals on the 29th of November 1767 the Attorney General was directed to prepare a deed for that purpose.

At a Council held at New Bern December 22^d 1773.

Present

His Excellency the Governor

The Honble	{	James Hasell	William Dry	}	Esquires
		John Rutherford	Samuel Strudwick		
		Lewis H. DeRosset	Martin Howard &		
		Alex ^r M'Culloch	Samuel Cornell		

The Governor having prorogued the General Assembly of this Province yesterday thought fit to communicate to this Board the following reasons for that measure, That seeing the Assembly determined to adopt no plan for the constitution of Superior Courts of

Justice and considering the Inferior Court Bill then depending that had an inseparable connexion with the Superior Judicature as nugatory in itself and inconsistent with good Policy and that the Assembly had discovered a temper throughout their Session from whence more violent and offensive steps might be apprehended, if that House continued sitting, He conceived it more expedient and conducive to the welfare of this Province to prorogue the Assembly on the failure of the Superior Court Act, than to detain the Legislature longer at so great expence to the Country until the other Bills of little or no consequence without the establishment of Courts could be prepared and offered for his Assent and desired the candid sentiments of this Board of his conduct, formed upon these Principles.

The Board taking into Consideration the motives of His Excellency's Conduct in proroguing the Assembly were satisfied of the expediency and propriety of the measure.

[B. P. R. O. AM. & W. IND: NO. CAROLINA. NO. 221.]

Letter from Governor Martin to Earl Dartmouth.

NORTH CAROLINA, New Bern December 24th 1773.

MY LORD,

My Letter of the 16th instant, will have prepared your Lordship to expect no beneficial result, of the then Session of the General Assembly of this Province, and it is matter of inexpressible concern to me, that I must now inform your Lordship, its conclusion, but too exactly corresponded with my forebodings.

The spirit of discontent that discovered itself in the first proceedings of the House of Assembly, still appearing in its renunciation of the regulations proposed by Government, concerning attachments, and the adoption of the rules relative to that mode of proceeding, in the Bill for constituting Superior Courts (that had now passed the Assembly three times) which had been considered by your Lordship inadmissible, in the Act passed at the last Session, under a suspending clause, and the consequent failure of this Bill in the Council, putting an end to all hopes of the present establishment of Courts of Justice, upon any plan, in which I was at liberty to concur; I considered it the proper season, to bring the session to a period, by

prorogation not only, as no Laws that could be framed, would be essential, while no mode of administering them was established, and that a prolongation of it would enhance the public expence to no purpose, but as the most gentle means, to prevent the Assembly, entering into further measures, more offensive to Government than any yet taken, which might be apprehended from the present temper of that House, and which it was to be feared would tend to the disparagement of the reputation, if not to the detriment of the interests of this People, by disposing His Majesty to listen the less graciously to any solicitations of their representatives, on the point for which they were contending.

It is my duty to inform your Lordship that there was depending at the time of the Prorogation, a Bill for the establishment of Inferior Courts, in the several Counties of this Province, and I have some reason to believe, it would have passed the Council, by a majority of one voice; the interest that the House of Assembly composed of Magistrates, and Clerks of those Courts, had in this Bill, which was calculated to throw into their hands all the power of the Laws, while no Superior jurisdiction was erected, would have induced that House, it may be presumed, to prune it of those parts that should appear inadmissible to the Council, but as the allowance of an appeal to the Superior Court, was indispensable, and a regulation that could not be omitted, although it was perfectly useless, if not absurd, while no Court of Appeal existed, because it would have been to declare the determination of these Courts final, to the extent of their jurisdiction contrary expressly to His Majesty's Instructions, that as their power virtually became unlimited, for want of the superior comptrolling jurisdiction, to which appeals might be made, and that the notorious corruption, and abuses in those little Courts, convinced me they would on such a footing, become nuisances of the most grievous and oppressive nature I thought it contrary to every idea of good policy, to establish them alone, and I was the more confirmed in this belief, when I found many of the most judicious people of this Country concurred with me in opinion, that the Members of the Assembly acting upon uniform principles, would hereafter unwillingly relinquish the sole power of administering the Laws, with which they found themselves, and their fellow Justices invested; and hardly be prevailed upon, to consent to the Establishment of Courts of higher dignity, & jurisdiction that would review, regulate, restrain, censure and condemn their proceedings

The many, who favored the Establishment of these Courts alone, reasoned differently. They alledged, that as the suits brought in them would be suspended by Appeals, upon which no decisions could be made, their incompetency would be soon discovered, and must necessarily induce the Erection of Superior Courts, that besides, Sheriffs, Constables and other Officers, useful and necessary to the Community, might be appointed. The Taxes might be collected and as far as their power extended justice would be administered. To these arguments I answered, that it was well known the Assembly of this Colony had ever more aimed at a Constitution of County Courts upon the plan of those in Virginia, with unlimited jurisdiction, that having exercised it as they would certainly do, when there was no power to confine them to the limits the Law in question prescribed, as they had not kept within those bounds, while the Superior Courts constantly superintends them, it was not feasible, that the Members of that Branch of the Legislature, would easily resign power, for which they had so long and zealously struggled, that would add so much to their own weight and consequence, and that they had now once acquired, although it was only by the usurpation of those Courts; that with regard to appeals from those Courts, it would depend upon their arbitrament to admit them or not, and it was not to be taken for granted that they would pay any deference or respect to such a Phantom, as now existing Superior Courts must be considered, when it should not accord with their interests or inclinations and when the recognition of it would always tend to the abridgement of that fullness of power which they had so assiduously laboured to obtain; that it was true Sheriffs might be nominated and other Officers appointed by such Courts, and that they might exercise other powers, vested in them by the Laws, with some advantage to the Public but that with relation to the receipt of Taxes at the Treasury, the principal object, their authority as limited by Law, would be ineffectual to compel the Sheriffs to pay the monies they collected, and it appeared by the vast arrears now due to the Public, from those Officers, how unavailing it was to the Colony to draw money out of the hands of the People into theirs. That it was well known how little Justice had ever flowed through those Channels, and it was reasonable to apprehend, that power unrestrained lodged in the hands of such People as the Magistrates of this Country, so utterly ignorant of the principles of Law would become more an engine of oppression, than relief

to the King's Subjects. After maturely weighing this project of erecting County Courts, in which the sole power of administering the Laws would reside, with powers of jurisdiction so limited, and yet in the present circumstances of this Country and People, so confessedly too great,—and having pursued its train of obvious consequences, it appears to me my Lord, I will freely confess, a monster in policy that common sense would almost blush to contemplate, and I can never cease to wonder at the eagerness with which it has been agitated when I see a People so warmly foster a plan, that according to their own designation, was competent, at best, only to the recovery of trifling debts, and to the chastisement of the little knave, and reject at the same time every provision for the security of large property or for punishing the Assassin, the felon and the murderer because they cannot obtain a mode of proceeding against debtors, in certain cases, according to their own sense of necessity. I am lost in amazement but when I ponder on the deplorable state, to which this unhappy Colony is reduced, by such an extraordinary solecism in politicks, the horrors now impending, and the gloomy prospect that still lies before it, I feel the most pungent affliction. I have acted my Lord with regard to this Bill upon the same principles that induced me to reject that of the same purport at the last Session; and as your Lordship did not disapprove my conduct then, I flatter myself you will not now condemn it.

It will appear to your Lordship from a Copy of the resolves of the House of Assembly, transmitted with my last letter, that it was one of its first steps to declare the Courts of Oyer and Terminer which had been held in the Province since the former Session illegal, without so much as an acknowledgment of their expediency, and utility that were universally admitted, out of that House. By this measure my Lord, the powers granted by His Majesty's royal Commission, for the Protection of His Subjects in this Colony, are reduced to nullities in effect, as much as if they had been cancelled by the royal or Parliamentary authorities, for it cannot be presumed that the People of the Country would attend as Jurors, Courts that their representatives have condemned as unconstitutional. I have however thought it my duty my Lord, to impart to the Council, in solemn confidence the direction I had received from your Lordship, in case of the event that has now unfortunately taken place, to exercise the power of constituting Courts of Civil and Criminal

Jurisdiction, with the advice & consent of that Board, as granted to me by His Majesty's Commission, and it has concurred unanimously in my opinion, that the attempt would not only be unavailing, but inflammatory. I shall therefore my Lord forbear to make the experiment, but in the case of some great exigency and endure, as well as I can, to see this People the victims of their own imprudence, & suffering all the fatal consequences attending the want of or due administration of Justice; that is happily enjoyed by all the other subjects of the British Empire.

By the Speech I delivered at the conclusion of the Session of the General Assembly, a copy of which I transmit herewith, your Lordship will see it stands prorogued to the first day of March next, at which time, if nothing occurs, to assure me it will be productive of no good effect, I shall insert it, and recommend again, some system for the dispensation of Justice: leaving to the issue of an intended application to the throne, the matter that has hitherto caused so much embarrassment.

I return my Lord to that painful subject. I thought it proper, at the opening of the Session, to set before the Assembly the regulations proposed by your Lordship's letter, with respect to the proceeding by attachment, and lest by any inapt expression of my own, I should convey a meaning different from your Lordship's intention, I communicated them as nearly as I could, in your Lordship's words viz. "That His Majesty was graciously pleased, to allow of provision being made here by Law for Attachments, in cases where the cause of action arises within the Colony, due proof being made upon Oath, before such attachment issues, whether original or judicial, that the defendant in the suit has absconded to avoid payment of his debt, and that the ordinary process of Law cannot be served upon him." It was very early observed my Lord, and remarked to me, that a case, could scarcely occur, wherein a creditor, according to these rules, could obtain an attachment against the effects of his debtor, as he would be obliged to swear to the intention of the absconding person which was impossible, as it was above the faculties of man, to determine with any certainty, the motives of each others conduct, that a man owing debts to many persons might be supposed where there was no apparent cause for his absconding to be moved by that of his *debts*, but not especially and solely, by the *debt* due to any particular creditor, who might sue for the attachment. I own to your Lordship I felt the force of this objection, and replied,

that I considered the words of my Instruction, to be a general direction, for regulating the proceedings by attachment, and that I saw no objection to changing the word *debt*, to the plural number, when it should be inserted in the Law, that I did not conceive it necessary to prescribe any particular form of Oath but that it should lie with the Magistrate, or the Court, having power to grant attachments, to decide what was the *due proof* that entitled a plaintiff to that process according to those restrictions, but that if it was necessary to direct a particular form of Oath, I thought, if it was couched as follows it would apply to most, if not all cases where Attachments should be used. That however, it was not perhaps in human ingenuity, to put together a form of words, that would comprehend every circumstance of every case, wherein it might be justifiable to issue this writ, viz: I, A B do swear that C D is, or is to the best of my knowledge, and belief, justly and truly indebted to me in the sum of £----- that he has absconded (as I verily believe to avoid paym^t of his debts) and that the ordinary process of Law cannot be served upon him. To this, although at first received with some complacency, it was soon objected, that it was immaterial to the Creditors, what cause operated upon the Debtor to put himself out of the reach of the ordinary process of Law, and, that he should be at Liberty to attach his effects, upon due proof, that *he absconded so that the ordinary process of Law cannot be served upon him* without any, of the cause of his absconding. I could only answer to this remark, that I apprehended, the Creditor should show some evidence of fraudulent design in his Debtor, before he should be subjected to the penalty of a fraudulent action; that debt was a very common cause of peoples absconding, and that scarcely any man hid himself or fled his country, without leaving some traces of the cause, that might be investigated, that where there was no other apparent or assigned, but that of his being in debt, it might be fairly considered the principle of his conduct. The following case was then put. Suppose A. B. indebted to C. D. by bond, payable at any future time, that A. B. goes professedly, on account of his health, or business, or for amusement to a remote country, having effects here, and does not return to discharge his obligation to C. D. and gives no direction to his Attorney, or Agent here, to do so, but on the contrary, has ordered him, to the knowledge of C. D. to sell his effects and remit their product to him. Suppose further that C. D. knows with certainty, that his Debtor is held in Gaol in this distant

Country by other Creditors, or that he is gone upon a long voyage, from which it was impossible for him to return at the time appointed for payment of his debt to C. D. can the Creditor, in such case, make any proof of the Debtor absconding *to avoid payment of his debt or debts*, and shall he not have remedy by attachment of his effects, at the time his debt becomes due; when, if he was present, he might take his person?

I answered to this, that I knew not what meaning the word *abscond* might have, in the contemplation of Law; that I thought in the case stated the lot of the Creditor would be hard, if he could not seize the effects of the defaulter. That it was very particularly circumstanced perhaps, such as in the secure dealings of merchants had seldom or never occurred, and that it might be one, among other extraordinary cases, for which the Laws of England had provided no relief although I could not persuade myself that they had not, however ignorant I was of it, except as to persons subject to the statutes of bankruptcy nor have I been since able to get any information on this head, that is satisfactory.

We are extremely ignorant here, I believe, of all the Law and Doctrine, of Attachments, but I flatter myself my Lord, as it has proved so insurmountable a difficulty to us, your Lordship would be pleased to give me all possible light on the subject. The people here think themselves entitled to proceed according to the custom of foreign attachment obtaining in London & other commercial cities of England, and that it has an extent beyond the cases and limitations of my Instructions, although I have ventured to assure them upon your Lordship's authority, that the regulations with regard to attachments there go no further. The few moderate people I meet with maintain their right to this, and every mode for the recovery of debts, that their fellow subjects in England may practice against them, and so far they seem reasonable, and I apprehend come into the views and policy of Government. But it still dwells upon the minds of all, that by this custom, of foreign attachment, a citizen of London, Bristol, &c., can attach the effects of an American found within their Jurisdictions, for a debt contracted here or there; and whether the American has, or has not been there, or may or cannot (according to the common acceptation of the word) be said to *abscond*. But those of this class with whom I have conversed, say, they will be content with the use of the Law or custom of foreign attachment, as it is used in London and the other trading cities in England;

however that may be, the more intemperate, declare, they will never be satisfied, until they are also allowed to proceed by Attachment against the Inhabitants of this & other Colonies, as they do against them. I find my Lord, that Attachments are used in all the Provinces of the Continent, each differing from its neighbour somewhat in the mode of proceedings and I believe their operation is in all very extensive, but I have not been able to learn, with any precision, how far the regulations go in each. I have heard however, and I think from good authority, that the proceeding is not confined to cases where the cause of action arises within the respective Provinces, but your Lordship being master of all their Laws, will easily discover the practices of the several Colonies in relation to this matter.

The last step of the House of Assembly, at the late Session, was to enter upon the Journals a resolve that Governor Tryon should be addressed, to forward a Petition to the King, supplicating His Majesty to comply with their wishes on the subject of attachments, &c., in which I was entirely overlooked and neglected. This I am informed was suddenly concluded on, some say just before, others immediately after the delivery of my message, requiring the attendance of the House in order to its prorogation. However that may be, it was certainly a measure heartily adopted, and concerted by a Mr Robert Howe and a Mr Isaac Edwards, two Members of the House of Assembly, in spleen to me, for which I know no other reason, besides that of having steadfastly adhered to my duty to His Majesty, in the unhappy contentions of the Session. With respect to Mr Howe, I am not indeed altogether without grounds upon which to form conjectures about his resentment. When I came to this Government my Lord, I found him Captain of Fort Johnston and Baron of the Exchequer, the incompatibility of which offices struck me immediately. Learning soon afterwards that Governor Tryon, upon a vacancy, having some years ago preferred the worthy and aged Mr Hasell, president of the Council, to the Office, of Chief Justice, took from him that of Chief Baron, which he conferred on Mr Howe, and had not restored it to him, when he was superseded by a Chief Justice of His Majesty's appointment. I took occasion to tell Mr Howe politely, my sense of the incongruity of his military and judicial Offices, as well as of the better right of Mr Hasell to the Baronship of the Exchequer (with only £40 p^a annum) not only in consideration of his having relinquished it for an office of which he had a very short tenure, and had long lost but on account of his rank in

the Country, the gravity and respectableness of his character, and his long, faithful and unrewarded services to Government. M^r Howe could but acknowledge the justice of my observations and intentions, and M^r Hasell was accordingly appointed Chief Baron in July last. By the arrival of Capt: Collet a very amiable and worthy young Gentleman and excellent Officer, who is Governor of Fort Johnston by the King's appointment, M^r Howe was superseded in the command of that place. Thus he was deprived of a post of contemptible profit to a man of honor that he, by somewhat extraordinary management of the Public money that came into his hands for the support of the Garrison, had made very lucrative to himself, and that served to keep together the wreck of a good fortune he inherited in this Country, of which he is a native, that he had nearly outlived. Pity for these his circumstances alone, prevented me from removing him from the command of Fort Johnston some time before he was superseded, for I must confess I was no stranger to his misapplication of the Public money. He is a man of lively parts and good understanding, but in other respects and character of no account or consideration in the present desperate state of his affairs. It seems he is aiming to establish a new reputation by patriotism, or in other words (for they deserve to be synonymous here, my Lord) by opposition to the measures of Government, in which I perceive he does me the honor to mix at least, dire animosity to me, as an humble instrument of it.

M^r Edwards, his coadjutor in this affront to me, was Governor Tryon's secretary while he resided in this Province, and thence derived all his consequence. In respect to that Gentleman and in consideration of the forward obligingness of M^r Edwards behaviour to me, I conferred upon him, less than a year after my arrival here, first on the default and afterwards on the death of M^r Frohock, the Office of Deputy Auditor of this Province, one of the genteel, and most lucrative places in it, and M^r Cholmondeley was pleased, at my earnest solicitation, to confirm him therein. He has since married the daughter of a considerable merchant here, and the poor man's head is giddy with prosperity, it is worthy of observation my Lord, that giving, and taking away, have produced, in these instances, the same effect, for my particular countenance of M^r Edwards, and preferring him to the best post that has fallen in my disposal, are the only grounds of his malice to me that I can possibly divine, unless, I could suppose, my differing in opinion with M^r Cholmondeley,

about his having immediately a seat in the Council of this Province, for reasons, in which he himself concurred, another cause of his resentment. I heartily forgive his ill requital of my kindness, that I am sorry to say, is far from being without example. But I am much less disposed to consider favorably his warm, open and declared opposition to every proposition of Government, that was agitated in the House of Assembly at the last session; at which he first appeared a Member of the Legislature. For myself, I am alike indifferent, to the applause, or censure, of men of such principles, as those I have now mentioned to your Lordship.

I am glad, with all my heart, that their evil dispositions towards me, have drawn upon my Friend Governor Tryon a compliment and mark of confidence, to which his services in this country so greatly entitle him; it is a real mitigation of the pain I have felt, from the wound given me through him, that his merits are illustrated by it, and it is my sufficient consolation, that I have been assured, all but the immediate contrivers of it, look back with shame and indignation, to the unmerited insult, in which they blindly concurred. I am not insensible my Lord, that strictly pursuing your Lordship's commands, I ought to have prorogued or dissolved the Assembly, on the refusal in its address, to adopt the regulations proposed by Government, but I hoped the ferment of that day would subside, and that the representatives of the People, might at length attend to the interests of the country, and frame some system for the administration of Justice, that would not be incompatible with my Instructions. I trust your Lordship will not disapprove my moderation, founded on such wishes & expectations.

I know not how to believe my Lord, that the Assembly after what has passed, will frame Laws for the Establishment of Courts upon any admissible plan, until the success of the application to His Majesty shall be known. I think however, every practicable and probable means, are to be tried, to deliver the province out of its present dishonorable and unhappy state. I mourn incessantly over its fate, and wish, above all things, to see it restored to order, and felicity, and I live in hopes, that if my desire is not accomplished before, your Lordship will be pleased, in answer to this letter, to give in such light and instruction, as may bring it to pass.

The necessity of being very particular in the representations I have been obliged to make to your Lordship I humbly hope may

apologise for this voluminous letter, the length of which really makes me ashamed.

I have the honor to be &c.

JO. MARTIN.

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

Letter from Bromfield Ridley to Colonel John Williams.

30th Dec 1773.

D. SIR,

I found Cutbut Hudson's Corner on a White Oak on the left Hand of the Road as you go up to the Parson's just beyond a large Glade, I endeavour'd to find his Corner N^o. from there but fail'd. I enclose you a Mem^{dm} of three entries which I brought from Johnston, but no Corner Tree mention'd nor cou'd I find out at what particular Tree to begin, if you think entries can be made from so ambiguous a Mem^{dm} 'twou'd be best to make them, the Land is worth saving. I want much to see you before you go down but I can't possibly come to Night.

I am D. Sire

Y^r very Hble Serv^t

BROMFIELD RIDLEY

M^{rs} Ridley joins me in her Compliments to Miss Aggy.

B. R.

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

NORTH CAROLINA—

TO THE HON^{ble} THE SPEAKER & GENTLEMEN OF THE ASSEMBLY,
NOW SITTING.

The Petition of Alexander Curtis Humbly Sheweth

That your petitioner inlisted as a Soldier in the Craven Detachment, in the late expedition against the Insurgents, that he went out in that Service, in which from his constant lying on the Cold earth & being exposed to the inclemency of the weather He Contracted a Violent Cold that brought on him other disorders which have reduced him to so low a state as to render him entirely unable to get his Livelihood or sustain nature.

Your Petitioner therefore humbly hopes the Honorable House will take his deplorable case into Consideration & Grant him such relief as you in your wisdom shall think meet.

And your petitioner will ever pray &c.,

Newbern Dec^r 1773.

ALEXANDER CURTIS.

We the Subscribers hereby Certify that the facts contained in the above Petition are true & humbly recommend the Petitioner to the Assembly as an object deserving their Bounty.

ALEXANDER MILLS

ABNER BRICKHOUSE

JAMES BALL

CHRIS. DAWSON

JOHN BRYAN

JOHN TILLMAN

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQ^r HIS MAJESTYS CAPTAIN GENERAL AND GOVERNOR IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA, TO THE PRESIDENT AND GENTLEMEN OF HIS MAJESTYS HONOURABLE COUNCIL, THE SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY.

The Petition of Tyree Harris John Lea and John Butler former Sheriffs of Orange County Humbly Sheweth

That at the Last Session of Assembly an Act was passed, for prolonging the time allowed them by Law for them to settle their accounts with the Justices of the Inferior Court of the said County of Orange, which time is now Expired, without your petitioners having Reaped the benefit intended thereby by the indulgence of the Legislature by reason of their not appearing at any day of the Court at which their accounts was to be adjusted the number of Justices Required by Law to settle a Sheriffs accounts as may appear by a Certificate of the Clerk of that Court, and altho there had been a full Court the Confused and unsettled state of that County till very lately has put it out of the power of your humble petitioners to make an Exact and Regular Settlement without Injuring the Publick or ourselves and your Petitioners having already Collected and paid a very large proportion of the Taxes

Particularly John Butler one of your petitioners who has actually paid upwards of nine Hundred pounds out of about one thousand pounds nearly the amount of the Taxes for the year for which he was Sheriff, do most humbly pray that an Act may be passed authorizing the Justices to settle with them at some future Court and your petitioners as in Duty bound will ever pray &c

TYREE HARRIS
JOHN LEA
JOHN BUTLER

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

Report of Committee on Petition of John Nuckols.

The Committee having taken into consideration the Petition of John Nuckols find that the facts contained therein are true and being apprehensive that the Public will be Sufferers by the Difficulty that must ensue in Collecting the arrears of Taxes due from the Inhabitants belonging to this Colony before the alteration of the Boundary line between North and South Carolina, Recommend that the House address His Excellency the Governor requesting him to write to the Governor of South Carolina desiring him to recommend to the Assembly of that Province, the passing of an Act empowering the Collectors of Public Taxes of this Colony to levy and collect the Taxes due from those Inhabitants to this Province before the alteration of the said Line. It is also our opinion that John Nuckols being an officer of this Colony, and having suffered in its Service is intitled to the allowance he claims from the Public for the Injuries he has sustained.

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROV-
INCE OF NORTH CAROLINA,

The Petition of Legal Pilots of Oacock Bar Humbly Sheweth that your Petitioners under the Sanction of an Act of Assembly of this Province have Settled at Oacock Bar in order to attend and

Carry on the Business of their Calling at Great Costs and Expence as well for the Benefits Resulting thereby as for the advantage of Mariners and Traders of the Province in General

Notwithstanding which Sundry Negroes as well free men as Slaves to a Considerable Number by unjust and unlawfull means take upon themselves to pilot Vessels from Oacock Bar up the several Rivers to Bath, Edenton and New Bern and Back again to the Said Bar to the Great prejudice and Injury of your Petitioners Contrary to Law and against the Policy of this Country and to Trade in General

Your Petitioners therefore humbly begg Leave to Observe to your Excellency that the Pilotage at the said Barr at present no ways answer the salitary Ends Intended by Law as Great Confusion and Irregularity daily Insue from the Insolent and Turbilent disposition and behaviour of such Free negroes and Slaves

Under those Circumstances Your Petitioners humbly pray Your Excellency would please take this matter into Consideration And prevent the Like for the Future by denying License or Branch to any such Free negro or Slave Whatsoever

And Your Petitioners as in Duty Bound will Ever pray &c

JOHN WILLIAMS

ADAM GASKINS

GEO. BELL

RICHARD WADE

JOHN BRAGG

WILLIAM STYERIN

WILLIAM BRAGG

SIMON HALL.

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

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, HIS MAJESTIES CAPTAIN GENERAL, GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA & VICE ADMIRAL OF THE SAME, TO THE HONOURABLE COUNCIL THE SPEAKER AND GENTLEMEN OF THE HOUSE OF BURGESES,

The Petition of the Inhabitants of Bertie County in the Province and Humbly Shew,

That whereas by an Act of the General Assembly of this Province dated in the year of our Lord one thousand seven hundred and sixty eight, at a session held for the said Province at Newbern, a Town was Erected on Cushy River in Bertie County and by the

name of Windsor; very conveniently situated and nearly in the center of the County. Since which time several houses have been Built in the said Town, especially Houses of Intertainment, and sundry Stores Established therein, and a good Ferry to and from the said Town. All which greatly conduces to render it a very fitt and convenient plase for holding the Inferior Courts of the said County and doing other Public Business att. And as the present Court house is not only very Inconveniently situated for the greatest number of the Inhabitants who are often obliged to attend at it, but is rendered more so for want of convenient Houses for Inter-taining the great number of people who are obliged to attend their Business, besides the said Court house is now so rotten & Decayed by Age that it is past any Possibility of ever repairing it and Conse-quently there is an Absolute necessity of having a new one Built there or some where else. And the Town of Windsor it is agreed on all hands being the most Convenient, your Petitioners therefore Humbly Pray you will take it under your Consideration, and Pass an Act to Impower certain Commissioners therein to be mentioned, to Agree with workmen for Erecting & Building such a Court house Gaol and Stocks in the said Town of Windsor as they shall think necessary and convenient for the use of the County afs^d, and that a Poll Tax may be Laid on each and every Taxable Person in the said County sufficient to defray the expense and Charge of the said Buildings.

And your Petitioners as in Duty Bound will ever pray &c.

John Johnston	Josiah Rudolf	Had Sorall
Zeb ^d Stone	Miles Shehan	Thos Harrison
Thomas Ballard	Josiah Williams	Tho ^s Whitonsh
Tho ^s Boswett	William Buchanan	John Walton Jun ^r
W Nichols	William Knott, Sen ^r	George Wair
John Coke	W ^m Knott, Jun ^r	David Gaskins
Ew ^d Halford	Joseph Keant	Art ^s Williams
Wm Ashburn	Rob ^t West	Edward Hardy
Samuel Black	Tho ^s Outlaw	James Warborton
W ^m Hurst	John Aller	Jn ^o Madri
Hum ^{ty} Hardy	Kenneth McKenzie	Jess Hardy
J Pearson	W ^m Armistead	James Baker
David Brian	Henry Wills	John Fleetwood
Jn ^o Nicholls	John B Corkeran	Jery Fleetwood
Rich ^d Lakey	James Bond	Elisha Williams

William Wooten J ^r	David Curry	John Norwood
W ^m Humphreys	Peeler Redet	James Perry
Cha ^s Worth Jacocks	Tho ^s Pugh	Benj ⁿ Perry
Tho ^s Ashburn	William Webb	Tho Clark
John Oxley	W ^m King	John Bazemore Sen ^r
Theodore Cather	Tho ^s House	John Bazemore Jun ^r
Benjamin Ashburn	Ezekiel Wimberly	W ^m Bently
Henry Fleetwood	M Whitfield	Henry Bate
Henry Hereman	Simon Turner	Jos: Collins
W ^m Meredith	Anthony Armistead	James Beats
Phillip Walston	Elisha Whitfield	Charles Bowes
James Fleetwood	Thomas Bog	William Vergin
Tho ^s Shehan	Solomon Bender	Samuel Grimes
Herz ^t Mohun	W ^m Bender	Luke Smethwick
William Outlaw	James Roades	W ^m Benson
Merdecia White	Thomas Stanback	Joseph Simons
Peter Clifton		

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROV-
INCE OF NORTH CAROLINA, TO THE HONOURABLE HIS MAJESTIES
COUNCIL AND TO THE SPEAKER AND MEMBERS OF THE HOUSE OF
ASSEMBLY NOW MET

The Petition of the Inhabitants of Guilford County

Humbly Sheweth

That whereas some persons Inhabitants of this County through
lucrative views have made it their Business to raise Disquiet and
uneasiness in the minds of the people who live in the interior parts
of the County relative to the fixing the Court house Prison and
Stocks for said County by industriously forwarding a Petition
to the General Assembly for appointing other Commissioners to
establish the same Agreeable to their Schemes and lucrative Views
And Whereas the Commissioners Appointed by the late Act of
Assembly for establishing the above mentioned County have already
laid out a place for erecting the Publick Buildings which we are
satisfied of to be the most Convenient and Centrical Place to the
Inhabitants of this County particularly for good Water and plenty

of Timber for Carrying on the buildings. We would therefore humbly beg that you would reject every Petition to the Contrary & that no alteration be made relative to the Said Buildings as it will be attended with Great Inconvenience (as well as the expence of paying two setts of Commissioners) to the Inhabitants of the said County, And we as in duty will ever pray &c &c

Robert Rollston	Nathaniel Fields Jr	James Lay
Rob ^t Rollston	Jonas Frost	Moses Short
Henery Cook	Reubin Shoar	John Niel
Jos Cook	James Harrison	Sam ^l Short
Tho ^s Blear	John Nitson Sr	James M ^c Bride
Tho ^s Hogan	Robert Nitson	William Steal
Tho ^s Allen	John Nitson Jun ^r	John Steal
Rob ^t Brasher	Exlander Nitson	James Steal
Assa Brasher	Frances Young	Thomas Statt
Nath ^l Harris	Sam ^l Young	Richard Sharpe
Alex ^r M ^c Clarín	Joseph Cunningham	John Sharpe
Darby Calleyhan	Michael Trolenger	George Oliver
Zebolin Davis	James Hays	James Varnan
Rich ^d Vanlandingham	Isaac Sanmon	William Lewes
Forlin Dobbs	John Willots	John Simmond
W ^m Dickson	David Pursall	John Wotton
Rub ⁿ Dickson	John Pursall	David Wotton
Reuben Grady	Richard Henderson	William Wotton
William Crump	Charles Mitchell	David Fulton
Thomas Gray	Zachariah Roberson	Joseph Buffinton
William Hopper	Nath. Watson	Thomas Willson
James Cotton	James Sanders	Sam ^l Buchanan
Robert Fisk	Charles Philups	William Buchanan
John Fisk	James Philups	Sam ^l Morrow
Naam Michel	William Dickson	Nath. Fields
Francis Cook	Reuben Dickson	Timothy Murfey
John Glen	Fortus Dobbs	W ^m Boyd
Richard Davison	Mathew Scoot	Giles Carter
William Bostick	Isaac Wheaton	Benjamen Carter
Charles Galloway	Andrew Scoot	John Parish
John Walker	James Preston	John Thomas
Joel Walkor	Thomas Connor	Gehu Fanning
Gidion Johnson	Wm Campbell	John Hill
Ozinben Headpath	Sam ^l Fulton	William Hill

Charles Cox	Thomas Ham	Nathaniel Hoggatt
John Garner	Cha ^s Webster	William Farriow
Christopher Cobler	Simon Moon	John Barker
John Davison	W ^m Nelson	James Reagan
Lewis Cobler	James Endsley	William Grady
Jas McBride	James Periman	George Peay
William Mortimore	Isaac Rollston	Edward Hunter
Jacob Short	Isaac Dawson	Thomas Joyce
Jeremiah Nichols	Augustin King	Eleander Joyce
Ja ^s Olefer	Nickles Laremore	John Joyce
James Hone	Sam ^l Lorrinis	John Davis
Andrew Endsley	Tho ^s Henderson	Addam Gann
Sam ^l Vance	Sam ^l Henderson	Nathan Gann
John Brasell	John Hinson	Samuel Gann
John Filumin	John Reagan	John Pratt
John Endsley	Valentine Allen	John Smith
Lers Crasse	James Smyth	Powell Stamper
Zac ^r Martin	Nathaniel Hokett Sr	Joseph Tate
George Juder	Joshua Edwards	William Gonedy
John Nash	James Johnson	Willer McCorston
W ^m Howlet	Samuel Hargrave	James Tucker
John Anderson	John Unthank	W ^m Parsley
Alex ^r Tassey	Walter Stallins	George Hamilton
Jn ^o McMachen	Jacob Jessop	W ^m Anderson
J ^{no} Blair McMachen	Caleb Jessop	Abrah ^m Macklehatten
James McCuistion	Thomas Jessop junior	Rob ^t Harwick
Edw ^d Holland	Timothy Jessop	Peter King
David Waddell	Joseph Jessop	William Forster
Edward Hunter	William Jessop	Nicholas Barron
Francis McNary	Jn ^o Clark	W ^m Sumner
John Allison	Henry Reed	Jesse Walton
John Tison	Moses McClean	John Stigner
Tho ^s Thornburgh	George Raye	Julius Mitchel
Joseph Unthank	Isaac Coulson	Pard Burk
Richard Williams	Jacob Coulson	Clayborn Rice
Zac ^h Dicks	William Rapper	James Jones
W ^m Stanley	Adam Mitchell	James Porterfield
John Battinger	Robert Rankin	John Mitchel
Daniel Worth	John White	Hugh Forster
Tho ^s Jessop	John Blear	Arthur Forbes

Rob ^t Mitchell	Robert Barr	David Walker
John Rankin	William Seewey	Joel Walker
Robert Rankin	John Hunter	John Rosse
John Flenner	Will ^m Covertton	J Smith
John McDonal S ^r	Rob ^t Nelson	Constant Perkins
John McDaniel J ^r	John Nelson	Samuel Hunter
Rob ^t Irvin	Alex ^r Nelson	Charles Perkins
James Barr	John Nelson J ^r	Tho ^s Henderson.
Daniel Barr	John Walker	

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

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, IN AND OVER THE PROVINCE OF N^o. CAROLINA, THE
HONOURABLE COUNCIL, AND GENTLEMEN OF THE HOUSE OF BUR-
GESSES;

The Petition of the North Part of Orange County,
Humbly Sheweth,

That whereas by the large Extent of the s^d County, it renders it
very Burdensome to attend Courts, General Musters &c, We pray
that a line Beginning where Granville County line corners on the
Virg^a line, then Running South with Granville line twenty five
miles, then West to Guilford line, then with Guilford line North to
the Virginia line, then s^d line East to the first station.

And your Petitioners as in Duty Bound, shall ever pray.

James Sanders Jun ^r	Jn ^o Smith	Robert Campbell
William Sanders	W ^m Is ^s Zarol	Tho ^s Lea
Mark Brown	Joseph Williams	Andrew Haddock
Adam Sanders	Duke Walobone	James Gillaspay
Pet. Terry	John Smith J ^r	Alex ^r Galaspy Jun ^r
David Griffin	John Cochrane	Alex ^r Gowen
Rich ^d Moore	Samuel Saul	Thomas Serdson
Tho ^s Donoho	Abram McMillian	John Gowen
John Graves Jun ^r	James Lea	Daniel Gowen
Zachariah Henderson	Joseph Henderson	Emas Gowen
Ben. Hubbard	Elij ^a Bryan	Alex ^r Gowen Sen ^r
James Graves	John Lea	Stephen Norton
Thos ^s Slade	Major Lea	Andrew Harrison

John Cearcy	Elliot Lea	Edmund Lea
Charles Boulton	Elisha Bowdre	Jo ^s Hex
Peter Baxter	Henry Lea	James Dixon
Francis Shackelford	Nath. King	Ephraim Gold
James Sarders Sen ^r	John Bradsher	Robert Smith
Alex ^r Montgomery	Ja ^s Lea	Arth ^r Harris
George Runnals	Zach. Lea	Peter Black
Sam ^l Cowan	Arthur Mitchel	Elija Harralson
W ^m Lea	Andrew Z Narrick	James Stuart
Abraham Miles	James Lea	Burgis Harralson
James Roberts	William Lea	George Black
John Petete	Henry M ^c Coy	Daniel Duncan
Edward Oxford	William More	Abram Fulkerson
Jacob Williams	J ^{no} Campbell	Arch ^d Campbell
Joseph Baron	John Chambers	John M ^c Farling
Tho ^s Wilson J ^r	John Smith	Robert Byos
Wm Ansly	Frederick Miller	Reubin Smith
William Wilson	Tho ^s Willson	Walter Buttler
John Cooper	James Willson	Claud Murhead
William Meadows	John Mitchell	Timothy Warrin
David Roper	James Russel	Jonathan Allen
John Walker, Jun ^r	William Lea	Annanicy Allen
John Walker	Carnett Lea	Isaac Allen
Pa ^k Porter	James Lea	John Cauthon
John Robertson	Tho ^s Dobbins	William Paschal
Jacob Robertson	David Maxfield	Ja ^s Stewart
Robert Whitlock	Charles Stephens	Francis Kerney
Will ^m Lea Jun ^o	James Long	Jo ^s Kerney
Alex ^r Rose	Edward Maxfield	Joshua Kerney
John McIver	James Chaden	Ja ^s Murphy
Joseph Serratt	George Nokes	Alex ^r Murphy
Sam ^l Hendron	Rob ^t Portis	Anth ^y Murphy
Peter Barkson	Wil ^s Madfield	James Randell
Frederick Brock	James Robertson	Rob ^t Deever
John Paine	Robert Kreesy	William Williamson
John Lea	Andrew Caddol	Francis Wright
James Wilson		

[JOURNALS BOARD TRADE. VOL. 81.]

BOARD OF TRADE JOURNALS.

At a Meeting of His Maj. Comm^{rs} for Trade & Plantations.

Monday March 8th 1773.

Present

M^r Jenyns

M^r Gascoyne

Lord Greville

M^r Jolliffe

The Earl of Dartmouth one of his Maj. Principal Secretaries of State attends

[P. 51.]

Their Lordships read and considered Twenty three Acts passed in the Province of North Carolina in December 1771 together with M^r Jackson's Report thereupon.

Ordered that the Draught of a Representation to His Majesty be prepared proposing that one of the said Laws may be disallowed Viz.

An Act to amend an Act entitled an Act for founding establishing and endowing of Queen's College in the Town of Charlotte in Mecklenburg County.

[P. 53.]

Thursday March 11th 1773.

Their Lordships took into further consideration one of the Laws of North Carolina mentioned in the Minutes of the 8th entitled An Act to indemnify such persons as have acted in the defence of Government and a letter to the Governor thereupon containing the Board's Observations on several parts thereof was agreed to and signed.

Their Lordships approved and signed a Representation to His Majesty upon an Act passed in North Carolina in December 1771

[P. 83.]

Thursday April 22, 1773.

Their Lordships read and considered letters from the Governors of the Leeward Isles North Carolina and Georgia respecting the clause proposed to be inserted in Governors Commissions for the future to give them the custody of Ideots and Lunaticks.

[P. 140.]

Tuesday October 26, 1773.

Read M^r Jackson's Report upon an Act passed in North Carolina in March last with a suspending clause for establishing Superior & Inferior Courts of Judicature within that Province and stating several material objections to the said Act and the Earl of Dartmouth having communicated to the Board a letter he had wrote in July last to the Governor of that Colony signifying his Maj. disapprobation of the said Act & containing Instructions to endeavour to obtain another Court Act to be passed under certain limitations & restrictions therein expressed it was agreed that the present Law should lye by until it was seen what effect Lord Dartmouth's letter would have.

[P. 147.]

The following Letters & Papers were laid before the Board & read Viz

Letter from Governor Martin to the Board dated July 1st 1773 in answer to a letter from their Lordships of the 11th of March last and respecting some Laws passed in that Province.

[P. 177.]

Monday December 20th 1773.

The Secretary laid before the Board public Acts & proceedings of the Legislatures of several of the Colonies in America, the titles of which are as follows, Viz:—

Journal of the Council in Assembly of North Carolina 25th Jan^y to 6th March 1773.

Journal of Assembly for same time.

Estimate of the Expense of the Upper House of Assembly held at Newbern 25th Jan^y 1773.

Estimate of Expenses incurred at an Assembly begun & held at Newbern 25th Jan^y 1773.

Copies of Laws rejected in January Sessions 1773.

Thirty four Laws passed in March 1773.

Copies of Seventeen Laws rejected by the Governor.

Minutes of Council from 22nd Aug. 1772 to 24th May 1773.

1774.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from Chief Justice Howard to Earl Dartmouth.

NEWBERN N^o CAROLINA January 4th 1774.

MY LORD,

His Excellency Governor Martin does me the favour to inclose this letter to your Lordship, and from the kind testimony he will be pleased to give of me, I flatter myself your Lordship will be induced to take the subject of the inclosed memorial into your consideration, and promote such an establishment as His Majesty may think suitable to the office of Chief Justice of this Province, which he has been pleased to confer upon me. It may give me some further claim to His Majesty's grace and favour to acquaint your Lordship that I am one of the Persons who suffered very greatly by the riots occasioned by the Stamp Act in Rhode Island Colony in the year 1765, and for which I have never yet received any compensation.

I am with the greatest respect and veneration for your Lordship's very worthy and amiable character

My Lord &c,

M. HOWARD.

Petition from Chief Justice Howard to the Earl of Dartmouth.

Humbly Sheweth,

That on the tenth day of June 1771, an Act of the Assembly of this Province, commenced whereby a salary of six hundred pounds currency per annum, nearly equal to three hundred and thirty pounds sterling, was given to the Chief Justice and also fifty pounds currency for each Court he should attend, being twelve in number, which made three hundred and thirty pounds sterling more.

That by reason of the expiration of the Superior Court Law, no Courts have been held during the last year, so that your Memorialist has lost great part of the annual allowance granted him by the aforesaid Act of Assembly, and has nothing now to depend upon, but the said salary of six hundred pounds currency which will also be at an end on the tenth day of June next, the Law having been made to continue for three years only.

That your memorialist has just grounds to believe, that if the Assembly upon the expiration of said Law, shall make any further Provision for the Chief Justice, that it will be upon such Terms as shall keep him constantly dependant upon such temporary Grants as they shall be pleased to make for his subsistence.

That therefore your memorialist under these circumstances is advised, and thinks it most proper to reject any allowance, the Assembly may propose to make him, and in lieu thereof to have recourse to the Fees of Office as established by an Act of Assembly passed in the year 1748. But as the said Fees depend upon the number of suits, the profit arising therefrom, varying from three to five hundred pounds sterling a year is uncertain and precarious, your memorialist therefore most humbly prays that His Majesty would be graciously pleased to grant such an allowance over and above the said Fees, or otherwise as he shall think suitable to the dignity and importance of the Office. Your Memorialist further begs leave to refer to your L^{ds} consideration, that the salary of £70 sterling a year established by an Order of His Majesty in Council, & payable to the Chief Justice from the revenue, arising out of His Majesty's Quit rents is now in arrear, & unpaid for five years last past, owing to the difficulties of collecting that revenue, or to some other cause, so that your Mem^t besides losing what is past, has little expectations of any receipt for the future from that Establishment.

Your Memorialist in justice to himself cannot omit to inform your L^{ds} that in performing the duties of his Office, in this Province, he is under a necessity of riding upwards of a thousand miles a year in an unhealthy climate, for the most part thro' a wild and unsettled country, & to pass many wide and dangerous Ferrys, which makes the office of Chief Justice of N. Carolina far more burdensome & expensive than that of any other upon the Continent of America. From all w^{ch} he humbly hopes thro' your L^{ds} benevolent aid & assistance to obtain such favour & relief as His Majesty shall be graciously pleased to grant him.

M. HOWARD.

Newbern N^o Carolina January 4th 1774.

[N. C. LETTER BOOK. S. P. G.]

Letter from Rev. Mr Reed to the Secretary.NORTH CAROLINA,
NEWBERN, Jan^y 7th, 1774.

SIR,

The Assembly met the first of December, but no business was done. The province has been in great confusion for twelve months past through want of a Law establishing courts of Judicature, and the misfortune is, that administration and the Assembly cannot agree about the mode. The Governor therefore prorogued the Assembly till the first of next March, and whether they will then adopt any plan agreeable to administration, is very uncertain. Till that affair be settled we need not expect any Law, either permanent or temporary, for establishing Vestries, nor can any taxes be collected either for the support of church or State. I must ingenuously confess I am heartily weary of living in this land of perpetual strife and contention; such I have found it by the experience of upwards of twenty years. Without the benevolence of the Society it would be quite intolerable, and 'tis with the utmost gratitude I subscribe myself their

Most obliged &c.,

JAMES REED.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from Lord Dartmouth to Governor Martin.WHITEHALL, 8th January 1774.

SIR,

It has given me great concern to find, by your dispatch of the 6th of October last, that my letter of the 4th August, containing His Majesty's Orders and Instructions respecting the clause of Attachment in the Court Bills, had not then been received by you; for I think if that letter had come to your hands it would have relieved you from all difficulties on that head and have rendered a Prorogation of the General Assembly unnecessary. But as you say that such Prorogation was very agreeable to the Members on account of their private affairs, I trust it will not be ground of dissatisfaction to them or disadvantageous to the public.

The objections to the Courts of Oyer & Terminer and General Gaol delivery, under their present Constitution are too trivial to require attention, and as the Law Servants of the Crown do not, as you say, entertain a shadow of a doubt as to the legality of the Courts, I trust that all the King's Subjects will think fit to acquiesce in that opinion, and that the Judges will meet with no obstruction in the exercise of an authority which has already been found so beneficial to the Province.

The King has been Graciously pleased to extend His Royal Mercy to Renald McDugal, and inclosed I send you an authenticated Copy of His Majesty's Warrant to the Recorder of London for inserting his name in the next general Pardon which shall come out for the poor Convicts in Newgate, to the end that you may take such steps thereupon as have been usual in like cases. But it is my duty upon this occasion to observe to you that the Authority given to the King's Governors in America, to respite the execution of Criminals sentenced to death for murder, is of a very delicate nature, it ought to be exercised with the greatest caution; and the ground for the interposition of the royal clemency, ought to be extremely clear in every case.

I hope to be able to transmit to you by the next Packet His Majesty's instructions respecting the future disposal of the King's lands, accompanied with such directions as shall appear to be necessary in the cases stated in your letter.

I am &c,
DARTMOUTH.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from Governor Martin to the Earl of Dartmouth.

NORTH CAROLINA, NEW BERN,
January 13th 1774.

MY LORD,

I have the honor to transmit to your Lordship herewith, copies of the Journals of the late Session of the Council and General Assembly of this Province, together with Transcripts of the Bills for establishing Superior and Inferior Courts, that were agitated between the two Houses. The first, as I before reported to your Lordship, was thrown out by the Council; and the latter was depending before

that Board, at the time of the Prorogation. Hence you will perceive my Lord, that the Assembly still insists upon the regulations with regard to Attachments, and the limitation of the jurisdiction of the Superior Courts, designed by the Bill past at the former Session, under a suspending clause, but, that your Lordship may see, at one view, the points of difference between those Branches of the Legislature, I have directed the Propositions of each to be inserted in the Bills together, distinguishing them by a note in the margin, and the sense of the two Houses upon them, will appear to your Lordship at large, in the Messages entered on their respective Journals.

It is matter of the greatest concern to me, that the Assembly in its proceedings on the 7th and 8th of December has betrayed such untoward dispositions; and of no less, that the House by its Message to the Council, on the 20th has left so little hopes of any change in its sentiments and measures. It is proper that I observe to your Lordship, upon this message that there is in it an allusion to a form of Oath, prescribed in the Bill, which never had any existence in it. The regulations concerning Attachments that your Lordship permitted me by your letter No. 6 to propose, were inserted by the Council, as general directions, to the Courts or Magistrates impowered to grant those Writs: but no form of Oath whatever was prescribed. Since my last letter, my Lord, I find the people I then called moderate, and whom I represented as wishing only to exercise the custom of foreign Attachment, with the same latitude it has in London, and the other commercial cities of England, while they will be contented with that mode of proceeding, against the effects of the Inhabitants of Great Britain here, (which the People of this Province suppose enables them to seize the effects of the Colonists in that kingdom) yet hold it indispensable that they be allowed to proceed according to the former mode practised here, against persons of this Country, and of the other Colonies.

On the 9th of December, your Lordship will observe, the House of Assembly resolved *nem. con.* that a tax of one shilling ¶ Poll, and a duty of four pence ¶ gallon on spiritous liquors, imposed by an Act then recited, for sinking an emission of Paper money, ought to cease, although it is notorious, that there is yet in circulation, a very large portion of that emission. This measure was taken before, in the first Session held after my arrival in this Government, and a Bill actually passed both Houses to discontinue these taxes, But it appearing to me, inconsistent with the Public faith, and repugnant

to the Act of Parliament relating to the Paper Currency of the Colonies, passed in the 4th year of His present Majesty's reign I rejected it and I should have thought it my duty to resist upon the same principles now the Bill of like nature, that was depending at the Prorogation, if it had been offered for my assent.

Your Lordship will receive herewith, a copy of a charter granted by the late Governor Dobbs, to the Town of Wilmington, with a surrender thereof by the Freeholders, and a Petition for a new Charter, upon a different and more convenient Plan. This my Lord, I should not have hesitated to grant, if the Earl of Hillsborough, on a like occasion, had not communicated to me, his Lordship's opinion, that it would be proper, in cases of that sort, to have the previous sanction of Government, as it is of importance to the regulation of that Town. I shall be happy to receive your Lordship's permission to grant a Charter agreeable to the Petition of the Inhabitants, as soon as your Lordship shall have considered the matter.

I think it proper to advise your Lordship, that at the time His Majesty's order in Council, forbidding the passing any further grants of the Crown Lands, arrived here, a great number of Warrants of survey were out, and that the People who obtained them, will be much discontented, if they are not allowed Grants of the Lands, they had then entered, upon the terms, to that time held forth by Government. I hope, too, your Lordship will think this expectation not unreasonable, considering that these Entrants of Lands relying upon the faith of Government, to fulfill the conditions which invited them to become Tenants to the Crown, having paid their money, and gone as far as they could to establish legal Titles to such lands as they had entered, certainly acquired thereby an equitable claim to them upon the same conditions.

As I feel it most severely, I flatter myself, your Lordship will pardon me for observing, that His Majesty's restriction hath cut off the principal source of His Governor's revenue in this Province, where the emoluments arising from the ordinary business of his Office, are next to nothing, the loss of at least one thousand pounds p^r annum my Lord, that accrued from granting the Crown Lands, is a vast defalcation of my little income, that, at best, hardly sufficed to support the dignity of my station, and which I do aver to your Lordship upon my honor, will not now maintain me, even decently, with the strictest economy. Its deficiency too my Lord, I shall feel

continually more, and more, for the improvement and population of this Country great as the latter has been, keep no pace with the prices of Provisions, and all the necessaries of life in it, which have actually advanced, since I came to this Government, in August 1771, some articles thirty & many ninety p^r C^t. I humbly hope therefore, that your Lordship will be pleased to take these circumstances into your consideration, and move His Majesty to grant some equivalent support to His Governor of this Colony.

M^r Howard, His Majesty's Chief Justice here, has requested me to transmit to your Lordship his Letter & Memorial inclosed, and the great merits of this Gentleman's character & his steady zeal in the service of Government, engage me to recommend his case, in the strongest manner, to your Lordship's favorable attention.

As it appears by the Journals of the House of Assembly that a Petition is to be presented to His Majesty on the subject of the Law of Attachment, the point on which the difficulties with regard to the Court Laws have principally arisen, I hope your L^{dy} will approve my intention of recommending to the General Assembly, at the next session in March (if they will not adopt the mode of proceeding by Attachment according to the regulations I before proposed by your Lordship's authority) to leave that matter altogether out of question for the present, and await the issue of their application to the Throne upon it, & in the meantime to establish Courts for the General Administration of Justice, in comparison of which, the object they so strenuously contend for, is of little consequence.

I inclose herewith, a weekly paper printed at Wilmington in this Province, under which head, in the last page, your L^{dy} will see what disingenuous representations are made to inflame the minds of the People, & to continue the unhappiness of this Country, which is already so great, as to render my situation comfortless and uneasy as it can be, while I enjoy the pleasing consciousness of discharging my duty to His Majesty faithfully.

I have the honor to be &c.,

JO. MARTIN.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from Governor Martin to the Earl of Dartmouth.

N^o CAROLINA NEW BERN, January 28th 1774.

MY LORD,

I have the honor to transmit to your Lordship herewith the minutes of the Council of this Province, from the 28th June to the 22^d September last, in which will be found, two Memorials of His Majesty's Attorney, and Receiver General, that ought to have been inserted in former minutes, but by some accident or neglect, were omitted.

I take the liberty to lay before your Lordship, abstracts of the Laws of New York & Pennsylvania, relative to Attachments, which have been brought to me, as evidence, that a mode of Proceeding, obtains in those Colonies, of greater latitude, than it seems to be the design of Government to admit here, by the regulations, your Lordship authorized me to propose to the Legislature of this Province, they will serve your Lordship as notes of reference to the Laws of those Provinces, which I presume, are deposited at large in your Lordship's Office, whence, your Lordship may be satisfied more fully of the extent and tendency thereof. In Virginia, your Lordship will see, there is a mode of Attachment, prescribed by an Act of the 18th year of His late Majesty's reign Chap. 1st intitled "An Act for the relief of certain Creditors" that affects non residents, as well as residents, in that Colony, the process however is in a Court of equity, and there is also another law of Attachment, in an Act of the 22^d of His late Majesty Chap. 4th intitled "An Act for establishing County Courts, and for regulating and settling the Proceedings therein."

Strongly as the Mode of Proceeding by Attachment according to the former practice here, is contended for on the ground of necessity. I find the Assembly insist upon it, the more strenuously, in the belief, that the restrictions of this Process, intended by Government, are calculated to deprive this People, of a means to recover debts, due from those of the other Provinces, which they employ against them, and which they will be left to exercise, after the Inhabitants of this country shall be divested of any reciprocal power of retaliation, to the manifest disadvantage of the latter, and if I could possibly

suppose that, to be the design of Government I must confess to your Lordship, the discontent and resistance of the Assembly here, would appear to be much more defensible & reasonable than it does at present.

It has been lately observed to me my Lord, that a fraudulent Debtor, who should betake himself to his house (which in the eyes of the Law, is his impregnable castle) and avowedly with design to defeat his creditors, he would effectually secure his goods from Attachment under the restrictions of that process, intended by my instructions, and set them at defiance for that they could not in such case, make any *due proof* that he *absconded* &c, but only, that the ordinary process of Law could not be served upon him. That in England, the statutes of Bankruptcy, in cases to which they applied, admitted, under such circumstances, of the seizure of the Debtor's effects, and that an adequate remedy was highly necessary here, and had hitherto been found in the former Law of Attachment that permitted the seizing a Debtor's effects upon his *concealing* himself, so that the ordinary process of Law could not be served upon him. This opinion, it would therefore seem my Lord, hinges upon the construction of the words *concealing*, and *absconding* which to my understanding are nearly synonymous, or rather I believe, the latter word has all the signification of the former with respect to Persons, and may be used more extensively, indeed in my humble judgment, it applies to a debtor in the predicament above represented. For I conceive a man may *abscond* from his dealings with the world, and to the detriment of his creditors, in his own house, in this country, as much as if he removed to Japan. I should wish however, for your Lordship's sentiments on the matter. Many other cases, are also supposed wherein the Proceeding by Attachment, according to your Lordship's regulations, are not thought adequate to the necessities, and adapted to the interests of this People. But I have already troubled your Lordship with all that appears to me essential on this head, and I will now dismiss a subject, that has been productive of so much uneasiness, and embarrassment to me, and so great distress to this Colony.

The People, that are continually emigrating, in great numbers to this country, from His Majesty's European Dominions, it may be feared will increase the difficulty of executing any new plan of Government, for disposing of the Crown Lands here, if it be long delayed; for it is to be apprehended they will readily fall into the

Practice of the People of the country, and sit down upon those Lands without Title, for which they may now indeed, plead a necessity, that was not heretofore the case, when the King's Lands were grantable, and afterwards, upon their example also, claim indulgence, if not right, under the robust Title of Occupancy.

It seems, my Lord, the particulars of the Division in the Council, that I suggested in my letter No. 19, concerning the passing the Bill for the Establishment of Inferior Courts alone, have by some means transpired, and the members who opposed it, are industriously held up to the Public Odium on that account, and as advisers of the prorogation; a measure which, I solemnly declare to y^r Lordship, was entirely my own, but was certainly approved by those Gentlemen, upon the same principles, that I adopted it. That I may do justice to the members of the Council, who took different parts with respect to the Constitution of Inferior Courts alone, I think it proper to inform your Lordship, that M^r DeRosset, M^r Sampson, M^r McCulloch, M^r Dry and M^r Cornell were for passing the Inferior Court Bill alone, after the Council had thrown out the Superior Court Bill unanimously, and that the Assembly had declared its resolution not to depart from its own modification of it. M^r President Hasell, M^r Rutherford, M^r Strudwick and M^r Chief Justice Howard, thought with me, that the establishment of those Courts alone, was inconsistent with every idea of good policy, and opposed the Bill, and although there was a majority of one voice, in favor of it, yet I am persuaded, if your Lordship was acquainted with the characters, you would not hesitate to admit it, that the weight of the Council preponderated infinitely on my side of the question.

Your Lordship will observe, that there is inserted, at the end of the Bill for establishing Superior Courts, that was rejected in the Council, at the last Session, and that I lately transmitted for your Lordship's information, a clause, repealing an Act passed in the year 1748, for settling the fees of the Chief Justice, and others, and making at the same time, no provision for that officer; who in the year 1770 agreed with the then Assembly to relinquish his Fees, in consideration of a salary, at that time allotted him, by an Act of the General Assembly, of six hundred pounds Proclamation money p^{a} annum, and an allowance of fifty pounds for every Court he attended, supposing which to be the twelve held in the year amounted to six hundred pounds more from the latter Provision. Nothing has accrued to the Chief Justice since the expiration of the Court Law in March

last, and the Act appointing him a salary will expire on the twelfth day of June next, when, if in the meantime no Establishment of Courts be made, by Law, His Majesty's Chief Justice will have no other support than the Crown Salary, of £70 sterling *per annum*, chargeable on the revenue of quit rents, of which he has not received a shilling for some years.

It is a strange Policy my Lord in this Country, to hold this important Officer in such a state of dependance on the Assembly, by making only a temporary Provision, for his support, from time to time, indeed the present Assembly in its message to the Council of the 20th of December last, speaks with great liberality of intention, towards the Judges, provided His Majesty shall be pleased to appoint them *during good behaviour*, but whether that measure shall or shall not be adopted by Government, I humbly conceive it is highly worthy its consideration to put the Chief Justice at least, upon some good and independent footing, suitable to the dignity and consequence, and toil of his Office, which last, is in this Country peculiarly great.

It appears by the Journals of the late Session of the General Assembly that the House refused to admit the Member elected for the Town of Tarborough, in consequence of a Charter granted by me to that Place; and a Writ of election regularly issued, as being contrary to a Division of the Bath Town Act, passed in the year 1715. I confess my Lord, it seems to militate against that Law, which however does not restrain the Prerogative royal; and it was by virtue of that Power, the Charter was granted by me, with the advice of Council, and I presume, it may on that right of the Crown, be supported. The Act alluded to was not in contemplation at the time; nor did I ever advert to it with respect to this matter, until the Assembly's Proceeding called my attention to it. The Petition of the Inhabitants of Tarborough, was introduced by M^r McCulloch a member of the Council, who attested the facts it set forth, which the other assisting members of the Council (M^r Chief Justice Howard and M^r Strudwick) as well as myself thought sufficient grounds to grant the Charter. Considering the embarrassments of the time, I did not think it proper to make this a new matter of controversy, with the Assembly at the last Session, nor shall I enter upon the discussion of it hereafter unless your Lordship shall think it expedient.

■ Finding that the pretensions of the Town of Beaufort, to representation in the Assembly, are not well established; and that the Petition of its Inhabitants, that I referred to your Lordship, was only calculated to serve the purpose of a particular person, who wanted a seat in the Assembly, I have forborne to issue a Writ of election to that Town, which conduct I hope your Lordship will approve.

I have the honor to be &c.,

JO. MARTIN.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from the Earl of Dartmouth to Governor Martin.

WHITEHALL, 5th Feb^y 1774.

SIR,

I have received and laid before the King your Dispatches N^o 15, 16 & 17.

I am much obliged to you for the printed Collection of the North Carolina Laws, which will be very useful to me, and I will not fail to direct inquiry to be made for the five Laws you mention, supposed to have been passed prior to the oldest date of this collection.

I am very sorry that I have not had it in my power to send you any Instruction upon the Quit rent Bill, which you some time ago transmitted to me, and the more so, as it appears to me to be a Bill of great importance to the King's interest, and therefore I hope it will not be long before I shall be enabled, by a communication of the sentiments of the Lords of the Treasury to receive the King's final Commands upon it.

As the recommendation of Persons to supply vacancies in the Council belongs to the Department of the Board of Trade, I will not fail to communicate to them your wishes, with regard to the Gentlemen mentioned in your Letter No. 17, not doubting but their Lordships will concur with you therein.

I am, &c.,

DARTMOUTH.

[B. P. R. O. B. T. NO. CAROLINA. VOL. 24. P. 230]

Letter from the Board of Trade to the King.

May it please your Majesty,

There being two vacancies in your Majesty's Council of the Province

of North Carolina and Thomas McWire Esq^r your Majesty's Attorney General together with Willie Jones Esq^r having been recommended to Us as persons every [way] qualified to serve your Majesty in that Station, We beg leave humbly to propose that the said two gentlemen may be appointed of your Majesty's said Council.

Which is most humbly submitted,

DARTMOUTH
SOAME JENYNS
BAMBER GASCOYNE
WHITSHED KEENE

Whitehall Feb^r 21st 1774.

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

Letter from John Stuart, Superintendent of Indian Affairs, to Governor Martin.

CHARLES TOWN 22nd February 1774.

SIR,

I have the pleasure to acquaint your Excellency that since my last to you of 8th instant, I have received Letters from my deputies in the Creek and Cherokee nations, from which I am induced to hope that matters may still be accommodated with the Creek Indians who seem disposed to give satisfaction for the murders lately committed by them. There has been no less than fifteen white Inhabitants and two negroes murdered in Georgia and three white men in West Florida since October last. The Headmen of the Creek nation are mostly all out a hunting and at war against the Choctaws. Those who are at home seem very sorry for what has happened and have sent out to call the others in on purpose to have a general meeting to consult upon giving satisfaction for the different murders which have been committed contrary to the sense of the nation by a stragling Banditti who have separated themselves from the nation and by that means are not subject to any authority. They consist of only seventeen Indians.

I have likewise received a Message from the Cherokee Indians of 4th instant expressing the strongest attachment to His Majesty's white subjects, and their present pacifick disposition, with their disapprobation of the late conduct of the Creek Indians towards us. That nation is still extremely uneasy at the encroachments of the

white people on their hunting Grounds at Wataga River, where a very large Settlement is formed upwards of fifty miles beyond the established Boundary, and as I am apprehensive that it consists of Emigrants from your province to which it is contiguous I must beg your Excellency's Interposition to endeavour to prevail on them to remove otherwise the consequences may in a little time prove very fatal. I have in the mean time ordered an Interpreter with a party of principal Indians to warn them to remove within a certain time, and should they then neglect to move off, I am much afraid it will be impossible to restrain the Indians from taking redress themselves by robbing and perhaps murdering some of them.

What further intelligence I receive from the Creek nation respecting the disposition of the Indians shall be communicated, in the mean time the Frontiers continue much alarmed and the Inhabitants are daily deserting their habitations and those who remain making stockades for their safety and defence.

I am Sir &c.,

WILLIAM OGILVY

for John Stuart Esq^r.

P. S. M^r Stuart is so excessively ill of the Gout that he cannot even sign his name.

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

Letter from Andrew Miller to Thomas Burke.

HALIFAX, Feb^r 22, 1774.

DEAR SIR,

I rec^d your fav^r of the 10th Instant by M^r Macnair. I shall be glad to see you and M^{rs} Burke here by the time you mention, when I hope M^{rs} Miller will be in the Straw and restored to her former Temper, which is what she Seldom has during the months of Pregnancy.

M^r McNair was married the 17th Inst., to Miss Hall. He sets off for Newbern on Sunday, in Company with Co^l Jones—but I am much afraid this Ride will be to no purpose, the Inhabitants of Chowan and Edenton have been Instructing their Representatives, in a different way to what we shall do here.

I have a Congoer who wants to be sold along with his wife and two Children. I do not wish to sell him, tho' I would not refuse to

do so, If I find he will not stay here—should I sell him I would take not under £140. M^{rs} Miller & the Children are as well as usual. M^{rs} Montfort has been very unwell but is getting better. The Co^l has still a Swelling in the Intestines, some of the Doc^{trs} say it is a Temporary, other an Ulcer in the Intestines. Be as it will I am afraid he is not long for this world. M^r McNair has been giving me a hint of some difficulty you have met with, as to J^r Maclellan, which I am sorry for. I expect to see him in a day or two, when I shall remove that. I am afraid he has done wrong. M^{rs} Miller Joins me in Compliments to you and M^{rs} Burke, to whom beg you'll mention us both in the kindest manner. On Second consideration I shall not finish this bill; the post comes on Saturday when I shall be able to say more.

24th— I Inclose you a Copy of Instructions &c entered into by the Inhabitants of this Town. Should many places follow our example I should have hopes of Court Laws. We have a Story here of their having made some Similar resolves in Craven County and at Newbern. John McLellan is here. I find he has made very Small Collections from our debts, which has been the cause of his paying you so little. When you draw for the future I hope you'll meet with no Difficulty as to the payment, for should the Collector of our Debts at Hillsboro not be in Cash, I can always answer them here on Sight.

I am

Dear Sir

Your Hum^b Serv^t

AND^w MILLER.

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

Letter from Thomas Kelly to Thomas Burke.

DUBLIN March 13th 1774.

D^r S^r

I am requested by M^r Feltus who married the Daughter of M^r Adam Bloomfield, and who is his adm^r., to write to you in his fav^r and Entreat your kind offices for him, and thoⁿ I think it Unnecessary from the friendly part you have already taken for that family and which I doubt not you will from your first motive Continue to them, yet I Co^{ld} not refuse beging your most Diligent attention to their affairs.

It gives me great pleasure to find by a letter from you which I saw, y^t you are well settled in that Country, and I was Easily perswaded to write to you in hopes it may produce an ans^r Confirming that record.

There is no mater^l variation in your family Since you left this Country but y^t y^r Cousⁿ Tho^s Burke and John Burke the son of y^r mother's Cousⁿ Tho^s have settled all family Disputes, and y^t the Tyaguin Estate is given up to John, paying Tho^s £500 a y^r. I am sure you will be sorry to hear that my Brother John is Dead.

M^r Feltus Sends you the Necessary papers to execute his claim there. I had not time to give any Directions ab^t them, but if they are not Suff^t for the purpose you can mention to him particularly what fu^r powers or evidence you require & he will procure them.

I am D^r s^r your Aff^t Kinsman & Hmb^l Serv^t

THO. KELLY.

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

Letter from Alexander Elmsley to Samuel Johnston.

LONDON, 24th March, 1774.

DEAR SIR,

It is now a long time since I heard from you and I am not in a Condition to write you a long letter at Present, 'tis a month to morrow since I was taken with a foolish Disorder which has confined me great part of that time to my room, and has not yet quite left me, it was no more than a pain in one of my Ears, the consequence of Cold I suppose, or perhaps the rheumatism, for I have not consulted a Physician on the Occasion, 'tis now near gone however, but want of Sleep has so much affected my nerves, that I can hardly hold the pen. This comes by the *London*. Capt Robertson to Virginia. I have given in charge to M^r Gilmour, a passenger, a little Trunk contain'g some trifles for M^r Knox, in this Trunk is your watch and a ring case for M^{rs} Johnston, which Sir N: Duckingfield forgot to send out with the other things. The parcel is directed to the Care of Atchison and Parker at Norfolk to be forwarded to you, but as M^r Gilmour intends to be at Suffolk, In case he should go from Norfolk in a Carriage I have begged him and he has promised to take it with him, and leave it at M^r Gibson's, whom he knows, and in that case, I have requested of M^r Gibson to send it to you,

but if you can I wish you could send for it, because I'm afraid Mr Knox will want the things for him, Our people forgot them in my Illness, the whole Trunk and all does not weigh ten pounds.

Your watch cost 20 Guineas, and is good work. You must take care when she is not in your Pocket to keep her lying horizontally, at present she is regulated and orderly and keeps very good time; if you hang her at night, instead of laying her on a table she must be made to go about 2 minutes in the Day slower which you can easily do by altering the regulator, this is a secret in watch making I suppose you did not know before. You are also to take notice that in very hot weather all watches go slow, and in very cold weather fast, and must be regulated accordingly.

Dr Lenox I hear is gone back from Spain to America, I kept the watch expecting to send her by him.

The maker of the old watch has been dead near 2 years he was reckoned one of the Best watchmakers in England. I carried her to the widow's house, and she sent me to a poor Devil who had been foreman to her husband. I made him take her to pieces in my presence to find out the reason of her keeping so bad time which I had sufficient proof of myself, upon examining the horizontal work, he said that you had put her into the Hands of some unskilfull person who had ruined it and pointed out the Blemishes; I am not Connoisseur enough to know, whether the faults originated on your side of the water or on this, but as I knew the watch went badly, I have no doubt of their originating some where and Have given orders to make new wheels and a new Cylander, and if I can make a good watch of her I shall keep her, if not she shall be disposed of to the best advantage; the man who made the new watch would not allow above 16 Guineas for her, and I would [not] take so little, as it is not above ten years since she was made, and must then have cost 25.

Yesterday the House of Commons passed for the second reading, a Bill for removing the Commissioners of the Customs from Boston to Salem, and for shutting up the port of Boston and removing the Collector &c. This as far as the public are informed Seems to be all that is at present intended by the ministry in respect to America.

We have had abundance of Bickering lately about the Massachusetts Bay and its Concerns. Dr Franklin as agent for it, by some means or other laid his hands on some Letters, wrote about 7 years ago by Hutchison and Oliver &c to a Mr Whately formerly a mem-

ber of Parliam^t, now dead, he sent them out privately to some of the Boston patriots. The consequence was an address to the Crown to remove the Governor and Chief Justice from their Offices. Franklin soon obtained a hearing of the petition before a very full Privy Council, which reported it Groundless and Seditious, upon which it was dismissed and Franklin turned out of his place of Post Master for reviving a Dispute which had been considered as dead and buried. The Letters were wrote on occasion of the riots that followed the passing the Tea Act in Charles Townsends time.

Tell M^r Charleton his son is very well and is a very fine Boy. I have got another Boy to provide for, which was one of my reasons for troubling you lately about M^cCulloh's Indian Lands, but I am too tired already to say anything on that subject.

I am D S ever your's

ALEX^r ELMSLEY.

M^r Iredels Commissⁿ is gone out.

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

COUNCIL JOURNALS.

At a Council held at New Bern 19th March 1774

Present

His Excellency the Governor.

The Hon ^{ble}	{	James Hasell	William Dry	}	Esquires
		John Rutherford	Samuel Strudwick		
		Lewis H. DeRosset	Martin Howard		
		Alx ^r M ^c Culloch.	Samuel Cornell		

The Governor having found that a Bill for establishing Superior Courts, containing Provisions contrary to His Majesty's Royal Instructions communicated to this Board had passed the two Houses of Assembly and expecting the House of Assembly forthwith to present the same desired the advice of this Board as a Privy Council whether it ought to pass the said Bill or not. Then Mr Rutherford, Mr DeRosset, Mr Dry and Mr Cornell desired the Governor to pass it. Mr Hasell, Mr M^cCulloch, Mr Strudwick and Mr Chief Justice advised not to give his assent thereto.

The Governor thereupon desired that the Members of this Board who advised the passing of the above mentioned Bill furnish him with their reasons for so doing separately in writing which they promised to do.

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

LEGISLATIVE JOURNALS.

NORTH CAROLINA — Ss.

At an Assembly began and held at New Bern the fourth day of December in the fourteenth year of His Majesty's Reign and continued by prorogation until the second day of March *Anno Dom.* 1774.

In the upper House.

Present

The Honble {	John Rutherford	Alex ^r McCulloch	} Esquires.
	Lewis DeRosset	and	
	John Sampson	Martin Howard	

His Excellency the Governor met the Members of the Upper House in the Council Chamber at the palace and commanded the immediate attendance of the Speaker and Gentlemen of the lower House of Assembly, who thereupon attended, and then His Excellency made to both Houses the following Speech, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL, MR SPEAKER AND
GENTLEMEN OF THE HOUSE OF ASSEMBLY,

The sincere grief I feel for the calamitous circumstances of this Colony, and my most ardent desire to restore its prosperity could only induce me to call you together, at a season not perfectly convenient to your private affairs; to which I shall always pay attention, that is consistent with the public welfare, and as I persuade myself you are no less zealous for the honor and interest of your Country, I cannot doubt of your wishing for opportunity to deliver it from the disgrace and ruin to which it is now and has been long exposed, by the total privation of every judicial power, and that you will with true public spirit postpone all lesser considerations, to the redemption of its credit and reputation.

I presume I meet the Assembly fully informed of the sense of its constituents, relative to the difficulties that have arisen concerning the Court Laws, and unhappily rendered your two last Sessions abortive, and I shall rejoice to find it inclines the representatives of the people to accept the modifications I proposed at the last Session with respect to attachments, which have been assuredly designed by Government for the good of this Colony. But if contrary to my wishes, they are yet deemed inexpedient, I have that confidence in your regard for the welfare of this province that leads me to hope you will not longer make the obtaining a point (that you know is utterly out of my power to yield) the indispensable condition of passing Laws for the General administration of Justice, in comparison of which the matter contended for, allowing it all the utility and importance its warmest advocates ascribe to it, is of very little consequence: and I am the more confirmed in this expectation since I find by the Journals of the last Session that the House of Assembly has petitioned the Throne on the subject.

The law of attachment in every other Colony as far as I have been able to inform myself, makes no part of the General plan for the distribution of Justice, but it is in all a separate and distinct provision. Because it has been for a short term of years, woven into the temporary Court Laws here, it surely does not seem either necessary or expedient that it be still incorporated in those fundamental constitutions, and I flatter myself you will think with me, that it is irreconcilable to every idea of good policy to renounce all security of the public peace, credit and happiness; every protection of the lives and properties of a whole people for a circumstance, so clearly, so confessedly unessential.

I am not authorized to propose to you anything new on this subject, and if after mature, dispassionate consideration you shall not think proper to receive the law of attachment according to the regulations I offered it to you at the last Session there can be no objection I conceive to framing Laws immediately, for the permanent establishment of Courts of Justice, upon the most liberal, equitable, and beneficial plan you may; leaving the matter that has so long unfortunately embarrassed your deliberations to be provided for hereafter, when you shall know the result of your application to his Majesty, from whose Grace you may then better expect any further indulgence that shall be found reasonable and constitutional. For my part I do assure you Gentlemen, I shall heartily rejoice in every extension

of the Royal favor that is conducive to the prosperity of this Colony, in which I feel myself sincerely interested, and in the mean time you may depend on my most cheerful concurrence in any constitution of Courts that is self consistent and competent to the due administration of Justice and not repugnant to my duty.

By such a conduct as I have recommended to you Gentlemen, you will rescue your Country from a most deplorable and disgraceful State, to which it is reduced. You will restore its credit and commerce that have of late sensibly declined, and you will discharge the duty you owe your constituents, by doing what is in your power for the advancement of their interest and happiness. To adopt no system for the administration of Justice is to abandon your Country a prey to disorder to rapine and violence, of which you have a flagrant and alarming instance in the barbarous and inhuman murder lately perpetrated at Cross Creek in the County of Cumberland. That is perhaps only a shocking prelude to scenes still more flagitious and tragical, if the hands of Justice continue longer disarmed by the suspension of the executive power of the Law.

The reports of hostilities committed by the Indian Nation on the back part of the Southern Colonies are alarming, and I think it my duty to recommend to you to provide for the security of this province during your recess, lest the present discontents of those savage people terminating in an open rupture, they should spread desolation in this Colony, before you can meet again to prepare for its defence. I have written to His Majesty's superintendant of Indian affairs for further information upon this subject, and I shall communicate to you any intelligence I may receive in the course of your Session.

Gentlemen of the House of Assembly. The Establishment of Fort Johnston has been found so essentially necessary for the protection of Cape Fear River, one of the principal channels of the commerce of this Country, that I cannot doubt your support of it, and as some repairs are needful for the safety of the place and the accomodation of the Garrison, I shall order an Estimate of their expence to be laid before you, assured that you will make such provision for these purposes as may seem expedient.

Gentlemen of His Majesty's Honorable Council, Mr Speaker and Gentlemen of the House of Assembly. As I am sensible that the present season urgently calls for your attention to your domestic affairs I shall be happy to see the public business conducted with

all the dispatch that is consistent with its importance, to which there is nothing so conducive as a perfect harmony among the several branches of the legislature, that it is the reciprocal duty of each to cultivate, and which I shall ever on my part studiously endeavor to maintain.

JO. MARTIN.

New Bern March 2nd 1774.

On motion ordered that His Excellency's Speech be read. The same was accordingly read and taken under consideration and thereupon ordered that the Honorable Samuel Strudwick and Martin Howard Esquires be appointed a Committee of this House to draw up an address in answer to the Governor's Speech.

The House adjourned till 10 o'clock tomorrow morning.

Thursday 3rd March 1774.

The House met according to adjournment.

Present

The Honble {	John Rutherford	Alex ^r McCulloch	} Esquires.
	Lewis DeRosset	and	
	John Sampson	Martin Howard	

The House adjourned till 10 o'clock tomorrow morning.

Friday 4th March 1774.

The House met according to adjournment.

Present

The Honble {	John Rutherford	Alex ^r McCulloch	} Esquires.
	Lewis DeRosset	Sam ^l Strudwick	
	John Sampson	Martin Howard	

The House adjourned till 10 o'clock tomorrow morning.

Saturday 5th March 1774.

The House met according to adjournment.

Present

The Honble {	John Rutherford	Alex ^r McCulloch	} Esquires.
	Lewis DeRosset	Sam ^l Strudwick	
	John Sampson	Martin Howard	

The Committee appointed to draw up an address in answer to his Excellency's Speech reported that they had prepared the same, which was ordered to be read. The same was read and approved of, and was ordered entered on the Journals of this House as follows Viz'

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, HIS MAJESTY'S
CAPTAIN GENERAL, GOVERNOR AND COMMANDER IN CHIEF IN
AND OVER THE PROVINCE OF NORTH CAROLINA,

May it please your Excellency,

We the members of his Majesty's Council of said province return our thanks to your Excellency for your speech at opening this session.

We sincerely unite with your Excellency in the very just reflections you make upon the calamitous circumstances of this Colony.

If the attachment law contended for was of ever so great an acknowledged utility, yet we cannot conceive why the not obtaining it should in any view of policy or upon any principles of love to our Country be considered as a reason for abandoning all we possess to rapine and disorder.

But that his Majesty's Council may stand acquitted to your Excellency, and to all the World, from being any ways accessory to that state of anarchy into which this Colony has fallen; we do now assure you Sir, that we will concur in any expedient to redeem it from its present unhappy and disgraceful condition, and to this end we are ready for our parts either to ingraft into the Establishment of Courts, the attachment Law upon the terms proposed by His Majesty; or leave it hereafter to be modified when His Majesty's pleasure shall again be signified to us upon that subject.

If however neither your Excellency's affectionate wishes and endeavours, nor our hearty concurrence with you, can yet be effectual to obtain either of these desirable alterations, we must patiently submit to those evils we cannot remove, supported by a consciousness of having done all in our power to serve our Country.

The reports of Hostilities committed by the Indians are alarming, and if the intelligence your Excellency has received should be confirmed with any further circumstances of danger, it will be the duty of the Legislature to make provision for our safety, in which as well as in every other measure recommended by your Excellency for the defence of this province, we shall readily concur.

By order

JOHN HAWKS, Clk.

In the upper House 5th March, 1774.

Then the House adjourned till 10 o'clock Monday Morning.

Monday 7th March 1774.

The House met according to adjournment

Present

The Honble {	John Rutherford	Alex ^r M ^c Culloch	} Esquires.
	Lewis DeRosset	Sam ^l Strudwick	
	John Sampson	Martin Howard	

Received from the Assembly by Mr Polk and Mr Benbury the following Bills, Viz^t

A Bill for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this province and for regulating the proceedings therein.

Read the first time and passed.

A Bill for dividing the province into six several districts and for establishing a Superior Court of Justice in each of the said districts.

On motion read the first time and passed.

Received from the Assembly by Mr M^cCulloch and Mr Ward,

A Bill to amend the staple of Tobacco and prevent frauds in his Majesty's Customs.

On motion read the first time and passed.

Received from the Assembly by Mr Field and Mr W^m Moore,

A Bill of pardon and oblivion to the persons concerned in the late insurrection except such persons as are therein excepted.

On motion read the first time and passed.

Received from the Assembly by Mr Hart and Mr Bright,

A Bill for appointing a Militia.

On motion read the first time and passed.

Received from the Assembly by Mr Hatch and Mr Spicer the following Bills Viz^t

A Bill to prevent counterfeiting the paper money of this and the other British Colonies, and to prevent counterfeiting the gold and silver coin circulating in this province.

On motion read the first time and passed.

A Bill directing the duty of Sheriffs with respect to Insolvent Taxables.

On motion read the first time and passed.

The House adjourned till 10 o'clock tomorrow morning.

Tuesday 8th March 1774.

The House met according to adjournment.

Present

The Honble	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alexander M'Culloch	Samuel Cornell	

Received from the Assembly by Mr Simpson and Mr Moore,

A Bill for establishing Courts of Oyer and Terminer and General Gaol delivery, and directing the mode of appointing Jurymen and regulating other proceedings therein.

On motion read the first time and passed.

Received from the Assembly by Mr M^cKnight and Mr Hewes,

A Bill for vesting in certain persons therein named two acres of Land at Belville in Currituck County as Trustees for erecting a Chapel thereon and for enclosing a burying ground.

On motion read the first time and passed.

Received from the Assembly by Mr Spicer and Mr Thomson,

A Bill to restrain fishing with seines in New river in Onslow County.

On motion read the first time and passed.

Received from the Assembly by Mr Salter and Mr Kenan the following Bills, Viz^t,

A Bill to continue an Act intituled an Act for repairing the Gaol for the district of Halifax in the Town of Halifax.

On motion read the first time and passed.

A Bill to amend an Act intituled an Act to amend an Act for the regulation of the Town of Wilmington.

On motion read the first time and passed.

The President, attended by the House, waited on His Excellency at the palace and presented him with their address to which His Excellency was pleased to return the following Answer, Viz^t,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

I return you my hearty thanks for this address.

The sense you express of the calamitous State of this Country, your good dispositions to minister to its relief, to the utmost of your power; and your dutiful and entire confidence in the justice of our most Gracious Sovereign, distinguish you at once as friends to order and Government, and true well-wishers to the interest and happiness of your Country.

I shall not fail you may be assured Gentlemen, to report most faithfully to His Majesty, upon every occasion, the services of the members of the Council of this Province, on whose support of the just measures of His Majesty's Government I have the firmest reliance.

JO. MARTIN.

New Bern March 8th 1774.

Received from the Assembly by Mr Ben Harvey and Mr Ormond the following message Viz'.

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

This House have appointed Mr Ashe, Mr Martin, Mr Rutherford, Mr M^cKnight, Mr Caswell, Mr Ferquhar Campbell, Mr Haywood, Mr William Person, Mr Lock, Mr John Rowan, Mr Benjamin Harvey and Mr Ormond a Committee of this House to settle and allow public claims in Conjunction with such of your Honors as you shall think fit to appoint.

JOHN HARVEY, Speaker.

In the Assembly 8th March 1774.

By order

JAMES GREEN, Jun., Clk.

Received from the Assembly by Mr T. Jones and Mr Hart the following Bills Viz',

A Bill for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this Province and for regulating the proceedings therein.

A Bill for dividing the Province into six several districts, and for establishing a Superior Court of Justice in each of the said districts.

The House adjourned till 10 o'clock tomorrow morning.

Wednesday 9th March 1774.

The House met according to adjournment.

Present

The Honble	{	James Hasell	Alex M ^c Culloch	} Esquires.
		John Rutherford	William Dry	
		Lewis DeRosset	Samuel Strudwick	
		John Sampson	Martin Howard	

On motion ordered the following message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your message relative to the committee this House have appointed the Honorable Lewis DeRosset, John Sampson and

Martin Howard Esquires a Committee of this House to settle and allow public claims.

In the Upper House 9th March 1774.

By order

JOHN HAWKS, Clk.

Received from the Assembly the estimate of that House for December Sessions 1773, which was on motion read, concurred with and sent back.

Then on motion the Estimate of this House was taken under consideration, approved of and sent to the Assembly for their Concurrence.

Received from the Assembly by Mr Moore and Mr Hunt the following Bills Viz^t,

A Bill to discontinue the poll Tax of one shilling and duty of four pence $\frac{1}{2}$ gallon on rum, wine and other spiritous liquors.

On motion read the first time and passed.

A Bill for appointing commissioners for building a Court House prison and Stocks for the County of Tryon and for establishing a boundary line between the Counties of Tryon and Mecklenburg.

On motion read the first time and passed.

A Bill to amend an Act intituled an Act for the better observation and keeping of the Lords day, commonly called Sunday and for the more effectual suppression of vice and immorality.

On motion read the first time and passed.

Received from the Assembly by Mr Frazier and Mr Spruil,

A Bill for erecting part of the Counties of Halifax and Tyrrel into one distinct County and parish.

On motion read the first time and passed.

Received from the Assembly by Mr Alston and Mr Shepard the following Bills Viz^t

A Bill to amend an Act intituled an Act for repairing the Gaol for the district of Halifax in the Town of Halifax.

On motion read the second time and passed.

A Bill to prevent counterfeiting the paper money of this and the other British Colonies and to prevent counterfeiting the gold and silver coin circulating in this province.

On motion read the second time and passed.

Received from the Assembly by Mr Hatch and Mr Hovey,

A Bill directing the duty of Sheriffs with respect to Insolvent Taxables.

On motion read the second time and passed.

Received from the Assembly by Mr John Johnston and Mr Stanly,

A Bill for enlarging the time of saving lots in the Town of Windsor, for erecting a Court House prison and stocks for the County of Bertie in the said town and other purposes.

On motion read the first time and passed.

Received from the Assembly by Mr W^m Person and Mr Ward,

A Bill to amend the staple of Tobacco and prevent frauds in his Majesty's Customs.

On motion read the second time and passed.

Received from the Assembly by Mr Harnett and Mr Ashe,

A Bill to continue an Act intituled an Act to amend an Act intituled an Act for the regulation of the Town of Wilmington.

On motion read the second time and passed.

Received from the Assembly by Mr Hatch and Mr Salter the following Bills and Resolve, Viz^t,

A Bill to amend an Act for laying out a Town on the lands of Richard Evans in Pitt County by the name of Martinborough and for rendering [removing] the Court House, prison and Stocks into the said Town.

On motion read the first time and passed.

A Bill for the more effectual obtaining an exact list of Taxables for the Town of New Bern, for compelling the Inhabitants of the said Town to pay their taxes and for other purposes therein mentioned.

On motion read the first time and passed.

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

Joseph Hughes having exhibited to the last Session of Assembly this petition setting forth the services he had rendered the public in pursuing certain robbers mentioned in the said petition apprehending one of them, the expense he had been at in performing the same and having made these facts appear to the satisfaction of the House, they entered into a Resolve for allowing the said Joseph Hughes the sum of one Hundred and fifty pounds, which resolve being sent to the Honorable Council was not returned by them before the prorogation of the Assembly, This House therefore having again taken the same under consideration, Resolve that the said Joseph Hughes be allowed the sum of one hundred and fifty pounds for the said ser-

vices and that the public Treasurers or either of them pay him the same and be allowed the same in their Accounts with the public, to which we desire your Honors concurrence.

JOHN HARVEY, Speaker.

In the Assembly 8th March 1774.

By order JAMES GREEN, Jun^r Clk.

In the upper House 10th March, 1774. Concurred with.

JAMES HASELL, P. C.

By order JOHN HAWKS, Clk.

Received from the Assembly by Mr Everigin and Mr Perkins,
A Bill for vesting in certain persons therein named two Acres of Land at Belville in Currituck County, as Trustees for erecting a Chapel thereon and for inclosing a burying ground.

On motion read the second time and passed.

Received from the Assembly by Mr Tho^s Person and Mr Hunt,
A Bill for the further continuing an Act intituled an Act concerning Vestries.

On motion read the first time and passed.

Received from the Assembly the Estimate of this House. Concurred with.

The House adjourned till 10 o'clock tomorrow morning.

Thursday 10th March 1774.

The House met according to adjournment.

Present

The Honble	{	James Hasell	William Dry	} Esquires.
		John Rutherford	Sam ^l Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex ^r M ^c Culloch	Samuel Cornell	

Received from the Assembly by Mr Lanier and Mr Herring,

A Bill for establishing a Court of Oyer and Terminer and General Gaol delivery and directing the mode of appointing Jurymen and regulating other proceedings therein.

Received from the Assembly by Mr Person and Mr Hunt the following Bills, Viz^t

A Bill to amend an Act intituled an Act for building a Court House in the Town of Salisbury for the district of Salisbury.

On motion read the first time and passed.

A Bill to oblige the prosecutors of offences not capital to pay the costs of prosecution when the defendant shall be acquitted.

On motion read the first time and passed.

Received from the Assembly by Mr Person and Mr Spicer

A Bill for altering the dividing lines between the Counties of Rowan, Mecklenburg and Tryon.

On motion read the first time and passed.

A Bill to restrain Fishing with Seins in New River in Onslow County.

On motion read the second time and passed.

Received from the Assembly by Mr Robinson and Mr Parker,

A Bill to impower the Justices of Anson County to establish free ferries and lay a Tax for defraying the charges thereof.

On motion read the first time and passed.

A Bill to amend an Act intituled an Act for preventing the frequent abuses in taking up and secreting stray horses in the Counties of Orange, Granville, Bute, Rowan, Anson, Mecklenburg, Johnston, Dobbs, Halifax, Edgcombe, Northampton, Hertford, Tyrrel, Craven and Pitt.

On motion read the first time and passed.

A Bill to explain an Act for erecting a Parish in Chatham County by the name of St. Bartholomew.

On motion read the first time and passed.

On motion ordered the Bill for dividing the province into six several Districts, and for establishing a Superior Court of Justice in each of the said Districts, be read. The same was read a second time, amended and passed.

Received from the Assembly by Mr Hovey and Mr Brown

A Bill in addition to an Act intituled an Act to prevent the Exportation of unmerchantable Commodities.

On motion read the first time and passed.

On motion ordered the Bill for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this province and for regulating the proceedings therein be read. The same was read the second time, amended and passed.

The House adjourned till 10 o'clock tomorrow morning.

Friday 11th March 1774.

The House met according to adjournment.

Present

The Honble	{	James Hasell	William Dry	} Esquires.
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex M ^c Culloch	Samuel Cornell	

Received from the Assembly by Mr Faq^r Campbell and Mr Stanly,

A Bill for dividing the province into six several districts and for establishing a Superior Court of Justice in each of the said districts.

Received from the Assembly by Mr M^cAnnelly and Mr Bright,

A Bill for further continuing an Act intituled an Act for appointing a printer to this province.

On motion read the first time and passed.

A Bill in addition to an Act intituled an Act to prevent the Exportation of unmerchutable Commodities.

On motion read the second time and passed.

Received from the Assembly by Mr Coor and Mr Hatch,

A Bill for the more effectual obtaining an exact list of Taxables for the Town of New Bern, for compelling the Inhabitants of the said Town to pay their Taxes, and for other purposes therein mentioned.

On motion read the second time amended and passed.

Received from the Assembly by Mr Moore and Mr Robinson the following Bills Viz^t

A Bill to amend an Act intituled an Act for building a Court House in the Town of Salisbury for the district of Salisbury.

On motion read the second time and passed.

A Bill to continue an Act intituled an Act to amend an Act intituled an Act for the regulation of the Town of Wilmington.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Simpson and Mr Herring,

A Bill for dividing the parish of St Marys in the County of Edgecomb into two distinct parishes.

On motion read the first time and passed.

Received from the Assembly by Mr M^cCulloch and Mr Rogers the following Bills Viz

A Bill for dividing the parish of Edgecomb in the County of Halifax into two distinct parishes.

On motion read the first time and passed.

A Bill to empower the Justices of Anson County to establish free ferries and lay a Tax for defraying the charges thereof.

On motion read the second time and passed.

Received from the Assembly by Mr Person and Mr Lanier,

A Bill to amend the Staple of Tobacco and prevent frauds in His Majesty's Customs.

On motion read the third time and passed. Ordered to be engrossed.

On motion ordered the following Message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Upon the third reading of the Bill for establishing Superior Courts, this House do not agree to the amendments you have made, and propose as a temporary relief to the present distressed State of the province, that the Establishment of Courts of Justice, the Laws of foreign Attachment, and the repeal of the fee Bill of 1748, be all in separate Acts, that the Establishment of Courts be only for a year, and that the attachment Law drawn up as shall be most agreeable to your House, as also the repeal of the fee Bill, both pass under a suspending Clause. This House request the opinion of your House upon this proposal.

In the upper House 11th March 1774.

By order JOHN HAWKS, Clk.

Received from the Assembly by Mr Frazier and Mr Parker,

A Bill for appointing Commissioners to erect a Court House, prison and stocks in the County of Guilford.

On motion read the first time and passed.

Received from the Assembly by Mr John Johnston and Mr Hunter,

A Bill for enlarging the time of saving lots in the Town of Windsor and for erecting a Court House prison and stocks for the County of Bertie in the said town and other purposes.

On motion read the second time amended and passed.

Received from the Assembly by Mr Tignal Jones and Mr Benbury,

A Bill for establishing Triennial Assemblies.

On motion read the first time and passed.

Received from the Assembly by Mr Joseph Jones and Mr Jordan,

A Bill in addition to an Act intituled an Act to encourage the

destroying of vermin in the several Counties therein mentioned, passed in the year 1773.

On motion read the first time and passed.

Received from the Assembly by Mr M^cCulloch and Mr Hunter,

A Bill to amend an Act intituled an Act for repairing the Gaol for the district of Halifax, in the Town of Halifax.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Benj Harvey and Mr Benbury,

A Bill to enable the Justices in the several Counties of this Colony to make provision for the poor where the vestries in their respective parishes have neglected to do the same.

On motion read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday 12th of March 1774.

The House met according to adjournment

Present

The Hon ^{ble}	{	James Hasell	William Dry	}	Esquires.
		John Rutherford	Samuel Strudwick		
		Lewis DeRosset	Martin Howard		
		John Sampson	and		
		Alex ^r M ^c Culloch	Samuel Cornell		

Received from the Assembly by Mr M^cCulloch and Mr Hart the following Message Viz^t

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

This House having considered your Message of this day relative to the Bill for establishing a Superior Court observe with sincere concern that the proposals made by you with respect to the Establishment of Courts are such as offer nothing more favorable to the Inhabitants of this province than what they rejected at the last Session of Assembly.

With respect to the foreign attachments being made the subject of a Law, distinct from the General body of the Court Laws and that under a suspending clause, we can by no means assent to it as it leaves this important point which has been so zealously and justly contended for by this House in a situation which affords not the smallest probability of our hereafter obtaining it upon the ample

and liberal footing which the Trade of this Province and the relation it has to the neighbouring Colonies require.

The clause relative to the fee Bill we cannot relinquish as it gives a mode of provision for the Chief Justice precarious in itself and not suited to the dignity of that respectable office. We have already a Law in force which gives a liberal Salary to that Officer, and upon the expiration thereof, We shall not fail again to provide a salary in a manner that may not be unworthy the acceptance of the Chief Justice of this province.

JOHN HARVEY, Speaker.

In the Assembly 11th March 1774.

By order

JAMES GREEN, jun^r Clk.

Received from the Assembly by Mr Hatch and Mr Shepard,

A Bill for further continuing an Act intituled an Act for appointing a printer to this Province.

On motion read the second time and passed.

Received from the Assembly by Mr Stewart and Mr Spruil the following Bills, Viz^t,

A Bill to amend an Act intituled an Act for Building a Court House in the Town of Salisbury for the district of Salisbury.

On motion read the third time and passed. Ordered to be engrossed.

A Bill for erecting part of the Counties of Halifax and Tyrrel into one distinct County and parish.

On motion read the second time and passed.

Received from the Assembly by Mr Coor and Mr Frazier,

A Bill for the more effectual obtaining an exact list of Taxables for the Town of New Bern, for compelling the Inhabitants of the said Town to pay their Taxes and for other purposes therein mentioned.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Field and Mr Parker,

A Bill of pardon and oblivion to the persons concerned in the late insurrection except such persons as are therein excepted.

On motion read the second time and passed.

Received from the Assembly by Mr Robinson and Perkins,

A Bill to enforce an Act intituled an Act to encourage the destroying of vermin in the several Counties therein mentioned, passed in the year one thousand seven hundred and seventy three.

On motion read the second time and passed.

Received from the Assembly by Mr Person and Mr Rogers,

A bill to amend an Act entitled an Act concerning Vestries.

On motion read the second time and passed.

Received from the Assembly by Mr Moore and Mr Jordan,

A Bill for appointing Commissioners for building a Court House, prison and stocks for the County of Tryon and for establishing a boundary line between the Counties of Tryon and Mecklenburg.

On motion read the second time and passed.

Received from the Assembly by Mr Polk and Mr Lanier the following Bills, Viz^t

A Bill for establishing a Court House in the Town of Charlotte in Mecklenburg County and for regulating the said Town.

On motion read the first time and passed.

A Bill to amend an Act for dividing the Northern part of Rowan County and erecting a new County by the name of Surry County and St. Jude's parish.

On motion read the first time and passed.

Received from the Assembly by Mr Tignal Jones and Mr Rogers the following Bills, Viz^t

A Bill to facilitate the navigation of Neuse River.

On motion read the first time and passed.

A Bill directing the duty of Sheriffs with respect to Insolvent Taxables.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr McCulloch and Mr Stewart the following Bills,

A Bill for dividing the parish of Edgecomb in the County of Halifax into two distinct parishes.

On motion read the second time and passed.

A Bill to explain an Act for erecting a parish in Chatham County by the name of St. Bartholomew.

On motion read the second time and passed.

Received from the Assembly by Mr Robinson and Mr Pickett the following Bills, Viz^t

A Bill to prevent counterfeiting the paper money of this and the other British Colonies, &c., in this Province.

On motion read the third time and passed. Ordered to be engrossed.

A Bill to prevent the pernicious practice of hunting with a gun in the night by fire light.

On motion read the first time and passed.

A Bill to amend an Act intituled an Act to encourage the Building of public Mills and directing the duty of Millers.

On motion read the first time and passed.

Received from the Assembly by Mr Simpson and Mr Jos. Jones the following Bills, Viz^t

A Bill to amend an Act for the laying out a Town on the Lands of Richard Evans in Pitt County by the name of Martinborough and for removing the Court House, prison and stocks into the said Town.

On motion read the second time and passed.

A Bill to empower the Justices of Anson County to establish free ferries and lay a Tax for defraying the charges thereof.

On motion read the third time and passed. Ordered to be engrossed.

A Bill to discontinue the poll Tax of one shilling and duty of four pence ^{per} gallon on rum, wine and other spiritous liquors.

On motion read the second time and passed.

Received from the Assembly by Mr Coor and Mr Ormond the following Bills, Viz^t

A Bill to amend an Act for preventing the frequent abuses in taking up and secreting stray horses in the Counties of Orange, Granville, Bute, Rowan, Anson, Mecklenburg, Johnston, Dobbs, Halifax, Edgecomb, Northampton, Hertford, Tyrrel, Craven and Pitt.

On motion read the second time and passed.

A Bill in addition to an Act intituled an Act to prevent the exportation of unmerchantable commodities.

On motion read the third time and rejected.

The House adjourned till 10 o'clock on Monday morning.

Monday 14th March 1774.

The House met according to adjournment.

Present

The Hon ^{ble}	{	James Hasell	William Dry	} Esquires
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex M ^c Culloch	Samuel Cornell	

Received from the Assembly by Mr Person and Mr Hunt,

A Bill directing the method of appointing Jurors in all cases civil and Criminal.

On motion read the first time and passed.

Received from the Assembly by Mr Hunt and Robinson,

A Bill to oblige the prosecutors of offences not capital to pay the costs of prosecution where the defendant shall be acquitted.

On motion read the second time and passed.

On motion ordered the following message be sent to the Assembly, Viz^t,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House sincerely desirous to relieve this province from its present unhappy circumstances, is induced once more to recommend to your House a reconsideration of the Bill for establishing Superior Courts now lying before us upon the third reading, and we cannot yet be persuaded to relinquish the hopes we entertain, that from the wisdom and virtue of the people's Representatives, something may yet rise up to stay the ruin of this Country.

We mean to allow attachments to the Inhabitants of this province, to the same intent as they are enjoyed by any of His Majesty's Subjects in England.

In the instance now under contemplation, we have claimed and adopted all that ever was claimed or enjoyed in that kingdom and we have Just cause to apprehend that every step which would carry us further than the limits the English Constitution allows of, in this matter, must lead to error fraud and injustice.

The clause limiting the Jurisdiction of the Superior Courts we cannot agree to, because we think it reasonable that all His Majesty's Subjects should be left at liberty to prosecute either in the Superior, or Inferior Courts, as they may chuse, and because we think it inconsistent in one and the same Bill, to give the Superior Courts all the powers incident to the King's Courts at Westminster, and at the same time limit that power in a manner unknown to those Courts.

With regard to the Fee Bill of 1748 we consider it as a solemn grant made by the Legislature of this province of certain fees and perquisites to the Chief Justice for the time being, as a reward for his Services. To take from that Officer this permanent Security for his support, without rendering him an equivalent, is not reconcilable to

any idea we can entertain of Equity or Justice. Nevertheless as this House are willing as far as in them lies, to remove every difficulty which may obstruct the Establishment of Courts, and as some sacrifice may be made, where so much good is to be obtained, they again offer to concur with your House in a separate Act to repeal the said fee Bill, provided a clause be subjoined suspending the said repeal till the King's pleasure shall be known.

If what we now offer shall be thought inadequate to the views of your House, we can go no further, we must submit the rectitude of our conduct to be decided at some future time when the ardor of contest shall have subsided, and when the terms we are willing to comply with, and the objections which are made to them shall be impartially weighed.

By order JOHN HAWKS, Clk.

In the upper House 14th March 1774.

Received from the Assembly by Mr Martin and Mr Field the following Bills Viz^t,

A Bill for dividing the parish of St Marys in the County of Edgecomb into two distinct parishes.

On motion read the second time and passed.

A Bill for appointing Commissioners to erect a Court House, prison and stocks in the County of Guilford.

On motion read the second time and passed.

Received from the Assembly by Mr Smithwick and Mr Frazier the following Bills Viz^t,

A Bill for further continuing an Act intituled an Act for appointing a printer to this province.

On motion read the third time and passed. Ordered to be engrossed.

A Bill for erecting part of the Counties of Halifax and Tyrrel into one distinct county and parish.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Johnston and Mr Lanier the following Bills, Viz^t,

A Bill to amend an Act for dividing the Northern part of Rowan County and erecting a new County by the name of Surry and St. Jude's parish.

On motion read the second time and passed.

A Bill for enlarging the time of saving lots in the Town of Windsor, for erecting a Court House, prison and stocks for the County of Bertie in the said Town and other purposes.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Polk and Mr Parker,

A Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County and for regulating the said Town.

On motion read the second time and passed.

Received from the Assembly by Mr Parker and Mr M'Annely,

A Bill to explain an Act for erecting a parish in Chatham County by the name of St. Bartholomew.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Moore and Mr Perkins the following Bills, Viz',

A Bill for appointing Commissioners for building a Court House, prison and stocks for the County of Tryon and for establishing a boundary line between the Counties of Tryon and Mecklenburg.

On motion read the third time and passed. Ordered to be engrossed.

A Bill for dividing the Parish of Edgecomb in the County of Halifax into two distinct parishes.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Ormond and Mr Latham,

A Bill to prevent the wilful and malicious killing of Slaves.

On motion read the second time, amended and passed.

Received from the Assembly by Mr Williamson and Mr Bright,

A Bill to enforce an Act intituled an Act to encourage the destroying of vermin in the several counties therein mentioned, passed in the year one thousand seven hundred and seventy three.

On motion read the third time and passed. Ordered to be engrossed.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday 15th March 1774.

The House met according to adjournment

Present

The Hon ^{ble}	{	James Hasell	William Dry	} Esquires.
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex ^r McCulloh	Samuel Cornell	

Received from the Assembly by Mr Gray and Mr Bryan the following Bills Viz^t,

A Bill to inforce an Act intituled an Act for preventing the frequent abuses in taking up and secreting stray Horses in the Counties of Orange, Granville, Bute, Rowan, Anson, Mecklenburg, Johnston, Dobbs, Halifax, Edgecomb, Northampton, Hertford, Tyrrell, Craven, and Pitt and the County of Chatham.

On motion read the third time and passed. Ordered to be engrossed.

A Bill to oblige Vessels having infectious distempers on Board to perform the quarrentine.

On motion read the first time and passed.

Received from the Assembly by Mr Reding and Mr Rogers,

A Bill to regulate and ascertain the fees of the Clerks of the pleas in the Superior and Inferior Courts in this Colony directing the method of paying the same and for taxing Law Suits.

On motion read the first time and passed.

Received from the Assembly by Mr Knox and Mr Benjⁿ Harvey,

A Bill to amend and further continue on Act intituled an Act concerning Vestries.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Rogers and Mr C. Robinson,

A Bill to facilitate the navigation of Neuse River.

On motion read the second time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday 16th March 1774.

The House met according to adjournment.

Present

The Honble	{	James Hasell	William Dry	} Esquires.
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex M ^c Culloch	Samuel Cornell	

Received from the Assembly by Mr Lanier and Mr Rogers the following Bills, Viz^t,

A Bill to facilitate the navigation of Neuse River.

On motion read the third time and passed. Ordered to be engrossed.

A Bill to amend an Act for dividing the Northern part of Rowan County and erecting a New County by the name of Surry County and St. Jude's parish.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr McCulloch and Mr Benbury the following message, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

In answer to your message of yesterday relative to the Superior Court Bill now before you on its third reading, We inform you this House has once more entered into the consideration of the matters you therein recommend to us, and propose Clauses to be inserted in the said Bill relative to attachments to the following effect, Viz^t,

And be it further enacted by the authority aforesaid, that it shall be lawful for the Chief Justice or either of the Justices of the Superior Courts, or any Justice of an Inferior Court to grant an attachment upon the complaint of any person, his, her, or their Attorney, or Agent, against the Estate of what nature or kind soever of any person, or persons, wherever the same may be found, or in the hands of any person or persons indebted to, or having effects of the person or persons, against whom the attachment is granted, or so much thereof as shall be sufficient to satisfy the complaint and Costs that may arise thereon, which attachment shall be returnable to the Court where the debt or matter is cognizable, and such proceedings shall be had thereon as on an attachment on a return of *Non est inventus* by the Sheriff.

Provided always, that before such attachment issues, whether original or judicial, due proof shall be made upon Oath of the Defendant's absconding with an intention to avoid the payment of the debt so far as his intentions may be judged from the following circumstances, which shall be considered as the due proof hereby required, and on which an attachment shall be granted — that is to say

Where the Defendant resided out of this province or never was in it, and fails or neglects to discharge his debt, contract or agreement.

Or where he has removed himself out of his Country privately or absconds or conceals himself from the ordinary process of Law, as the plaintiff suspects to avoid the payment of the debt.

And also in any other circumstances which may occur and can be deemed by the Magistrate granting the Attachment, the due proof hereby required.

Provided also that no attachment shall be granted, except where the cause of action (by the most liberal construction in favour of the plaintiff inhabitant of this province) can be construed to arise within the Colony, and before the defendant shall be suffered to plead, he or his Attorney shall give bail to a new suit or action if the plaintiff judges one necessary.

The clause limiting the jurisdiction of the Superior Courts we can by no means part with, as leaving the plaintiff at large to bring his action for small sums in the Superior Court would be oppressive and distressing to the poor debtor.

We cannot agree to *dele* the clause repealing the fee Bill of 1748 for the reasons set forth in our Message of the 11th Instant.

If you will accept the clauses relative to attachment by us now proposed, upon signifying the same to this House, We will send some of our Members to see the same inserted, and the Bill made conformable thereto; and if what we now offer shall be thought insufficient we can go no further, this message containing those sentiments from which we cannot depart.

JOHN HARVEY, Speaker.

By order JAMES GREEN, Jun^r Clk.

In the Assembly 15th March 1774.

Received from the Assembly by Mr Robinson and Mr Picket,

A Bill to empower the Justices of Bladen County to hold the Inferior Court of pleas and quarter Sessions in the Town of Elizabeth in the said County.

On motion read the first time and passed.

Received from the Assembly by Mr Shepard and Mr Field the following Bills Viz^t

A Bill to prevent the pernicious practice of hunting with a gun in the night by firelight.

On motion read the second time amended and passed.

A Bill to prevent the willful and malicious killing of slaves.

On motion read the third time and passed.

Received from the Assembly by Mr Stewart and Mr Hunter the following Bills Viz,

A Bill for establishing Triennial Assemblies.

On motion read the second time and rejected.

A Bill for dividing the parish of St Marys in the County of Edgecomb into two distinct parishes.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Simpson and Mr Salter the following Bills Viz,

A Bill to amend an Act for laying out a Town on the lands of Richard Evans in Pitt County by the name of Martinborough and for removing the Court House prison and stocks into the said Town.

On motion read the third time and passed. Ordered to be engrossed.

A Bill to impower the Justices of Bladen County to hold Inferior Court of pleas and quarter Sessions in the Town of Elizabeth in the said County.

On motion read the second time and passed.

Received from the Assembly by Mr Bright and Mr Frazier,

A Bill to oblige vessels having infectious distempers to perform their Quarantine.

On motion read the second time amended and passed.

Received from the Assembly by Mr Hunter and Mr Field,

A Bill to oblige the prosecutors of offences not Capital, to pay the Costs of prosecution where the defendant shall be acquitted.

On motion read the third time and rejected.

The House adjourned till 10 o'clock tomorrow morning.

Thursday 17th March 1774.

The House met agreeable to adjournment.

Present

The Hon ^{ble} {	James Hasell	William Dry	} Esquires
	John Rutherford	Samuel Strudwick	
	Lewis DeRosset	Martin Howard	
	John Sampson	and	
	Alex M'Culloch	Samuel Cornell	

Received from the Assembly by Mr Robinson and Mr M^cAnnelly,

A Bill to impower the Justices of Bladen County to hold Inferior Courts of pleas and quarter Sessions in the Town of Elizabeth in the said County.

On motion read the third time and passed. Ordered to be engrossed.

Received from His Excellency the Governor the following message,

MR PRESIDENT AND GENTLEMEN OF HIS MAJESTY'S COUNCIL,

Having observed upon your Journals of yesterday that the House of Assembly in its message upon the Court Bill now depending, persists in retaining the Clause limiting the Jurisdiction of the Superior Courts, which by your message of the fourteenth Instant to that House is with just regard to His Majesty's Royal Instruction to me upon the Subject before communicated to you, absolutely rejected; I think it my duty Gentlemen, as the point is nevertheless still agitated, to lay before you now, a copy of that Instruction, which is conceived in words so express and plain that I am persuaded you will never think it consistent with your duty to His Majesty to advise me to offend against it.

I take this occasion also Gentlemen to communicate to you the 18th Article of His Majesty's General Instructions to me which you will find applies to the proposition of repealing the Fee Bill of 1748 now under your consideration.

Extracts from His Majestys Royal Instruction relative to the Jurisdiction of the Courts of Justice

The King will not consent that the Jurisdiction of His Superior Courts should be limited in cases of any value whatever.

18th Article of His Majesty's General Instruction—

And whereas several Laws have formerly been enacted, in several of our plantations in America, for so short a time, that our assent or refusal thereof Could not be had thereupon, before the time for which such Laws were enacted did expire, You shall not therefore give your Assent to any Laws that shall be enacted for a less time than two years, except in the cases hereinafter mentioned; and you shall not re-enact any Law to which the Assent of us or our Royal predecessors has once been refused, without express leave for that purpose first obtained from us, upon a full representation by you to be made to us by one of our principal Secretaries of State, of the

reasons and necessity for passing such a Law; nor give your assent to any Law for repealing any other Law passed in your Government, whether the same has or has not received our Royal approbation, unless you take care that there be a clause inserted therein suspending and deferring the Execution thereof until our pleasure shall be known concerning the same.

JO. MARTIN.

Received from the Assembly by Mr Williamson and Mr Perkins,
A Bill for vesting in certain persons therein named two Acres of Land at Belville in Currituck County as trustees for erecting a Chapel thereon and for enclosing a burying ground.

On motion read the third time and passed. Ordered to be engrossed.

On motion ordered the following Message be sent to the Assembly, Viz^t,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House have taken into consideration your proposals of yesterday relative to the amendments to be made in the Superior Court Bill, agree thereto, and desire some of your members may be sent to see the same inserted.

By order JOHN HAWKS, Clk.

In the upper House 15th March, 1774.

Received from the Assembly the following Message,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

This House have received your Message of this day relative to the amendments by us proposed to be made to the Superior Court Bill, and send Mr Harnett, Mr Thos Jones, Mr Hooper, Mr Martin, Mr M^cKnight, Mr Samuel Johnston, Mr Edwards, Mr Ormond, Mr Howe, Mr Ashe, and Mr Caswell to see the same made Accordingly.

JOHN HARVEY, Speaker.

By order JAMES GREEN, jun^r, Clk.

In the Assembly 17th March 1774.

The amendments proposed to the said Bill was accordingly made in the presence of the Members sent for that purpose, the Bill was then put and passed the third time. Ordered to be engrossed.

Received from the Assembly by Mr Polk and Mr Rogers,

A Bill for establishing a Court House in the Town of Charlotte in Mecklenburg County and for regulating the said Town.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Benbury and Mr Oldham the following Message and Resolve, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

This House have Resolved that Robert Howe Esquire be allowed the sum of one hundred and ninety one pounds and ten shillings, he having made it appear by the testimony of indifferent and disinterested persons that he lost a sum equal to that in proc. money by fire in the house of Mrs Conway in New Bern, some Sessions past, which was entirely destroyed; that the public Treasurers or either of them pay him the same and be allowed in their Accounts with the public, and desire your Honours concurrence thereto.

JOHN HARVEY, Speaker.

By order JAMES GREEN, jun^r Clk.

In the Assembly 17th March 1774.

In the upper House 17th March, 1774. Concurred with.

JAMES HASELL, P. C.

By order JOHN HAWKS, Clk.

Received from the Assembly by Mr Martin and Mr Field,

A Bill for appointing Commissioners to erect a Court House, prison and stocks in the County of Guilford.

On motion read the third time and passed. Ordered to be engrossed.

The House adjourned till 10 o'clock tomorrow morning.

Friday 18th March 1774.

The House met according to adjournment

Present

The Hon ^{ble}	{	James Hasell	William Dry	} Esquires.
		John Rutherford	Samuel Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex ^r McCulloch	Samuel Cornell	

Received from the Assembly by Mr Polk and Mr Lock the following Message and Resolve Viz',

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have Resolved that John Phifer of Mecklenburg County be allowed the sum of twenty one pounds five shillings, he having had a sum equal to that in proclamation money burnt and totally destroyed in the dwelling House the fifth day of March last was twelve months, as appears by indifferent and disinterested testimony, that the public Treasurers or either of them pay him the same and be allowed in their Accounts with the public, and desire your Honors concurrence thereto.

JOHN HARVEY, Speaker.

By order JAMES GREEN, Jun., Clk.
In the Assembly 17th March 1774.

In the Upper House 18th March 1774. Concurred with.

JAS HASELL, P. C.

By order JOHN HAWKS, Clk.

Received from the Assembly by Mr Knox and Mr Salter
The Reports of the Committee of Claims

Received from the Assembly by Mr Hatch and Mr Coor the following Resolve Viz'

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

This House Resolved that William Bryan Sheriff of Craven County be allowed the sum of fourteen pounds and eight pence out of the Contingent fund for conveying Spencer Dew from New Bern to Duplin County under Guard, and for sundry irons for felons, that the public Treasurers or either of them pay him the same and be allowed in their Accounts with the public, and desire your Honours concurrence thereto.

JOHN HARVEY Speaker

By order JAMES GREEN, jun^r Clk.
In the Assembly 18th March 1774

In the Upper House concurred with 18th March 1774.

JAS HASELL P. C.

By order JOHN HAWKS Clk.

On motion ordered the Bill for establishing Courts of Oyer and Terminer and General Gaol delivery and directing the mode of appointing jurymen and regulating other proceedings therein, be read. The same was read the second time and passed.

Received from the Assembly by Mr Ormond and Mr Jones,

A Bill directing the method of appointing Jurors in all cases, civil and criminal.

The House adjourned till 10 °Clock tomorrow morning.

Saturday 19th March 1774.

The House met according to adjournment.

Present

The Honble {	James Hasell	William Dry	} Esquires
	John Rutherford	Samuel Strudwick	
	Lewis DeRosset	Martin Howard	
	John Sampson	and	
	Alexander M ^c Culloch	Samuel Cornell	

The House adjourned till 4 °Clock P. M.

The House met agreeable to adjournment.

Present

The Honble {	James Hasell	William Dry	} Esquires.
	John Rutherford	Sam ^l Strudwick	
	Lewis DeRosset	Martin Howard	
	John Sampson	and	
	Alex ^r M ^c Culloch	Samuel Cornell	

His Excellency the Governor was pleased to command the attendance of this House at 5 °Clock in the Council Chamber at the palace. They accordingly attended and the Speaker presented to His Excellency for his assent the following Bills, Viz:

1. A Bill for dividing the province into six several districts and for establishing a Superior Court of Justice in each of the said Districts.

2. A Bill to continue an Act intituled an Act to amend an Act intituled an Act for the regulation of the Town of Wilmington.

3. A Bill to amend the staple of Tobacco and prevent frauds in His Majesty's Customs.

4. A Bill to amend an Act intituled an Act for repairing the Gaol for the district of Halifax in the Town of Halifax.

5. A Bill to amend an Act intituled an Act for building a Court House in the Town of Salisbury for the district of Salisbury.

6. A Bill for the more effectual obtaining an exact list of Taxables for the Town of New Bern, for compelling the Inhabitants of the said Town to pay their taxes, and for other purposes therein mentioned.

7. A Bill directing the duty of Sheriffs with respect to insolvent Taxables.

8. A Bill to prevent Counterfeiting the paper money of this and the other British Colonies and to prevent Counterfeiting the Gold and silver Coin circulating in this province.

9. A Bill to empower the Justices of Anson County to establish free ferries and lay a Tax for defraying the charges thereof.

10. A Bill for further continuing an Act intituled an Act for appointing a printer to this Province.

11. A Bill for erecting part of the Counties of Halifax and Tyrrel into one distinct County and parish.

12. A Bill for enlarging the time of saving lots in the Town of Windsor, for erecting a Court House prison and stocks for the County of Bertie in the said town and other purposes.

13. A Bill to explain an Act for erecting a Parish in Chatham County by the name of St. Bartholomew.

14. A Bill for appointing commissioners for building a Court House prison and Stocks for the County of Tryon and for establishing a boundary line between the Counties of Tryon and Mecklenburg.

15. A Bill for dividing the parish of Edgecomb in the County of Halifax into two distinct parishes.

16. A Bill to inforce an Act intituled an Act to encourage the destroying of vermin in the several Counties therein mentioned, passed in the year 1773.

17. A Bill to inforce an Act intituled an Act for preventing the frequent abuses in taking up and secreting stray horses in the Counties of Orange, Granville, Bute, Rowan, Anson, Mecklenburg, Johnston, Dobbs, Halifax, Edgcombe, Northampton, Hertford, Tyrrel, Craven Pitt and Chatham.

18. A Bill to amend and further continue an Act intituled an Act concerning Vestries.

19. A Bill to facilitate the navigation of Neuse River.

20. A Bill to amend an Act for dividing the Northern part of Rowan County and erecting a new County by the name of Surry County and St. Jude's parish.

21. A Bill to prevent the wilful and malicious killing of slaves.

22. A Bill for dividing the parish of St Marys in the County of Edgecomb into two distinct parishes.

23. A Bill to amend an Act for the laying out a Town on the lands of Richard Evans in Pitt County by the name of Martinborough and for removing the Court House, prison and Stocks into the said Town.

24. A Bill to empower the Justices of Bladen County to hold the Inferior Court of pleas and Quarter Sessions in the Town of Elizabeth in the said County.

25. A Bill for vesting in certain persons therein named two Acres of Land at Belville in Currituck County, as Trustees for erecting a Chapel thereon and for inclosing a burying ground.

26. A Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County and for regulating the said Town.

27. A Bill for appointing Commissioners to erect a Court House prison and stocks in the County of Guilford.

To which Bills His Excellency was pleased to give his assent, Except to the

Bill for dividing the province into six several districts and for establishing a Superior Court of Justice in each of the said Districts, which he was pleased to Reject.

Then His Excellency made to both Houses the following Speech,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL, MR SPEAKER
AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have passed all the Bills you have presented to me but one, and that the most important of all.

I can never find myself in a situation more affecting to my sensibility than when the duty I owe my Sovereign opposes my compliance with your wishes. Such Gentlemen is the unhappy predicament to which you have reduced me by offering to me the Bill for Establishing Superior Courts in its present form and upon that principle I have been obliged to withhold my assent to it. I had flattered myself Gentlemen that my open, free and candid communication of His Majesty's Royal Instructions to me on the provisions of that Bill, my repeated assurances to you that my conduct must be regulated thereby, and the sincere inclinations I have constantly expressed and manifested to concur with you in any plans of consistency, not repugnant to them, would have saved me from the tender feelings that now oppress my Heart.

If, Gentlemen, the peace and security, the honor and general interests of this Colony are dear to you, consider how much they are at stake; and that you may still provide effectually for their preservation, I am and ever have been ready to meet your desires to the utmost extent of my power. Because that will not admit of my doing all you wish, let it not be reason, Gentlemen, for sacrificing all that is valuable, and to make me longer mourn over the miseries of your Country with a heartfelt devotion to its service.

The deliverance of the province from its present melancholy and distressful state is an object worthy all your devotion, and may the Almighty guide your Councils to the perfect restoration of its prosperity and the greatest advancement of its glory and happiness.

JO. MARTIN.

The House adjourned till 10 o'clock on Monday morning.

Monday 21st March 1774.

The House met according to adjournment.

Present

The Honble {	James Hasell	William Dry	} Esquires.
	John Rutherford	Samuel Strudwick	
	Lewis DeRosset	Martin Howard	
	John Sampson	and	
	Alex McCulloch	Samuel Cornell	

Received from the Assembly by Mr Bright and Mr Stewart,

A Bill for establishing Courts of Oyer and Terminer and General Gaol delivery, and directing the mode of appointing Jurymen and regulating other proceedings therein.

Received from the Assembly by Mr Benj. Harvey and Mr Everigin,

A Bill for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this Province and for regulating the proceedings therein.

Received from the Assembly by Mr Lock and Mr Hunt,

A Bill to regulate and ascertain the fees of Clerks of the pleas in the Inferior Courts in this Colony.

On motion read the second time and passed.

Received from the Assembly by Mr Knox and Mr Williamson,

A Bill to oblige Vessels having Infectious distempers on Board to perform their Quarantine.

On motion read the third time and passed. Ordered to be engrossed.

The House adjourned till 10 o'clock tomorrow morning.

Tuesday 22^d March 1774.

The House met according to adjournment

Present

The Honble	{	James Hasell	William Dry	} Esquires.
		John Rutherford	Sam ^l Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex ^r M ^c Culloch	Samuel Cornell	

Received from the Assembly by Mr Bright and Mr Lanier,

A Bill of pardon and oblivion to the persons concerned in the late insurrection except such persons as are therein excepted.

On motion read the third time and rejected.

On motion ordered the following message be sent to the Assembly, Viz^t,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading in this House for the third time the Bill for Establishing Inferior Courts of pleas and quarter Sessions in the Several Counties in this province and for regulating the proceedings therein, We observe a clause relative to attachments for debts not exceeding five pounds, which being inadmissible, we propose that the said Clause be *deled*, to which amendment if your House agree be pleased to send some of your members to see the same made.

By order JOHN HAWKS, Clk.

In the upper House 22^d March, 1774.

On motion ordered the following message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading in this House the third time the Bill for Establishing Courts of Oyer and Terminer and General Gaol Delivery &c, we propose the following amendments, Viz^t, That the Title of the Bill be altered to the following one, Viz^t, A Bill to Establish Courts of Oyer and Terminer and General Gaol delivery and for appointing Jurymen and regulating the proceedings in the said Courts, and also for Constituting the Judges thereof a Court for hearing and determining appeals and Writs of Error.

That the qualification of Judges of the said Courts in the absence of the Chief Justice be confined to men of Ability, Integrity, and learned in the Law, and that the word *Eminent* now in the Bill be *deled*.

If your House agree to these amendments be pleased to send some of your members to see the same inserted.

By order JOHN HAWKS, Clk.

In the upper House 22^d March, 1774.

Received from the Assembly the following message, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

In answer to your message of this day respecting the Inferior Court Bill, this House agree to *dele* the Clause by you proposed, at the same time propose the following as substitute, Viz^t,

"And be it further enacted by the authority aforesaid that the proceedings to be had upon attachments before any Justice of the peace, shall be under the same Rules and subject to the same regulations as are by this Law directed to govern that process in the Inferior Courts of this province, due respect being had to the Jurisdiction of such Court." Our proposal being so reasonable we send Mr Hooper and Mr Ashe to see the same made and inserted in the Bill.

JOHN HARVEY, Speaker.

By order JAMES GREEN, jun^r, Clk.

In the Assembly 22^d March 1774.

This House took the above Message into consideration upon which the Members sent to see the Amendments made returned to the Assembly.

Then on motion ordered the following Message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House having considered of your Message relative to the Inferior Court Bill, agree to insert the Clause you propose and desire you would be pleased to send some of your Members to see the amendments agreed upon, made in the Bill.

By order JOHN HAWKS, Clk.

In the upper House 22^d March 1774.

Received from the Assembly by Mr Hooper and Mr Ashe the following Message Viz^t,

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

This House in answer to your Message relative to the Bill for establishing Courts of Oyer and Terminer and General Gaol delivery

are willing to admit the amendments proposed by you with respect to the Titles, with the following alteration which we doubt not you will approve of.

“A Bill to Establish Courts of Oyer and Terminer and General Gaol delivery and for vesting in the several Inferior Courts of pleas and quarter Sessions, the power of appointing Jurymen for the said Courts of Oyer and Terminer and Regulating the proceedings therein, and also for constituting the Judges thereof a Court for hearing and determining Appeals and Writs of Error.”

With respect to the Epithet of *Eminent* in the Character of Judges if you think it an unnecessary or improper distinction in that Office we shall not contend for keeping it in the Bill.

JOHN HARVEY, Speaker.

By order JAMES GREEN, jun^r, Clk.

In the Assembly 22^d March 1774.

The amendment proposed to the Bill for Establishing Inferior Courts &c, was accordingly made in the presence of the Members sent for that purpose. The Bill was then put and passed the third time. Ordered to be engrossed.

The amendments proposed to the Bill for Establishing Courts of Oyer and Terminer and General Gaol delivery &c was also made in the presence of the Members sent for that purpose. The Bill was then put and passed the third time. Ordered to be engrossed.

The House adjourned till 10 o’clock to-morrow morning.

Wednesday, 23^d March 1774.

The House met according to adjournment.

Present

The Honble {	James Hasell,	William Dry	} Esquires
	John Rutherford	Samuel Strudwick	
	John Sampson	Martin Howard	
	Alex M ^c Culloch	and	
	Lewis DeRosset	Samuel Cornell	

Received from the Assembly by Mr Bright and Mr Hunt,

A Bill to regulate and ascertain the fees of Clerks of the Inferior Court in this Colony.

On motion read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to discontinue the poll Tax of one shilling and duty of four pence $\frac{7}{8}$ gallon on rum, wine and other

spiritous liquors, be read. The same was read the second time and rejected.

A Bill directing the method of appointing Jurors in all cases civil and criminal.

On motion read the second time and rejected.

Received from the Assembly by Mr Cray and Mr Kenan,

A Bill to prevent the pernicious practice of hunting with a gun in the night by firelight.

On motion read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Benbury and Mr Knox the following Message Viz^t,

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

This House have resolved that Col^o John Harvey Speaker be allowed the sum of two hundred pounds proclamation money for his extraordinary trouble and as a reward for his particular assiduity and attention to the business of the House the last and this present Session of Assembly, that the Treasurers or either of them pay him the same and be allowed in their Accounts with the public, and desire your Honors concurrence thereto.

JOHN HARVEY, Speaker

By order. JAMES GREEN, Clk.

In the Assembly 23^d March 1774.

In the Upper House concurred with 23^d March 1774.

JAS HASELL, P. C.

By order JOHN HAWKS Clk.

On motion ordered the following Message be sent to the Assembly Viz^t,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House are of opinion that the president of the Council ought to have an allowance made him, for his extraordinary Service, his assiduity, and attention to the public business, during the last and the present Session of Assembly, therefore hope you will make a Resolve for that purpose.

By order JOHN HAWKS, Clk.

In the upper House 23^d March, 1774.

On motion ordered the Report of the Committee of Claims be read. The same was read, concurred with and sent back.

The House adjourned till 10 o'clock tomorrow morning.

Thursday 24th March 1774.

The House met according to adjournment.

Present

The Honble {	James Hasell	William Dry	} Esquires
	John Rutherford	Samuel Strudwick	
	Lewis DeRosset	Martin Howard	
	John Sampson	and	
	Alex McCulloch	Samuel Cornell	

Received from the Assembly by Mr Hunt and Mr Tig. Jones the following message, Viz^t,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

In answer to your message of yesterday this House are ever willing to pay a due respect to any application from you which they can vindicate consistent with the duty they owe to the public or Individuals. The provisions they have made for the Speaker they conceive to be a recompence for service which he hath actually rendered the province, and which have been attended with trouble to which no other member of this House is subject. The necessity there is for the constant attendance of the Speaker to the Business of the Assembly being interrupted are reasons which by no means are applicable to your claim in favour of the president of the Council. The absence of that Gentleman from your House leaves only a seat vacant which the next in seniority can with equal right fill and occasions no delay in your proceedings, so that the president is not subject to the same fatiguing restrictions in point of attendance as our Speaker. Precedents of the Speaker of the House receiving an Allowance for his services are frequent but we know of none in favour of the president of the Council. For these reasons we cannot consent to your proposals. JOHN HARVEY, Speaker.

By order JAMES GREEN Junr, Clk.

In the Assembly 24th March 1774.

Received from the Assembly the Estimate of that House which was on motion read, concurred with and sent back.

Then on motion the Estimate of this House was taken under consideration, approved of and sent to the Assembly for their Concurrence.

Received from the Assembly the Estimate of this House concurred with.

Received from the Assembly by Mr Oldham and Mr Harvey the following Resolve Viz^t,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

This House have Resolved that Captain John Collet, commander of Fort Johnston, be allowed for the necessary expence of that Garrison the sum of three hundred and twenty two pounds nine shillings and four pence proc. money; that the Treasurers or either of them pay him the same and be allowed in their accounts with the public.

JOHN HARVEY, Speaker.

By order JAMES GREEN Jun^r, Clk.

In the Assembly 24th March 1774.

In the upper House 24th March. Concurred with.

JAS. HASELL, P. C.

By order JOHN HAWKS, Clk.

Received from the Assembly by Mr Lanier and Mr Williamson the following Resolve, Viz^t,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

This House have Resolved that the present Establishment of Fort Johnston be continued until the end of the next Session of Assembly and no longer, and desire your Honours concurrence thereto.

JOHN HARVEY, Speaker.

By order JAMES GREEN Jun^r, Clk.

In the Assembly 24th March 1774.

In the upper House 24th March 1774. Concurred with.

JAS. HASELL, P. C.

By order JOHN HAWKS, Clk.

His Excellency the Governor was pleased to command the attendance of this House at 6 o'clock in the Council Chamber at the palace. This House accordingly attended, and the Speaker presented to his Excellency for his assent the following Bills, Viz^t,

1. A Bill for establishing Courts of Oyer and Terminer and General Gaol delivery, and directing the mode of appointing Jurymen and regulating other proceedings therein.

2. A Bill for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this province and for regulating the proceedings therein.

3. A Bill to oblige vessels having infectious distempers on Board to perform their Quarantine.

4. A Bill to regulate and ascertain the Fees of the Clerks of the Inferior Courts in this Colony.

5. A Bill to prevent the pernicious practice of hunting with a gun in the night by fire light.

To which Bills his Excellency was pleased to give his assent, and then to both Houses made the following Speech, *Viz*,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL, MR SPEAKER
AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I should have seen your Session hastening to a conclusion with much greater satisfaction if the channels of Justice had been fully laid open to His Majestys Subjects in this province by the Laws I have been able to pass.

I flattered myself, Gentlemen, that you would have presented to me at this time some effectual plan for the General Administration of Justice freed from the exceptionable provisions upon which my duty to the King indispensibly obliged me to refuse my assent to your Bill for establishing Superior Courts. It is hardly necessary I believe to explain further to you the reasons of my uniform conduct in relation to that Act; but as I speak to your Country through you, I conceive it may not be improper to mention that the points of objection in it, were the regulations concerning attachments, the limitation of Jurisdiction of the Superior Courts, and the repeal of a permanent Law whereby Fees were settled for the support of His Majesty's Chief Justice, while no equivalent provision was made for that purpose; all which are repugnant to the royal Instructions to me, that as far as they related to the two first heads I freely communicated to you the commencement of your last Session. The latter militates against a standing General Instruction, and is not I apprehend agreeable to the Rules of Justice and sound policy.

It is with Infinite concern, Gentlemen, that I see no better system for the dispensation of Justice yet adopted by you, than the estab-

lishment of County Courts whose limited Jurisdiction extends not to the relief of Creditors of highest dignity who may certainly be considered in general most deserving of the public care; but are at least intitled to like advantages, and security of their property, from the Laws of their Country as are allowed to creditors of Inferior degree, of which they are now virtually precluded. Why then, Gentlemen, this distinction, so irreconcilable to the impartiality of Justice?

The measures which have been taken to render ineffectual the powers I derive from the King for the protection of His Majesty's Subjects in this province and the dependence of the Bill for erecting Courts for the trial of Criminal matters (that are essential to the peace and safety of the people) are reasons of the greatest weight with me for giving my assent to a plan so inadequate to the due administration of Justice; so incompetent to the security of the public Revenue; the receipt of which is now left to depend on the integrity of the Collectors; and that has ever appeared to my understanding so inconsistent with every principle of good policy. Next to this consideration, Gentlemen, I wish to assure you that I am willing to concur with you as far as I possibly can to relieve the distresses of this Country, and as on the one hand I well know that Example is of much greater force than precept, so on the other I am satisfied a short use of these expedients will convince you of their inefficacy, as well as of the integrity of my intentions, and rectitude of my conduct. After all, Gentlemen, I am but too sensible that my assent to these Bills, of a nature so unusual, new and extraordinary will need every apology I shall be able to make to His Majesty.

Mr Speaker and Gentlemen of the Assembly, I see with equal concern and surprize that you have not passed any Bill for re-establishing the militia, which you have promised in your address to me, to put upon such a respectable footing as might give full security to this province against any designs of the Indians, if properly exerted. I am persuaded Gentlemen you have not intended to omit this necessary provision for the protection of your Country now actually threatened with Hostilities by that Barbarous People and in Confidence that you have not I most earnestly recommend to your consideration the expediency of such an establishment; which being now made upon a proper plan may obviate the necessity of calling you together during the Summer to provide for the public safety.

My information from His Majesty's Superintendent of Indian Affairs relative to the designs of the neighbouring nations of savages that I have communicated to you, leaves us at least in doubt concerning them; and urges the propriety of the interposition of this Government their outrages to certain of its people settled on the Indian Territory, in vengeance for whose encroachments it is to be feared they may extend their violences against the innocent unguarded inhabitants on the Frontiers of this Colony, and as the prolongation of the present Session for a day or two, will be less inconvenient to you, and far less expensive to the public, than to open a new Session at that inclement season, in case of such too probable events, I flatter myself you will forthwith take such proper measures for the defence of this province, as your prudence shall suggest; and that you may have opportunity to guard against the ill consequences that may arise for want of the protection of a militia, I forbear now to put an end to your Session; Wishing at the same time, to detain you from your pressing domestic avocations not one moment longer than the public Necessities require.

JO. MARTIN.

New Bern 24th March 1774.

Received from the Assembly by Mr McCulloch and Mr Hart the following Resolve Viz,

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

This House have resolved that William Bentley be allowed the sum of nineteen pounds proclamation money for so much money lost in Neuse River and that the Treasurers or either of them pay him the same out of the Sinking fund and be allowed in their accounts with the public to which we desire your Honors Concurrence.

JOHN HARVEY, Speaker.

By order JAMES GREEN, jun^r, Clk.

In the Assembly 24th March 1774.

In the upper House 24th March 1774, Concurred with.

JAS. HASELL, P. C.

By order JOHN HAWKS, Clk.

Received from the Assembly by Mr McCulloch and Mr Hart,
A Bill for appointing a Militia for the Security and defence of this Province.

On motion read the first time amended and passed.

Received from the Assembly by Mr Will^m Person and Mr Brown,
A Bill for appointing a Militia for the security and defence of this
province.

On motion read the second time amended and passed.

The House adjourned till 10 °Clock tomorrow morning.

Friday 25th of March 1774.

The House met according to adjournment.

Present

The Honble	{	James Hasell	William Dry	} Esquires.
		John Rutherford	Sam ^l Strudwick	
		Lewis DeRosset	Martin Howard	
		John Sampson	and	
		Alex ^r McCulloch	Samuel Cornell	

Received from the Assembly by Mr Benbury and Mr Ben^d Harvey,
A Bill for appointing a Militia for the security and defence of this
province.

On motion read the third time and passed. Ordered to be
engrossed.

Received from the Assembly by Mr Tignal Jones and Mr Edwards
the following Resolve Viz^t,

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

This House have resolved that the Honorable Samuel Cornell
Esquire be allowed the sum of twenty eight pounds ten shillings as
a draw back for duties on nineteen Hogsheads of rum imported
into this province, in the sloop *Polly*, James Green Master, and after-
wards exported to the Colony of Virginia and there landed, due
proof being made to this House. Ordered that the Treasurers or
either of them pay him the same and be allowed in their Accounts
with the public, and desire your Honor's Concurrence thereto.

JAMES HARVEY, Speaker.

By order JAMES GREEN, jun^r, Clk.

In the Assembly 25th March 1774.

In upper House 25th March 1774, Concurred with.

JAS. HASELL, P. C.

By order JOHN HAWKS, Clk.

His Excellency the Governor was pleased to command the attend-
ance of this House at 1 °Clock in the Council Chamber at the palace.

This House accordingly attended, and the Speaker presented to His Excellency for his Assent,

A Bill for appointing a Militia for the security and defence of this province,

To which His Excellency gave his assent, and then prorogued the Assembly 'til Wednesday the 25th of May next.

NORTH CAROLINA — Ss.

At an Assembly begun and held at New Bern the second day of March in the fourteenth 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 seventy four, being the second Session of the present Assembly.

In the House of Assembly.

Wednesday 2^d March 1774.

Mr Speaker and the following Members appeared, to wit,

Messrs Harnett, Howe, Hooper, Edwards, Thomson, Hovey, Alston, Hart, Spruil, Bright, B. Ward, Haywood, S. Johnston, Salter, A. Jones, Cray, McCulloch, Smithwick, Frazier, John Rowan, Macnair, Field, Hewes, Stanley, Knox, W. Person, Spicer, J. Johnston, Coor, Oldham, Hunt, McAlister, Ashe, Caswell, Tig. Jones, Benbury, T. Robeson, Simpson, F. Campbell, Martin, Kenan, Hatch and Polk.

Mr Thomas Person, one of the members for Granville, Mr Roger Ormond, one of the members for Beaufort, and Mr Benjamin Harvey, one of the members of Perquimans appeared.

The Clerk of the Crown having certified that Mr William Brown was duly elected and returned a Member for the Town of Bath in the room of Mr Wyriot Ormond, deceased, Mr Solomon Shepard for the County of Carteret, in the room of Jacob Shepard, deceased, and Mr Richard Parker for the County of Chatham, in the room of Mr Stephen Poe, deceased, pursuant to which the said Mr Brown, Mr. Shepard and Mr Parker appeared.

The Honble Alexander McCulloch and Martin Howard, Esquires, two of his Majesty's Council, came to the House, and Mr Thomas Person, Mr Roger Ormond, Mr Benjamin Harvey, Mr William Brown, Mr Solomon Shepard and Mr Richard Parker were qualified

by taking the several oaths by Law appointed for the qualification of public officers and repeating and subscribing the test.

Mr Edwards and Mr Knox waited on his Excellency the Governor to inform him that a sufficient number of Members to constitute a House were met and waited to receive his commands, who being returned, reported to the House that His Excellency would receive them at the palace in half an hour.

Mr Speaker with the House waited on his Excellency the Governor in the palace when his Excellency was pleased to make a speech to His Majestys Honble Council and this House. Mr Speaker with the House being returned, Mr Speaker reported that His Excellency the Governor had made a speech to the Council and this House; a copy of which, to prevent mistakes, he had obtained, and laid the same before the House.

On motion ordered the said Speech be read. Read the same and it is as follows, to wit,

[For Governor's Speech see Journals of Upper House, page 831.]

On motion ordered that Mr Hooper, Mr S. Johnston, Mr Caswell, Mr Howe, Mr Harnett, Mr Edwards, Mr A. Jones, Mr Hewes and Mr Ashe be appointed a Committee to prepare an Address in answer to his Excellency the Governor's Speech, and report the same to the House for approbation.

Then on motion, Resolved the House Resolve itself into a Committee of the whole House to take under consideration His Excellency the Governor's Speech.

The House Resolved itself into a Committee of the whole House accordingly and choose Mr William Haywood Chairman, and after some time spent therein came to several Resolutions.

Then on motion Mr Speaker resumed the Chair and Mr Chairman was directed to report that the Committee had come to several Resolutions, but not having time to reduce them to form, desired leave to sit again tomorrow.

Ordered the said committee have leave to sit again tomorrow

Mr Tignal Jones one of the members elected for Wake County appeared.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday 3^d March 1774.

The House met according to adjournment.

Mr. Speaker acquainted the House he had received a letter and Resolve from the Speaker of the House of Maryland which he laid before the House.

Ordered the same be read.

On motion, Resolved that the Speaker of this House write a respectful Answer to the letter above mentioned, expressing the thanks of this House to the Assembly of Maryland who have so spiritedly adopted the Patriotic Resolutions and measures of the truly Respectable House of Burgesses of Virginia, and for their obliging communication thereof to this House, inclosing a copy of the last Assembly's Resolutions, and requesting them to lay the same before their Assembly.

Mr Thomas Maeknight one of the members for the County of Currituck appeared.

The order of the day being read, Resolved the House Resolve into a Committee of the whole House. Accordingly Mr Haywood in the Chair, and after some time spent therein came to several Resolutions.

Then Mr Speaker resumed the Chair and Mr Chairman reported that the Committee had taken under consideration his Excellency the Governor's Speech and came to several resolutions thereon, towit,

Resolved, that it is the opinion of the Committee that they cannot agree to the Measure proposed by the Governor, respecting the mode to be observed in issuing attachments.

That the House will frame a Law for the regulation of the criminal Jurisdiction of this Province which will have a tendency to bring to condign punishment the perpetrators of those crimes which have become so frequent and which his Excellency so justly and pathetically describes.

That the House will be thankful to his Excellency for any information he may receive relative to the designs of the savages, and that they will be ready to make every necessary provision for the defence of the Province.

On motion Resolved that the foregoing Resolutions be instructions to the Committee appointed to draw up an address in answer to His Excellency's Speech.

On motion ordered that Mr Harper, Mr S. Johnston, Mr T. Jones, Mr Caswell, Mr Edwards, Mr Howe, Mr Harnett, and Mr Hewes be

appointed a Committee to prepare and bring in the following Bills, to wit,

A Bill for dividing the province into six several districts and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein.

A Bill for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this Province.

A Bill for establishing Courts of Oyer and Terminer and General Gaol delivery, and for directing the mode of appointing Jurymen and regulating other proceedings therein.

On motion ordered that Mr Knox, Mr Martin and Mr Thomas Jones be a Committee to enquire what Laws are expired or near expiring, and report the same to the House with their opinion of such Laws as are necessary to be revised, amended and continued. And also to prepare and bring in Bills to continue or revive such of them as are of public utility.

Mr Martin moved for leave to prepare and bring in a Bill of pardon and oblivion to the persons concerned in the late Insurrection, except such persons as are therein excepted.

Ordered he have leave accordingly.

The Honble John Sampson and Alexander McCulloch Esquires, two of the Members of His Majesty's Council, came to the House and Mr Thomas Macknight and Mr Tignal Jones were qualified by taking the several Oaths by Law appointed for the qualification of public officers and repeating and subscribing the Test.

Then the House adjourned till tomorrow morning 10 o'clock.

Friday 4th March 1774.

The House met according to adjournment

Received from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have it in charge from the Lords commissioners of Trade and Plantations to recommend to you to pass an act explanatory of the Act of indemnity passed at the November Session in the year 1771, which appears to their Lordships much too loosely worded, and that the description of the cases to which the provisions of that Act apply, are so general, and indeterminate, as that persons who have been guilty of almost any enormity, may under the plea of having

acted in defence of Government, be protected and indemnified; and persons who have been unwarrantably injured in their persons and properties cut off from all possibility of redress.

Their Lordships therefore recommend that an Act explanatory of the above mentioned Act, be passed defining and ascertaining with more accuracy and precision the bounds and limits of the indemnity that was intended by the said Act to grant, hoping in general that it will not be necessary to extend indemnity beyond the cases of imprisonment of persons, either actually in Arms against Government, or suspected of giving aid and assistance, to the Insurgents, to the seizing arms in the possession of suspected persons, and impressing Horses and Carriages, for the use of Government, And their Lordships add, that if some explanatory Act be not passed, they will be under the necessity of laying the Law, to which their Lordships refer before the King for his Majesty's disallowance.

Pursuant to their Lordships direction I now submit this matter to your consideration not doubting that you will see the expediency of modifying the act of indemnity according to circumstances, in a manner that may obviate the objections of the Lords of Trade thereto.

JO. MARTIN.

Newbern March 3^d, 1774.

On motion ordered the said Message lie for consideration 'till tomorrow morning.

Mr Griffith Rutherford and Mr Matthew Lock the two Members for Rowan County appeared.

Mr Thomas Person presented a Certificate from the County Court of Granville therein recommending Joseph Hill to be exempted from the payment of Taxes.

Ordered he be exempt accordingly.

The House adjourned 'till 4 o'clock in the afternoon.

The House met according to adjournment.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday 5th March 1774.

The House met according to adjournment.

Mr Robert Lanier one of the Members for Surry County appeared.

Mr Harnett from the Committee appointed to prepare an Address in Answer to His Excellency the Governor's Speech, informed the House they had prepared the same, which was read.

Then on motion ordered the same stand as the address of this House, and it is as follows, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN 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 Assembly of North Carolina thank your Excellency for your Speech at the opening of this Session.

We came to the last Session of this Assembly fully possessed of the sentiments of our constituents; we have however appealed to them again, consulted them, and stated to them candidly the point for which we contended; we have also informed them how far his Majesty is disposed to indulge our wishes. These facts we have represented to them fairly, disdaining any equivocation or reserve that might leave them ignorant of the Conduct we have pursued or the real motives that influenced it. And we have the heartfelt satisfaction to inform your Excellency that they have expressed their warmest approbation of our past proceedings, and have given us positive instructions to persist in our endeavors to obtain the process of Foreign Attachments upon the most liberal and ample footing.

Thus circumstanced, Sir, were we to adopt the modifications proposed by your Excellency, we should violate the sacred trust they have reposed in us and disregard the line of duty which they have marked out for our conduct. Sensible of the importance of preserving that security in Trade, which they have hitherto enjoyed by Foreign Attachments, they know too well their own interest to make a sacrifice of it, or to condemn the conduct of those who have exerted their utmost endeavors to retain it unimpaired.

We are well informed that in many of the Colonies the Laws which govern their proceedings by Foreign Attachment, are detached from those which frame the general plan for this distribution of Justice, Yet those regulations are not therefore less secured to the Inhabitants they have equally had the sanction of Government, and are as fixed and permanent in their duration as the Court Laws, on which they necessarily depend, and when those Colonies made provision for these purposes by two distinct Laws they possessed the fullest assurance that Government would not deny its assent to either.

The ardent wishes you have been pleased repeatedly to express for the welfare and happiness of this Colony induce us to hope that you will exert your Interest with His Majesty and his Ministers to relieve us from the baneful effects of an instruction by which we are deprived of a mode of proceeding against absconding debtors, which the inhabitants of this Province are convinced from the fullest experience is essentially necessary to the Commercial Interest.

We shall not fail to exert our best endeavours to lessen the calamities which this Province suffers at present from that licentiousness of manners, which is the necessary consequence of the cessation of the Executive powers of Government, altho' the best of human Institutions have been found unequal to a perfect prevention of the Crimes against the peace and security of mankind. The most barbarous murders having been sometimes perpetrated under the best regulated policy, it is however our duty, and we shall not fail to propose the best plan of Criminal Jurisdiction which the present circumstances of this Colony will admit, and this we might at the last session of Assembly have effected, had we not been prevented by the unexpected and precipitate manner in which your Excellency was pleased to dismiss us.

If your Excellency should receive any further information of Hostilities committed by the Indians against his Majesty's Subjects of this or any other Colony we shall be glad to be made immediately acquainted with it, in the mean time we shall endeavour to establish a Militia upon so respectable a footing that by a proper exertion of it any effort of those savages to distress this colony may be rendered ineffectual. We shall duly consider all other matters recommended by His Excellency.

JOHN HARVEY, Speaker.

Then the House adjourned till 10 o'clock Monday morning.

Monday 7th March 1774.

The House met according to adjournment.

On motion ordered that Mr Martin and Mr Salter wait on His Excellency the Governor and acquaint him the House have prepared an address in Answer to his Excellency's Speech, and desire to know when they shall wait on him to present—being returned brought for answer that His Excellency would receive the said Address on Wednesday next.

The Honble Alexander McCulloch and John Sampson Esquires, two of his Majesty's Honble Council came to the House and Mr Charles M^cAnnely was qualified by taking the several Oaths by Law appointed for the qualification of Public officers and repeating and subscribing the Test.

Mr Samuel Johnston from the Committee to prepare and bring in a Bill for dividing the province into six several districts and for establishing a Superior Court of Justice in each of the said Districts, and regulating the proceedings therein, presented the same 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 Polk and Mr Benbury.

Mr Samuel Johnston from the Committee to prepare and bring in a Bill to establish Inferior Courts of pleas and quarter Sessions in the several Counties in this Province, presented the same 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 Polk and Mr Benbury.

Mr Allen Jones moved for leave to present a Bill to amend the staple of Tobacco and prevent frauds in his Majesty's Customs.

Ordered he have leave accordingly.

Mr A. Jones presented the said 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 McCulloch and Mr Ward.

Mr Edwards moved for leave to prepare and bring in a Bill to discontinue the poll Tax of one shilling and duty of four pence per gallon on Rum, Wine and other Spirits.

Ordered he have leave accordingly.

Mr Martin according to order presented the Bill of pardon and oblivion to the persons concerned in the late Insurrection except such persons as are therein excepted; 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 Field and Mr W^m Moore.

The order of the day being read, Ordered the same be deferred till tomorrow morning.

Mr Martin moved for leave to present a Bill for appointing a militia.

Ordered he have leave accordingly.

Mr Martin presented the said 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 Hart and Mr Bright.

Received from the Council the following Bills, Viz^t,

The Bill for dividing the Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts.

The Bill for establishing Inferior Courts of pleas and quarter sessions in the several Counties in this Province and for regulating the proceedings therein.

The Bill to amend the staple of Tobacco and prevent frauds in His Majesty's Customs.

The Bill of pardon and oblivion to the persons concerned in the late Insurrection, except such persons as are therein excepted. Endorsed, In the Upper House 7th March, 1774. Read the first time and passed.

Mr Hewes moved for leave to present a Bill to prevent counterfeiting the paper money of this and other British Colonies and to prevent counterfeiting the gold and silver coin circulating in this Province.

Ordered he have leave accordingly.

Mr Hewes presented the said 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 Hatch and Mr Spicer.

Mr Coor moved for leave to present a Bill directing the duty of Sheriffs with respect to insolvent Taxables.

Ordered he have leave accordingly.

Mr Coor presented the said 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 Hatch and Mr Spicer.

Received from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send herewith for your information a letter from His Majesty's Superintendent of Indian Affairs, and I am to assure you of my

readiness to concur in any measure to prevent the mischiefs that may accrue to this Province, by the circumstances therein mentioned.

JO. MARTIN.

Newbern 7th March 1774.

Received at the same time a copy of the letter above referred to.
Then the House adjourned till tomorrow morning 10 o'Clock.

Tuesday 8th March 1774.

The House met according to adjournment

Mr. Hooper from the Committee to prepare and bring in a Bill for establishing Courts of Oyer and Terminer and general gaol delivery, and directing the mode of appointing Jurymen and regulating other proceedings therein, presented the said 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 Simpson and Mr W^m Moore.

Mr Macknight moved for leave to present a Bill for vesting in certain persons therein named two Acres of Land at Belville in Currituck County as trustees for erecting a Chapel thereon, and for enclosing a burying ground.

Ordered he have leave accordingly.

Mr Macknight presented the said 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 Macknight and Mr Hewes.

Mr Harnett moved for leave to [present a Bill to] continue an Act intituled an Act to amend an Act intituled an Act for the regulation of the Town of Wilmington.

Ordered he have leave accordingly.

Mr Harnett presented the said 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 Salter and Mr Kenan.

Mr McCulloh moved for leave to present a Bill to amend an Act intituled an Act for repairing the Gaol for the district of Halifax, in the Town of Halifax.

Ordered he have leave accordingly.

Mr McCulloh presented the said 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 Salter and Mr Kenan.

Rec^d from the Council the Bill for appointing a Militia. Endorsed, In the Upper House 8th March 1774. Read the first time and passed.

Received from the Council the following Bills, Viz^t,

The Bill to direct the duty of Sheriffs with respect to insolvent Taxables.

The Bill to prevent counterfeiting the paper money of this and the other British Colonies and to prevent Counterfeiting the Gold and silver Coin circulating in this Province.

The Bill for vesting in certain persons therein named two Acres of Land at Belville in Currituck County, as Trustees for erecting a Chapel thereon and for inclosing a burying ground.

And The Bill for establishing Courts of Oyer & Terminer and general gaol delivery, and directing the mode of appointing Jurymen and regulating other proceedings therein.

Endorsed, in the upper House 8th March 1774. Read the first time and passed.

Mr Spicer moved for leave to present a Bill to restrain fishing with scins in New River in Onslow County.

Ordered he have leave accordingly.

Mr Spicer presented the said 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 Spicer and Mr Thomson.

On motion ordered that Mr Ashe, Mr Martin, Mr Rutherford, Mr Macknight, Mr Caswell, Mr Ferq^d Campbell, Mr Haywood, Mr W^m Person, Mr Lock, Mr Rowan, Mr Benjamin Harvey and Mr Ormond be a Committee of public Claims in conjunction with such of the Members of His Majesty's Honble Council as they shall think proper to appoint, and that the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

This House have appointed Mr Ashe, Mr Martin, Mr Rutherford, Mr Macknight, Mr Caswell, Mr Ferq^d Campbell, Mr Haywood, Mr W^m Person, Mr Lock, Mr Rowan, Mr Benjamin Harvey and Mr Ormond a Committee of this House to settle and allow public

Claims in conjunction with such of your Honors as you shall think fit to appoint.

JOHN HARVEY, Sp.

Sent by Mr Benj Harvey and Mr Ormond.

On motion ordered the Bill for dividing the Province into six several districts and for establishing a Superior Court of Justice in each of the said districts be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Mr T. Jones and Mr Hart.

On motion ordered the Bill for establishing Inferior Courts of pleas and quarter sessions in the several counties in this Province and for regulating the proceedings therein be read the second time. Read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr T. Jones and Mr Hart.

Joseph Hughes having exhibited to the last Session of Assembly a Petition setting forth the services he had rendered the public in pursuing certain robbers mentioned in the said petition apprehending one of them, the expence he had been at in performing the same, and having made the facts appear to the satisfaction of the House, they entered into a Resolve for allowing the said Joseph Hughes the sum of one hundred and fifty pounds, which Resolve being sent to the Council was not returned by them before the prorogation of the Assembly,

This House therefore having again taken the same under consideration, Resolve that the said Joseph Hughes be allowed the sum of one hundred and fifty pounds for the said services and that the public Treasurers or either of them pay him the same, and be allowed in their Accounts with the public, and that the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

Joseph Hughes having exhibited to the last Session of Assembly a petition setting forth the services he had rendered the public in pursuing certain Robbers mentioned in the said petition apprehending one of them, the expence he had been at in performing the same and having made the facts appear to the satisfaction of the House, they entered into a Resolve for allowing the said Joseph Hughes the sum of one hundred and fifty pounds, which Resolve

being sent to the Hon^{ble} Council was not returned by them before the prorogation of the Assembly, This House therefore having again taken the same under consideration,

Resolve that the said Joseph Hughes be allowed the sum of one hundred and fifty pounds for the said service, and that the public Treasurers or either of them pay him the same and be allowed in their accounts with the public to which we desire your Honors Concurrence.

JOHN HARVEY Sp.

Then the House adjourned till tomorrow morning 10 o'clock.

Wednesday 9th March 1774.

The House met according to adjournment.

Sent the estimate of allowances of the last Session of Assembly to the Council for their concurrence by Mr Allen Jones and Mr Lock.

Mr Edwards according to order presented the Bill to discontinue the poll Tax of one shilling and duty of four pence $\frac{7}{8}$ gallon on rum wine and other spiritous Liquors, 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 Moore and Mr Hart.

Mr Field moved for leave to present a Bill to amend an Act Intituled an Act for the better observation and keeping the Lord's day commonly called Sunday, and for the more effectual suppression of vice and immorality.

Ordered he have leave accordingly.

Mr Field presented the said 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 Moore and Mr Hunt.

Mr Moore moved for leave to present a Bill for appointing Commissioners for building a Court House, prison and stocks for the County of Tryon and for establishing a boundary line between the Counties of Tryon and Mecklenburg.

Ordered he have leave accordingly.

Mr Moore presented the said 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 Moore and Mr Hunt.

Ordered Mr Caswell have leave to absent himself from the service of this House till Monday next.

Mr Charles Robinson one of the members for Anson County and Mr Michael Rogers one of the elected members for Wake County appeared.

The Honble John Sampson and Alexander McCulloch Esquires two of the members of Council came to the House and Mr Michael Rogers one of the members for Wake County was qualified by taking the Oaths by Law appointed for the qualification of public officers and repeating and subscribing the Test.

On motion ordered the Bill to amend the staple of Tobacco and prevent frauds in his Majesty's customs be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr W^m Person and Mr Ward.

Received from the Council the following Bills Viz^t,

The Bill to continue an Act Intitled an Act to amend an Act Intitled an Act for the regulation of the Town of Wilmington.

The Bill to restrain fishing with seines in New River in Onslow County.

The Bill to amend an Act for repairing the gaol for the District of Halifax in the Town of Halifax. Endorsed, In the Upper House 9th March 1774. Read the first time and passed.

Also the estimate of this House for the last session of Assembly. Endorsed, in the Upper House. Concurred with 9th March, 1774.

JAS HASELL, P. C.

Received from the Council the estimate of their allowances for the last session of Assembly. Endorsed, Mr Speaker and Gentlemen of the Assembly, This House have agreed to the above estimate, and desire your concurrence thereto.

JAS HASELL P. C.

In the Assembly 9th March 1774, the above estimate was read and allowed by this House.

JOHN HARVEY, Speaker.

On motion ordered the Bill for establishing Courts of Oyer and Terminer and general gaol delivery and directing the mode of appointing jurymen and regulating other proceedings therein, be

read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Lanier and Mr Herring.

Mr Edwards moved for leave to present a Bill for the more effectual obtaining an exact list of taxables for the Town of New Bern, for compelling the inhabitants of the said Town to pay their Taxes, and for other purposes therein mentioned.

Ordered he have leave accordingly.

Mr Edwards presented the said 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 Hatch and Mr Salter

Mr Simpson moved for leave to present a Bill to amend an Act for laying out a Town on the lands of Richard Evans in Pitt County by the name of Martinborough, and for removing the court house, prison and stocks into the said Town.

Ordered he have leave accordingly.

Mr Simpson presented the said 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 Hatch and Mr Salter.

Ordered the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY, JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a,

This House herewith send your Excellency the estimate of allowances for the last session of Assembly held at Newbern the 4th day of December, 1773, concurred with by His Majesty's Honble Council, and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Knox and Mr Williamson.

On motion ordered the Bill for vesting in certain persons therein named two acres of Land at Belville in Currituck County as Trustees for erecting a Chapel thereon and for enclosing a burying ground, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Everigin and Mr Perkins.

On motion ordered the Bill to prevent counterfeiting the paper money of this and the other British Colonies and to prevent coun-

terfeiting the gold and silver coin circulating in 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 Alston and Mr Shepard.

On motion ordered the Bill to amend an Act intituled an Act for repairing the Gaol for the district of Halifax in the Town of Halifax be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Alston and Mr Shepard.

Mr Frazier moved for leave to present a Bill for erecting part of the Counties of Halifax and Tyrrel into one distinct County and Parish.

Ordered he have leave accordingly.

Mr Frazier presented the said 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.

Mr W^m Person moved for leave to present a Bill for the further continuing an Act intituled an Act concerning Vestries.

Ordered he have leave accordingly.

Mr Person presented the said 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 Hunt and Mr W. Person.

On motion ordered the Bill to continue an Act, Intituled an Act to amend an Act Intituled an Act for the regulation of the Town of Wilmington 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 Ashe.

Mr John Johnston moved for leave to present a Bill for enlarging the time for saving lots in the Town of Windsor, for erecting a Court House, prison and stocks for the County of Bertie in the said Town and other purposes.

Ordered 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 passed and ordered to be sent to the Council.

Sent by Mr Johnston and Mr Stanley.

On motion ordered the Bill directing the duty of Sheriffs with respect to insolvent taxables be read the second time. Read the

same a second time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Hatch and Mr Hovey.

On motion ordered the Bill to restrain fishing with seines in New River in Onslow County be read the second time. Read the same a second time, amended, passed, and ordered to be sent to the Council.

Mr Rutherford presented a Petition from sundry inhabitants of the North East end of Mecklenburg County praying a Law may pass for altering the dividing lines between the Counties of Rowan, Mecklinburg and Tryon.

Mr Rutherford presented a Bill pursuant to the prayers of the said petition 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.

Mr Speaker with the House waited on His Excellency the Governor in the palace and presented him with the address of this House, and being returned Mr Speaker reported that he with the House had waited on His Excellency and presented him with the said address, to which his Excellency was pleased to return an Answer, a copy of which he had obtained and laid the same before the House.

Ordered the same be read. The same was read, and ordered to be entered on the Journals, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

You have told me with perhaps just exultation, that your constituents have approved your past conduct, and instructed you to persist in your endeavours to obtain the process of foreign attachment, but if that means, Gentlemen, that the present distressful state of this Colony is to be continued because I have it not in my power to comply exactly with your wishes relative to a certain mode of proceeding against absconding Debtors, that as far as I have been able to learn, has been in some very material points peculiar to this Province, and is at this day held by many to have been unguarded and too open and applicable to fraudulent and oppressive purposes, I can no more enter into the policy of such a plan of conduct, that is in my opinion without example, than I can help dreading, the people will soon feel they make infinitely too dear a sacrifice in relinquishing all legal security of their most valuable rights and privileges, for the sake of contending for one object of Commercial

convenience, that you have already solicited from the grace of the Crown whence only it is obtainable.

As there is reason to believe, opinions prevail but too generally in this Country, that Government has designed, by the regulations proposed concerning attachments, to put the Inhabitants of this Province upon a footing of disadvantage with respect to the rest of the King's Subjects, it becomes my duty to prevent as far as I am able, the ill tendency of such unjust derogatory, ungenerous apprehensions. And to that end I do with the fullest confidence in the Justice of our most gracious sovereign and his government most solemnly pledge my honor, that there is nothing more foreign to the Royal intentions, than such injurious distinction of this Province; and that the same benefit of attachments, and every other provision will be allowed here, that is held by the Subjects of Great Britain if this Colony does not render itself less deserving of the Royal favour. Let me assure you further Gentlemen, that if I could entertain a belief that this Colony was by any measure to be deprived of a privilege or advantage, common to the rest of His Majesty's people, it would be as hurtful and humiliating to me, as to you; and I should consider it my duty to labour against it with all becoming zeal; a subject like yourselves Gentlemen, I prize as highly, the rights of that condition; and should as impatiently feel any violation of them, against which, we owe our grateful thanks to heaven, that we have a sure defence in our sovereign's Justice, and sacred regard to the British Constitution.

If, Gentlemen, you hold it inconsistent with your duty to your Constituents and their interests to adopt the regulations concerning attachments that I have proposed to you, which I learn from Authority that is to me indisputable, are such only as obtain in the Commercial Cities of England, let me still hope that with a dutiful reliance on the Justice of our most gracious King to which you have now appealed, you will leave that point for the present out of dispute, and provide in the best manner possible for the general administration of Justice. Such a conduct will be surely the most graceful, as well as the most likely to dispose his Majesty to compliance with your wishes; the contrary will certainly imply mistrust of His Goodness and impartiality that are as universally felt, as confessed throughout the British Empire, in which I am willing to persuade myself, none of all His Majesty's Subjects entertain higher sentiments of Loyalty and of reverence for the distinguished virtues of that

Father of His people than the inhabitants of this Colony. I submit also to your conditions, Gentlemen, whether by forbearing to lay open the channels of Justice, you do not urge the ruin and destruction of that Commercial interest you seem so earnestly to defend.

Of what duration the Laws of attachment are in every other Colony I profess, Gentlemen, I know not; but I have the utmost certainty they are not all permanent, though distinct from the Court Laws, and where they are, I cannot comprehend what better assurance at the time the Legislature which framed them could have of the King's acceptance of them, than you have of the royal confirmation of any Law enacted in this Province, before it has received His Majesty's allowance.

How far I am chargeable with precipitation in the conclusion of your last Session, I leave to your calm reflection to decide. I waited with equal patience and longing desire to see Measures taken for the deliverance of your Country from the evils that impended it; when I found that you insisted upon provisions inconsistent with my duty to admit in the Bills for the establishment of Courts of Justice, upon which everything else essential depended, I prorogued the General Assembly, in hopes that at a future period in another temper, and after mature consideration you would pursue a conduct more conducive to the happiness of your Country. With these hopes I have met you again, and I flatter myself I shall not be disappointed. Being sincerely disposed to concur in any plan of consistency you can adopt for the public good that is not repugnant to his Majesty's Royal Instructions, had I seen the least appearance of design, to establish Courts of Criminal Jurisdiction, which you say might have been effected if I had not prevented it at the late Session, I wanted not the best inclinations to promote it, and it was only from considerations of their inefficacy and of the great expense that would accrue to the public, by prolonging your Session until the many Bills depending in the Council and your House could be prepared to be presented to me, that I was induced to conclude it without giving my assent to such as might have been passed into Laws.

As a point of duty, I have constantly made the fairest and fullest representations to His Majesty of the Public Transactions of this Province; and I have fulfilled unsolicited, every expectation you could reasonably form, from my heartfelt expressions of regard to the welfare of this Country; by collecting with the utmost pains and industry every light, and information in my power, from the Laws

of attachment in the other Colonies, that could serve to illustrate the point you have so strenuously insisted upon, and by communicating all that I have been able to procure, to His Majesty's Secretary of State, with the same integrity of mind I do assure you I want no incentives to perseverance, in the same faithful discharge of my duty to His Majesty, and to this Country. JO. MARTIN.

Newbern March 9th, 1774.

Received from the Council the following message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your message relative to the Committee, This House have appointed The Honble Lewis Henry DeRosset, John Sampson and Martin Howard, Esquires, a Committee of this House to settle and allow public Claims. Endorsed, In the upper House, 9th March 1774.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday 10th March 1774.

The House met according to adjournment.

Mr Hunt moved for leave to present a Bill to oblige the prosecutors of offences not capital to pay the Costs of prosecutions where the defendant shall be acquitted.

Ordered he have leave accordingly.

Mr Hunt presented the said 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 T. Person and Mr Hunt.

Mr Lock moved for leave to present a Bill to amend an Act Intituled an Act for building a court house in the Town of Salisbury for the District of Salisbury.

Ordered he have leave accordingly.

Mr Lock presented the said 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 T. Person and Mr Hunt.

Mr Robinson moved for leave to present a Bill to impower the Justices of Anson County to establish free ferries and lay a Tax for defraying the charges thereof.

Ordered he have leave accordingly.

Mr Robinson presented the said 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 Robinson and Mr Parker.

Mr Parker moved for leave to present a Bill to explain an Act for erecting a Parish in Chatham County by the name of Martinborough.

Ordered he have leave accordingly.

Mr Parker presented the said 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 Robinson and Mr Parker.

Mr Parker moved for leave to present a Bill to amend an Act Intituled an Act for preventing the frequent abuses in taking up and secreting stray Horses in the Counties of Orange, Granville, Bute, Rowan, Anson, Mecklenburg, Johnston, Dobbs, Halifax, Edgecomb, Northampton, Hertford, Tyrrell, Craven, and Pitt.

Ordered he have leave accordingly.

Mr Parker presented the said 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 Robinson and Mr Parker.

Mr Stewart and Mr Hunter, two of the Members of Tyrrell, appeared.

Received from the Council the Bill for dividing the Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts. Endorsed in the upper House. Read the second time, amended and passed.

Received from the Council the Resolve of this House for allowing Jo^s Hughes the sum of one hundred and fifty pounds. Endorsed in the upper House 10th March 1774. Concurred with.

JA^s HASELL, P. C.

Ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

We herewith send your Excellency a Resolve of this House for allowing Joseph Hughes the sum of one hundred and fifty pounds.

Concurred with by His Majesty's Honble Council, and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Thos Jones and Mr J. Johnston.

Mr Ormond moved for leave to present a Bill in addition to an Act, Intituled an Act, to prevent the exportation of unmerchantable Commodities.

Ordered he have leave accordingly.

Mr Ormond presented the said 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 Harvey and Mr Brown.

Received from the Council the following Bills, Viz^t,

The Bill for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this Province and for regulating the proceedings therein. Endorsed, In the upper House 10th March 1774. Read the second time, amended and passed.

The Bill for the more effectual obtaining an exact list of Taxables for the Town of Newbern; for compelling the Inhabitants of the said Town to pay their Taxes and for other purposes therein mentioned.

The Bill to discontinue the poll Tax of one shilling and duty of 4 d. p^r gallon on rum, wine and other spiritous liquors.

The Bill for enlarging the time of saving lots in the Town of Windsor, for erecting a Court House prison and stocks for the County of Bertie in the said town and other purposes.

The Bill for the further continuing an Act intituled an Act concerning Vestries.

The Bill for appointing commissioners for building a Court House prison and Stocks for the County of Tryon and for establishing a boundary line between the Counties of Tryon and Mecklenburg.

The Bill to amend an Act Intituled an Act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality.

The Bill for erecting part of the Counties of Halifax and Tyrrel into one distinct County and parish.

The Bill to empower the Justices of Anson County to establish free ferries and lay a Tax for defraying the charges thereof.

The Bill to amend an Act intituled an Act for preventing the frequent abuses in taking up and secreting stray horses in the Counties &c^a

The Bill to explain an Act for erecting a parish in Chatham County by the name of St. Bartholomew.

The Bill to amend an Act Intituled an Act for building a court house in the Town of Salisbury for the District of Salisbury.

The Bill to oblige the prosecutors of offences not capital to pay the costs of prosecution where the defendant shall be acquitted.

The Bill for altering the dividing lines between the Counties of Rowan, Mecklenburg and Tryon. Endorsed in the upper House 10th March, 1774. Read the first time and passed.

The Bill to amend the staple of Tobacco and prevent frauds in his Majesty's Customs.

The Bill to amend an Act Intituled an Act for repairing the gaol for the District of Halifax in the Town of Halifax. Endorsed, In the upper House 10th March 1774. Read the second time and passed.

The Bill in Addition to an Act Intituled an Act to prevent the exportation of unmerchantable Commodities.

The Bill for vesting in certain persons therein named two acres of Land at Belville in Currituck County as Trustees for erecting a Chapel thereon and for enclosing a burying ground.

The Bill to continue an Act Intituled an Act to amend an Act Intituled an Act for the regulation of the Town of Wilmington. Endorsed, In the upper House 10th March 1774. Read the second time and passed.

The Bill directing the duty of Sheriffs with respect to insolvent Taxables.

The Bill to restrain Fishing with seines in New River in Onslow County; and

The Bill to prevent counterfeiting the paper money of this and the other British Colonies to prevent counterfeiting the gold and silver coin circulating in this province. Endorsed, In the upper House, 10th 1774. Read the second time, amended and passed.

On motion ordered the Bill for dividing the Province into six several districts and for establishing a Superior Court of Justice in each of the said Districts, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr F. Campbell and Mr Stanley.

On motion ordered Mr Hewes have leave to absent himself from the services of the House.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday 11th of March 1774.

The House met according to adjournment.

Received from His Excellency the Governor the following messages, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the Resolve of your House for allowing Joseph Hughes the sum of one hundred and fifty pounds, concurred in by His Majesty's Council, with my assent thereto.

JO. MARTIN.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the estimate of the allowances due to the members of the House of His Majesty's Honble Council, with my assent thereto.

JO. MARTIN.

Newbern, 10th March 1774.

Mr Edwards moved for leave to present a Bill for further continuing an Act Intituled an Act for appointing a printer to this Province.

Ordered he have leave accordingly.

Mr Edwards presented the said 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 McAnally and Mr Bright.

On motion ordered the Bill be read a second time.

The Bill in addition to an Act intituled an Act to prevent the exportation of unmerchable commodities, amended, passed and ordered to be sent to the Council.

Sent by Mr McAnally and Mr Bright.

The Bill for the more effectual obtaining an exact list of Taxables for the Town of New Bern, for compelling the Inhabitants of the said Town to pay their taxes, and for other purposes therein mentioned, read the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Coor and Mr Hatch.

Ordered the Bill to continue an Act Intituled an Act to amend an Act Intituled an Act for the regulation of the Town of Wilmington,

be read the third time. Read the same a third time, passed and sent to the Council.

Sent by Mr Moore and Mr Robinson.

Ordered Mr Brown and Mr Salter have leave of absence till Monday next.

Ordered the Bill to amend an Act Intituled an Act for building a court house in the Town of Salisbury for the district of Salisbury, 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 Robinson.

Mr Haywood moved for leave to present a Bill for dividing the parish of St Marys in the County of Edgecomb into two distinct parishes.

Ordered he have leave accordingly.

Mr Haywood presented the said 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 Simpson and Mr Herring.

Mr McCulloh moved for leave to present a Bill for dividing the Parish of Edgecomb in the County of Halifax into two distinct parishes.

Ordered he have leave accordingly.

Mr McCulloh presented the said 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 McCulloh and Mr Rogers.

Ordered the Bill to impower the Justices of Anson County to establish free ferries and lay a tax for defraying the Charges thereof, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr McCulloh and Mr Rogers.

Ordered the Bill to amend the staple of Tobacco and prevent Frauds in His Majesty's Customs be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr W^m Person and Mr Lanier.

Mr Martin moved for leave to present a Bill for appointing commissioners to erect a court house, prison and stocks in the County of Guilford.

Ordered he have leave accordingly.

Mr Martin presented the said 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 Frazier and Mr Picket.

Ordered the Bill for enlarging the time of saving Lots in the Town of Windsor for erecting a court house, prison and stocks for the County of Bertie in the said Town and other purposes be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Mr Howe moved for leave to present the following Bills, Viz^t,

The Bill to prevent the wilful and malicious killing of slaves.

The Bill for establishing Triennial Assemblies.

Ordered he have leave accordingly.

Mr Howe presented the said Bills which he read in his place and delivered in at the Table, where the same were again read, passed and ordered to be sent to the Council.

Sent by Mr Tignal Jones and Mr Benbury.

Mr J. Rowan moved for leave to present a Bill in addition to an Act Intituled an Act to encourage the destroying of vermin in the several counties therein mentioned, passed in 1773.

Ordered he have leave accordingly.

Mr J. Rowan presented the said 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 Jordan and Mr Jo^s Jones.

On motion ordered the Bill to restrain Fishing with seines in New River in Onslow County be read the third time. Read the same a third time and rejected.

Ordered the Bill to amend an Act Intituled an Act for repairing the gaol for the District of Halifax, 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.

Sent by Mr M^cCulloh and Mr Hunter.

Mr Martin from the Committee to report what Laws are expired &c^a presented a Bill to enable the Justices in the several Counties of this Colony to make provision for the poor where the Vestries in their respective parishes have neglected to do the same, 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 B. Harvey and Mr Benbury.

Received from the Council the following Bills, Viz^t,

The Bill to amend the staple of Tobacco and prevent Frauds in His Majesty's Customs.

The Bill to continue an Act, Intitled an Act to amend an Act Intitled an Act for the regulation of the Town of Wilmington.

The Bill for further continuing an Act intitled an Act for appointing a printer to this province.

The Bill for dividing the parish of Edgecomb in the County of Halifax into two distinct parishes.

The Bill for dividing the parish of St Marys in the County of Edgecomb into two distinct parishes.

The Bill to amend an Act for laying out a Town on the lands of Richard Evans in Pitt County &c^a. Endorsed in the upper House 11th March 1774. Read the first time and passed.

The Bill to amend an Act, Intitled an Act for building a court House in the Town of Salisbury for the district of Salisbury.

The Bill for the more effectual obtaining an exact list of Taxables for the Town of Newbern &c^a. Endorsed, In the upper House 11th March 1774. Read the second time, amended and passed.

The Bill for appointing Commissioners to erect a Court House, prison and stocks in the County of Guilford.

The Bill for establishing Triennial Assemblies.

The Bill to prevent the willful and malicious killing of slaves.

The Bill in addition to an Act, Intitled an Act to encourage the destroying of vermin &c^a. Endorsed in the upper House, 11th March 1774. Read the first time and passed.

The Bill in addition to an Act Intitled an Act to prevent the exportation of unmerchutable commodities.

The Bill to empower the Justices of Anson County to establish free ferries and lay a tax for defraying the charges thereof.

Endorsed in the upper House 11th March 1774. Read the second time and passed.

The Bill to amend an Act Intitled an Act for repairing the gaol for the District of Halifax in the Town of Halifax. Endorsed, In the upper House 11th March. Read the third time and passed. Ordered to be engrossed.

Mr Martin from the Committee appointed to enquire what Laws are expired or near expiring &c^a, Reported that the Law for appointing Vestries will expire at the end of this Session of Assembly, and that its importance calls for its further continuance and having

taken into consideration the state of the poor of this Colony, are of opinion that a proper provision is not made for them by the Laws and recommend that the Vestries of each respective Parish in this Colony be invested with powers and Authorities to erect and build a poor house in the same, and levy a tax on its inhabitants for the purpose aforesaid, when by the said vestry it shall be judged convenient and necessary.

And that the poor of this Province may never want support, we further recommend that when any Vestry has or hereafter shall fail to make provision for the same that the Court of the County in which such parish is included should be invested with that necessary power and authority as the vestry of the same in such case might have had.

There are other Laws of consequence to this Colony which have expired, or are near expiring, which we beg leave to have time to take under further consideration.

ANDREW KNOX,
ALEX.^r MARTIN,
THO^s JONES.

Received from the Council the following message, Viz^t,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

Upon the third reading of the Bill for establishing Superior Courts, This House do not agree to the amendments you have made, and propose a temporary relief to the present distressed state of the Province that the establishment of Courts of Justice, the Law of foreign attachments, and the repeal of the Bill of 1748, be all in separate Acts; that the establishment of Courts be only for a year, and that the attachment Law be drawn up as shall be most agreeable to your House, as also the repeal of the fee Bill, both pass under a suspending clause. This House requests the opinion of your House upon this proposal.

In the upper House 11th March, 1774.

On a question whether this House should agree to the Council's Message upon their reading the Superior Court Bill for the third time, as far as respects foreign attachments, the Yeas and Nays were ordered to be taken, and are as follows, to wit,

Yeas:

Mr Allen Jones	Mr Bright	Mr W. Moore
Mr Tho ^s Person	Mr Martin	Mr Hunt
Mr Macnair	Mr Tignal Jones	Mr Rogers
Mr Polk	Mr Rutherford	Mr Field
Mr Lanier	Mr C. Robinson	Mr Gray
Mr Lock.		

Nays:

Mr Ashe	Mr B. Harvey	Mr Hart
Mr Macknight	Mr Benbury	Mr Frazier
Mr McCulloh	Mr S. Johnston	Mr Stewart
Mr Stanley	Mr Knox	Mr Jordan
Mr M ^c Alister	Mr J. Jones	Mr Hearring
Mr Edwards	Mr Salter	Mr Perkins
Mr Ormond	Mr Simpson	Mr Haywood
Mr Coor	Mr Thompson	Mr Spruil
Mr Hatch	Mr Cray	Mr Ward
Mr Hunter	Mr F. Campbell	Mr Parker
Mr Everigin	Mr Oldham	Mr W ^m Person
Mr J. Johnston	Mr Alston	Mr Shepard
Mr Hooper	Mr T. Robeson	Mr Tho ^s Jones
Mr Howe	Mr Smithwick	Mr Kenan
Mr Williamson	Mr Spicer	and
Mr J. Rowan	Mr Hovey	Mr Reding.
Mr Harnett	Mr M ^c Anally	

On the questions being put on the Council's Message respecting the fees of the Chief Justice being *deltd* in the Superior Court Bill the Yeas and Nays were ordered to be taken, and are as follows, to wit,

Yeas:

Mr Sam ^l Johnston	Mr Tho ^s Person	Mr M ^c Anally
Mr Hooper	Mr W ^m Person	Mr Lock
Mr A. Jones	Mr Hunt	Mr Rutherford
Mr Hovey	Mr Simpson	Mr C. Robinson
Mr Benbury	Mr Martin	Mr Rogers
Mr Bright	Mr Macknight	Mr Gray
Mr Macnair	Mr Moore	Mr Hearring
Mr Field	Mr Perkins	Mr Williamson—25.
Mr Oldham		

Nays :

Mr Harnett	Mr Ashe	Mr T. Jones
Mr B. Harvey	Mr Thompson	Mr Cray
Mr McCulloh	Mr Hart	Mr Smithwick
Mr Spruil	Mr Frazier	Mr I. Rowan
Mr Ward	Mr Haywood	Mr Salter
Mr Polk	Mr Lanier	Mr J. Jones
Mr Reding	Mr Stanley	Mr Coor
Mr Knox	Mr Ormond	Mr Parker
Mr Shepard	Mr Spicer	Mr McAlister
Mr J. Johnston	Mr T. Robinson	Mr Kenan
Mr Hatch	Mr F. Campbell	Mr Tignal Jones
Mr Howe	Mr Everigin	Mr T. Stewart—38.
Mr Jordan	Mr Hunter	

Then on motion ordered the following message be sent to the Council, Viz^t —

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have considered your message of this day relative to the Bill for establishing a Superior Court, and observe with sincere concern, that the proposals made by you with respect to establishment of Courts, are such as offer nothing more favourable to the inhabitants of this Province, than what they rejected at the last session of this Assembly. With respect to the foreign attachments being made the subject of a Law distinct from the general body of the Court Laws, and that under a suspending clause, we can by no means assent to it, as it leaves this important point which has been so zealously and justly contended for by this House in a situation which affords not the smallest probability of our hereafter obtaining it upon the ample and liberal footing which the trade of this Province and the relation it has to the neighbouring Colonies require.

The clause relative to the fee Bill we cannot relinquish as it gives a mode of provision for the Chief Justice, precarious in itself, and not suited to the dignity of that respectable office.

We have already a law in force which gives a liberal salary to that officer, and upon the expiration thereof, we shall not fail again

to provide a salary in a manner that may not be unworthy the acceptance of the Chief Justice of this Province.

JOHN HARVEY, Sp.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday, 12th March 1774.

The House met according to adjournment.

Ordered the Bill for further continuing an Act Intituled an Act for appointing a printer to 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 Hatch and Mr Shepard.

The Bill for erecting part of the Counties of Halifax and Tyrrell into one distinct County and Parish. Read the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Stewart and Mr Spruil.

The Bill to amend an Act Intituled an Act for building a Court house in the Town of Salisbury for the District of Salisbury. Read the third time, passed and ordered to be sent to the Council.

Sent by Mr Stuart and Mr Spruil.

The Bill for the more effectual obtaining an exact list of taxables for the Town of Newbern, for compelling the inhabitants of the said Town to pay their Taxes and for other purposes therein mentioned. Read the third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Coor and Mr Frazier.

Received from the Council the Bill to enable the Justices of the several Counties of this Colony to make provision for the poor where the vestries in their respective parishes have neglected to do the same. Endorsed in the upper House 12th March 1774. Read the first time and passed.

The Bill directing the duty of Sheriffs with respect to insolvent Taxables.

The Bill to prevent counterfeiting the paper money of this, and the other British Colonies, and to prevent counterfeiting the gold and silver coin, circulating in this Province.

The Bill to amend an Act Intituled an Act for Building a Court House in the Town of Salisbury for the District of Salisbury.

The Bill for the more effectual obtaining an exact list of taxables for the Town of Newbern, for compelling the Inhabitants of the

said Town to pay their Taxes, and for other purposes therein mentioned.

The Bill to empower the Justices of Anson County to establish free Ferries and lay a Tax for defraying the charges thereof. Endorsed, In the upper House 12th March 1774. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill of pardon and oblivion to the persons concerned in the late insurrection except such persons as are therein excepted, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Field and Mr Parker.

The Bill to enforce an Act Intituled an Act to encourage the destroying of vermin in the several Counties therein mentioned, passed in the year 1773, read the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr T. Robinson and Mr Perkins.

The Bill to amend and further continue an Act intituled an Act concerning Vestries, read the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr T. Person and Mr Rogers.

The Bill for appointing Commissioners for building a Court House, prison and stocks for the County of Tryon, and for establishing a boundary line between the Counties of Tryon and Mecklenburg, read the second time, passed and sent to the Council.

Sent by Mr Wm. Moore and Mr Jordan.

Mr Polk presented the Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County and for regulating the said Town. Read the first time, passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Lanier.

Mr Lanier moved for leave to present a Bill to amend an Act for dividing the Northern part of Rowan County and erecting a new County by the name of Surry County and St. Jude's parish.

Ordered he have leave accordingly.

Mr Lanier presented the said 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 Polk and Mr Lanier.

Ordered the Bill to amend an Act Intituled an Act for the better observation and keeping of the Lord's day commonly called Sunday,

and for the more effectual suppression of vice and immorality be read the second time. Read the second time and rejected.

Mr Rogers moved for leave to present a Bill to facilitate the navigation of Neuse River.

Ordered he have leave accordingly.

Mr Rogers presented the said 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 Tignal Jones and Mr Rogers.

On motion ordered the Bill directing the duty of Sheriffs with respect to insolvent Taxables be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Tignal Jones and Mr Rogers.

The Bill for dividing the parish of Edgecomb in the County of Halifax into two distinct parishes. Read the second time, passed, and ordered to be sent to the Council.

Sent by Mr McCulloh and Mr Stewart.

The Bill to explain an Act for erecting a Parish in Chatham County by the name of St. Bartholomew. Read the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr McCulloh and Mr Stewart.

Mr Thomas Robeson moved for leave to present a Bill to amend an Act Intituled an Act for building public Mills and directing the duty of Millers.

Ordered he have leave accordingly.

Mr Robeson presented the said 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 Tho^s Robeson and Mr Picket.

Mr Bright moved for leave to present a Bill to prevent the pernicious practice of hunting with a gun in the night by firelight.

Ordered he have leave accordingly.

Mr Bright presented the said 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 Tho^s Robeson and Mr Picket.

Ordered the Bill to prevent counterfeiting the paper money of this and the other British Colonies and to prevent counterfeiting gold and silver coin circulating in 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 Tho^s Robeson and Mr Picket.

The Bill to amend an Act for laying out a Town on the lands of Richard Evans in Pitt County &c^a, read the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Simpson and Mr I. Jones.

The Bill to empower the Justices of Anson County to establish free ferries and lay a Tax for defraying the charges thereof, read the third time, passed and ordered to be sent to the Council.

Sent by Mr Simpson and Mr I. Jones.

The Bill for altering the dividing lines between the Counties of Rowan and Mecklenburg, read the third time and rejected.

The Bill to discontinue the poll Tax of one shilling and duty of 4^d p gallon on rum, wine and other spiritous liquors, read the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Kenan and Mr Smithwick.

The Bill in addition to an Act Intituled an Act to prevent the exportation of unmerchable commodities, read the third time, passed and ordered to be sent to the Council.

Sent by Mr Ormond and Mr Coor.

The Bill to amend an Act Intituled an Act for preventing the frequent abuses in taking up and secreting stray horses in the Counties &c^a, read the second time, passed and ordered to be sent to the Council.

Sent by Mr Ormond and Mr Coor.

Mr Thomas Person moved for leave to present a Bill directing the method of appointing Jurors in all causes civil and Criminal.

Ordered he have leave accordingly.

Mr Tho^s Person presented the said 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 Tho^s Person and Mr Hunt.

Ordered the Bill for dividing the Parish of St. Mary's in the County of Edgecomb into two distinct Parishes be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Martin and Mr Field.

The Bill for appointing commissioners to erect a Court House,

prison and Stocks in the County of Guilford, read the second time, passed and ordered to be sent to the Council.

Sent by Mr Martin and Mr Field.

Received from the Council the following Bills Viz^t,

A Bill for further continuing an Act Intituled an Act for appointing a printer to this Province.

A Bill to amend and further continue an Act Intituled an Act concerning Vestries.

A Bill for appointing Commissioners for building a Court House prison and stocks for the County of Tryon, and for establishing a boundary line between the Counties of Tryon and Mecklenburg.

A Bill of pardon and oblivion to the persons concerned in the late Insurrection except such persons as are therein excepted.

A Bill to explain an Act for erecting a Parish in Chatham County by the name of St. Bartholomew.

A Bill to enforce an Act Intituled an Act to encourage the destroying of vermin in the several Counties therein mentioned, passed in the year 1773.

A Bill to amend an Act for laying out a Town on the Lands of Richard Evans in Pitt County by the name of Martinborough, and for removing the court house, prison and stocks into the said Town. Endorsed, In the upper House 12th March, 1774. Read the second time and passed.

A Bill for dividing the parish of Edgecomb in the County of Halifax into two distinct Parishes.

A Bill to enlarge the time of saving lots in the Town of Windsor, for erecting a court house, prison and stocks for the County of Bertie in the said Town and other purposes.

A Bill for erecting parts of the Counties of Halifax and Tyrrell into one distinct County and parish. Endorsed, In the upper House 12th March, 1774. Read the second time, amended and passed.

A Bill to amend an Act Intituled an Act for building public mills and directing the duty of Millers.

A Bill to facilitate the navigation of Neuse River.

A Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County for regulating the said Town.

A Bill to amend an Act for dividing the northern part of Rowan County, and erecting a new County by the name of Surry County, and St Jude's parish, and

A Bill to prevent the pernicious practice of hunting with a gun

in the night by firelight. Endorsed, in the upper House 12th March 1774. Read the first time and passed.

Mr Francis Nash, one of the Members for Orange County, and Mr James Picket, one of the Members for Anson County, appeared.

Then the House adjourned till Monday morning 10 o'clock.

Monday 14th March 1774.

The House met according to adjournment.

On motion ordered the Bill to oblige the prosecutors of offences not Capital, to pay the Costs of prosecution where the defendant shall be acquitted, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Hunt and Mr Tho^s Robeson.

Mr Rothenus Latham appeared.

On motion ordered the Bill for erecting part of the Counties of Halifax and Tyrrel into one distinct County and Parish be read the third time. Read the same a third time, passed, and ordered to be sent to the Council.

Sent by Mr Smithwick and Mr Frazier.

The Bill for further continuing an Act Intituled an Act for appointing a printer to this Province. Read the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Smithwick and Mr Frazier.

The Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County and for regulating the said Town. Read the second time, amended, passed, and ordered to be sent to the Council

Sent by Mr Polk and Mr Parker.

The Bill for enlarging the time of saving lots in the Town of Windsor, for erecting a court house prison and stocks for the County of Bertie in the said Town, and other purposes. Read the third time, passed and ordered to be sent to the Council.

Sent by Mr J. Johnston and Mr Lanier.

The Bill to amend an Act for dividing the Northern part of Rowan County and erecting a New County by the name of Surry County and St. Jude's parish. Read the second time, passed, and ordered to be sent to the Council.

Sent by Mr J. Johnston and Mr Lanier.

The Bill to enforce an Act Intituled an Act to encourage the destroying of Vermin in the several Counties therein mentioned,

passed in the year 1773. Read the third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Williamson and Mr Bright.

The Bill to explain an Act for erecting a Parish in Chatham County by the name of St Bartholomew. Read the third time, passed, and ordered to be sent to the Council.

Sent by Mr Parker and Mr M^oAnally.

The Bill for appointing Commissioners for building a Court House, prison and stocks for the County of Tryon and for establishing a boundary line between the Counties of Tryon and Mecklenburg. Read the third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr W^m Moore and Mr Perkins.

The Bill to prevent the wilful and malicious killing of slaves. Read the second time, passed, and ordered to be sent to the Council.

Sent by Mr Ormond and Mr Latham.

Received from the Council the following Bills, Viz^t,

The Bill for further continuing an Act Intituled an Act for appointing a printer to this Province.

The Bill for erecting part of the Counties of Halifax and Tyrrel into one distinct County and parish.

The Bill for enlarging the time of saving lots in the Town of Windsor. Endorsed, In the upper House 14th March 1774. Read the third time and passed. Ordered to be engrossed.

The Bill to amend an Act Intituled an Act for preventing the frequent abuses in taking up and secreting stray horses in the Counties of, &c^a. Endorsed, In the upper House 14th March 1774. Read the second time and passed.

Mr Allen Jones and Mr Macnair having obtained leave to absent themselves from the service of the House the 12th Instant, but upon their frequent appearing in the House since such leave, Mr Harnett moved that their leave be withdrawn, and that they take their seats again, which passed in the affirmative.

Received from the Council the following Bills, Viz^t,

The Bill for dividing the Parish of Edgecomb, in the County of Halifax into two distinct Parishes.

The Bill for appointing commissioners for building a court house, prison and stocks for the County of Tryon, and for establishing a boundary line between the Counties of Tryon and Mecklenburg.

The Bill to enforce an Act Intituled an Act to encourage the

destroying of vermin in the several counties therein mentioned, passed in the year 1773, and,

The Bill to explain an Act for erecting a parish in Chatham County by the name of St. Bartholomew.

Endorsed in the upper House 14th March, 1774. Read the third time and passed. Ordered to be engrossed.

The Bill for establishing a Court House in the Town of Charlotte in Mecklenburg County and for regulating the said Town.

The Bill to amend an Act for dividing the Northern part of Rowan County and erecting a new County by the name of Surry County and St. Jude's parish.

The Bill for dividing the Parish of St Mary's in the County of Edgecomb into two distinct Parishes, and,

The Bill for appointing commissioners to erect a court house, prison and stocks in the County of Guilford.

Endorsed, In the upper House 14th March 1774. Read the second time and passed.

The Bill to oblige the prosecutors of offences not capital to pay the costs of prosecutions where the defendant shall be acquitted. Endorsed, In the upper House 14th March 1774. Read the second time, amended and passed.

Mr Martin from the Committee appointed to enquire what Laws are expired or near expiring, &c^a, reported as follows, Viz^t,

We your Committee having taken into consideration "an Act Intituled an Act to encourage the culture of Hemp and Flax and other purposes," which expired in the year 1772, are of opinion that those valuable articles of commerce in this rising Colony ought still to be encouraged by Legislative bounty, do recommend that the said Act be revived, with such necessary amendments and alterations as shall be best suited to the interest of this Colony.

We report that the "Act to regulate and ascertain the fees of the Clerks of the pleas in the Superior and Inferior Courts of this Colony" &c^a, have expired, and should Courts of Justice be again established, it will be necessary that those officers have their fees heretofore deemed too vague, regulated by legal prescription.

Lastly, we are of opinion that the fees of the Clerks of the Crown in this Colony prescribed by the fee Act of 1748, are also too vague and uncertain and that many great abuses have arisen by reason of the ambiguity of the said Act, to the great grievance of many of

his Majesty's subjects in this Colony. We therefore recommend that the same be regulated and ascertained in such a manner as will prevent the grievance justly complained of.

ANDREW KNOX
THO^s JONES
ALEX. MARTIN.

The House taking the same under consideration, concurred therewith.

Received from the Council the following message, Viz^t,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House sincerely desirous to relieve this province from its present unhappy circumstances, is induced once more to recommend to your House a reconsideration of the Bill for establishing Superior Courts now lying before us upon the third reading, and we cannot yet be persuaded to relinquish the hopes we entertain, that from the wisdom and virtue of the people's Representatives, something may yet rise up to stay the ruin of this Country.

We mean to allow attachments to the Inhabitants of this province, to the same extent as they are enjoyed by any of His Majesty's Subjects in England.

In the instance now under contemplation, we have claimed and adopted all that ever was claimed and enjoyed in that kingdom and we have Just cause to apprehend that every step which would carry us further than the limits the English Constitution allows of, in this matter, must lead to error fraud and injustice.

The clause limiting the Jurisdiction of the Superior Courts we cannot agree to, because we think it reasonable that all His Majesty's Subjects should be left at liberty to prosecute either in the Superior, or Inferior Courts, as they may chuse, and because we think it inconsistent in one and the same Bill, to give the Superior Courts all the powers incident to the King's Courts at Westminster, and at the same time limit that power in a manner unknown to those Courts.

With regard to the Fee Bill of 1748 we consider it as a solemn grant made by the Legislature of this province of certain fees and perquisites to the Chief Justice for the time being, as a reward for his Services. To take from that Officer this permanent Security for his support, without rendering him an equivalent, is not reconcilable to

any ideas we can entertain of Equity or Justice. Nevertheless as this House are willing as far as in them lies, to remove every difficulty which may obstruct the Establishment of Courts, and as some sacrifice may be made, where so much good is to be obtained, they again offer to concur with your House in a separate Act to repeal the said fee Bill, provided a clause be subjoined suspending the said repeal till the King's pleasure shall be known.

If what we now offer shall still be thought inadequate to the views of your House, we can go no further, we must submit the rectitude of our conduct to be decided at some future time when the ardor of contest shall have subsided, and when the terms we are willing to comply with, and the objections which are made to them shall be impartially weighed.

In the upper House 14th March 1774.

Ordered the same lie for consideration.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday 15th March 1774.

The House met according to adjournment.

Mr Needham Bryan one of the Members for Johnston County, and Mr Hugh Montgomery, the member for Salisbury, appeared.

On motion ordered the Bill to enforce an Act, Intituled an Act for preventing the frequent abuses in taking up and secreting stray horses in the Counties &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 Gray and Mr Bryan.

Mr Edwards moved for leave to present a Bill to oblige vessels having infectious distempers to perform their Quarrentine.

Ordered he have leave accordingly.

Mr Edwards presented the said 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 Gray and Mr Bryan.

Mr Martin from the committee appointed to enquire what Laws are expired &c^a, presented a Bill to regulate and ascertain the fees of the Clerks of the pleas, in the Superior and Inferior Courts in this Colony, directing the method of paying the same and for taxing Law suits, 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 Reding and Mr Rogers.

On motion ordered the Bill to amend and further continue an Act, Intituled an Act concerning vestries be read the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Knox and Mr B. Harvey.

Received from the Council the following Bills, Viz^t,

The Bill to oblige Vessels having Infectious distempers on Board to perform their Quarantine.

Endorsed, In the Upper House 15th March 1774. Read the first time and passed.

The Bill to prevent the wilful and malicious killing of Slaves.

Endorsed, In the upper House, 15th March 1774. Read the second time, amended and passed.

The Bill to enforce an Act Intituled an Act for preventing the frequent abuses in taking up and secreting stray horses in the Counties &c^a.

Endorsed, In the upper House 15th March 1774. Read the third time and passed. Ordered to be engrossed.

Ordered the Bill to facilitate the navigation of Neuse River be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Rogers and Mr Charles Robeson.

The Honble Alexander M^cCulloch and William Dry, Esquires, two of His Majesty's Council, came to the House, and Mr Hugh Montgomery was qualified by taking the several Oaths by Law appointed for qualification of Public officers and repeating and subscribing the Test.

Received from the Council the following Bills, Viz^t,

The Bill to regulate and ascertain the fees of the Clerks of the pleas &c^a. Endorsed, In the upper House 15th March 1774. Read the first time and passed.

The Bill to amend and further continue an Act Intituled an Act concerning Vestries. Endorsed in the upper House 15th March 1774. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to prevent the wilful and malicious killing of slaves be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Shepard and Mr Field.

The Bill to prevent the pernicious practice of hunting with a gun in the night by firelight. Read the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Shepard and Mr Field.

Received from the Council the Bill to facilitate the navigation of Neuse River. Endorsed, In the upper House 15th March 1774 Read the second time and passed.

Ordered the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

In answer to your message of yesterday relative to the Superior Court Bill now before you on its third reading, We inform you this House has once more entered into the consideration of the matters you therein recommend to us, and propose Clauses to be inserted in the said Bill relative to attachments to the following effect, to wit,

And be it further enacted by the authority aforesaid, that it shall be lawful for the Chief Justice or either of the Justices of the Superior Courts, or any Justice of an Inferior Court to grant an attachment upon the complaint of any person, his, her, or their Attorney, or Agent, against the Estate of what nature or kind soever of any person, or persons, wherever the same may be found, or in the hands of any person or persons indebted to, or having effects of the person or persons, against whom the attachment is granted, or so much thereof as shall be sufficient to satisfy the complaint and Costs that may arise thereon, which attachment shall be returnable to the Court where the debt or matter is cognizable, and such proceedings shall be had thereon as on an attachment on a return of *Non est inventus* by the Sheriff.

Provided always, that before such attachment issues, whether original or judicial, due proof shall be made upon Oath of the Defendant's absconding with an intention to avoid the payment of the debt so far as his intentions may be judged from the following circumstances, which shall be considered as the due proof hereby required, and on which an attachment shall be granted — that is to say

Where the Defendant resides out of this province or never was in it, and fails or neglects to discharge his debt, contract or agreement.

Or where he has removed himself out of his County privately or absconds and conceals himself from the ordinary process of Law, as the plaintiff suspects to avoid the payment of the debt.

And also in any other circumstances which may occur and can be deemed by the Magistrate granting the Attachment, the due proof hereby required.

Provided also that no attachments shall be granted, except where the cause of action (by the most liberal construction in favour of the plaintiff inhabitant of this province) can be construed to arise within the Colony, and before the defendant shall be suffered to plead, he or his Attorney shall give bail to a new suit or action if the plaintiff judges one necessary.

The clause limiting the jurisdiction of the Superior Courts we can by no means part with, as leaving the plaintiff at large to bring his action for small sums in the Superior Court would be oppressive and distressing to the poor debtor.

We cannot agree to *dele* the clause repealing the fee Bill of 1748 for the reasons set forth in our Message of the 11th Instant.

If you will adopt the clauses relative to attachment by us now proposed, upon signifying the same to this House, We will send some of our Members to see the same inserted, and the Bill made conformable thereto; and if what we now offer shall be thought insufficient we can go no further, this message containing those sentiments from which we cannot depart.

JOHN HARVEY, Speaker.

Sent by Mr McCulloh and Mr Benbury.

Then the House adjourned till tomorrow morning 10 o'clock.

Wednesday 16th March 1774.

The House met according to adjournment.

On motion ordered the Bill to facilitate the navigation of Neuse River, be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Lanier and Mr Rogers.

The Bill to amend an Act for dividing the Northern part of Rowan County and erecting a new County by the name of Surry County and Saint Jude's Parish, read the third time, passed and ordered to be sent to the Council.

Sent by Mr Lanier and Mr Rogers.

Mr T. Robeson moved for leave to present a Bill to impower the Justices of Bladen County to hold the Inferior Court of Pleas and quarter sessions in the Town of Elizabeth in the said County.

Ordered he have leave accordingly.

Mr Robeson presented the said 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 Robeson and Mr Picket.

On motion ordered the Bill to amend an Act Intituled an Act for building public mills, &c^a, be read the second time. Read the same a second time and rejected.

The Bill to enable the Justices in the several Counties of this Colony to make provision for the poor where the Vestries in their Respective Parishes have neglected to do the same, read the second time and rejected.

The Bill for dividing the Parish of St. Mary's in the County of Edgecomb into two distinct Parishes, read the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Stewart and Mr Hunter.

The Bill for establishing Triennial Assemblies, read the second time, passed and ordered to be sent to the Council.

Sent by Mr Stewart and Mr Hunter.

The Bill to amend an Act for the laying out a Town on the land of Richard Evans in Pitt County &c^a, read the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Simpson and Mr Salter.

Received from the Council the following Bills, Viz^t,

The Bill to impower the Justices of Bladen County to hold the Inferior Court of pleas and quarter Sessions in the Town of Elizabeth in the said County. Endorsed, In the upper House 16th March 1774. Read the first time and passed.

The Bill to amend an Act for dividing the Northern part of Rowan County and erecting a new County by the name of Surry County and St. Jude's Parish.

The Bill to facilitate the navigation of Neuse River.

Endorsed, in the upper House 16th March 1774. Read the third time and passed. Ordered to be engrossed.

The Bill for dividing the Parish of St. Mary's in the County of Edgecomb into two distinct parishes.

The Bill to prevent the wilful and malicious killing of slaves.

Endorsed, In the upper House 16th March 1774. Read the third time and passed. Ordered to be engrossed.

On motion ordered the Bill to impower the Justices of Bladen County to hold the Inferior Court of pleas and Quarter Sessions in the Town of Elizabeth in the said County, be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Simpson and Mr Salter.

A Bill to oblige Vessels having infectious distempers on Board to perform their quarantine. Read the second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Bright and Mr Frazier.

The Bill to oblige the prosecutors of offences not capital to pay the costs of prosecution where the defendant shall be acquitted. Read the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Hunter and Mr Field.

Received from the Council the following Bills, Viz^t

The Bill to prevent the pernicious practice of hunting with a gun in the night by firelight.

The Bill to impower the Justices of Bladen County to hold the Inferior Court of pleas and quarter Sessions in the Town of Elizabeth in the said County.

Endorsed, In the upper House 16th March. Read the second time and passed.

Then the House adjourned till to-morrow morning.

Thursday, 17th March 1774.

The House met according to adjournment.

Mr Elisha Battle one of the members for Edgecomb County appeared.

On motion ordered the Bill to impower the Justices of Bladen County to hold the Inferior Courts of pleas and quarter sessions in the Town of Elizabeth in the said County, be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Robeson and Mr M^cAnally.

The Bill for vesting in certain persons therein named two acres of Land at Belville in Currituck County as Trustees for erecting a

Chapel thereon and for enclosing a burying ground. Read the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Williamson and Mr Perkins.

The Bill for establishing the court house in the Town of Charlotte in Mecklenburg County and for regulating the said Town. Read the third time, passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Rogers.

The Bill for appointing commissioners to erect a court house, prison and stocks in the County of Guilford. Read the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Martin and Mr Field.

Received from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY, °

This House have taken into consideration your proposal of yesterday relative to the amendments to be made in the Superior Court Bill, agree thereto, and desire some of your members may be sent to see the same inserted.

Endorsed, In the upper House 17th March, 1774.

Ordered the following message be sent to the Council,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

This House have received your Message of this day relative to the amendments by us proposed to be made to the Superior Court Bill, and send Mr Harnett, Mr Thos Jones, Mr Hooper, Mr Martin, Mr Macknight, Mr Samuel Johnston, Mr Edwards, Mr Ormond, Mr Howe, Mr Ashe, and Mr Caswell to see the same made Accordingly.

JOHN HARVEY, Sp.

Mr Macknight presented a petition whereby it appears to this House by the testimony of indifferent and disinterested persons, that one hundred and ninety-one pounds ten shillings proc. money of this Province, the property of Mr Robert Howe, was lost and destroyed by fire in the House of Mrs Conway in Newbern some Sessions past.

Resolved, that the Treasurers or either of them pay to the said Robert Howe the said sum of one hundred and ninety-one pounds ten shillings, out of the Sinking Fund and be allowed in their accounts with the public, and that the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

This House have Resolved that Robert Howe Esquire be allowed the sum of one hundred and ninety one pounds and ten shillings, he having made it appear by the testimony of indifferent and disinterested persons that he lost a sum equal to that in proc. money by fire in the house of Mrs Conway in New Bern, some Sessions past, which was entirely destroyed; that the public Treasurers or either of them pay him the same and be allowed in their Accounts with the public, and desire your Honours concurrence thereto.

JOHN HARVEY, Speaker.

Sent by Mr Benbury and Mr Oldham.

Received from the Council the following Bills, Viz^t,

The Bill for vesting in certain persons therein named two Acres of Land at Belville in Currituck County, as Trustees for erecting a Chapel thereon and for inclosing a burying ground.

The Bill to amend an Act for the laying out a Town on the Lands of Richard Evans in Pitt County, &c^a,

The Bill to empower the Justices of Bladen County to hold the Inferior Court of pleas and quarter Sessions in the Town of Elizabeth in the said County, and,

The Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County, and for regulating the said Town. Endorsed, In the upper House, 17th March 1774. Read the third time and passed.

Received from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I lay before you herewith Accounts of the disbursements of Captain Collet commander of Fort Johnston, for the necessary reparations of that place, which I recommend to your allowance, and I should be wanting in justice to that Gentleman, if I failed to assure you, at the same time, that he has exerted the utmost zeal and diligence in carrying on this public service of the Province, by which the Fort which has always been deemed of the highest importance to the security of Cape Fear River, that grand channel of its Commerce, will become really defensible and respectable, and afford that protection for which it was originally designed.

JO. MARTIN.

Newbern 17th March 1774.

Received at the same time the Accounts above mentioned.

Ordered the same lie for consideration 'till tomorrow morning.

Received from the Council the Bill for dividing the Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts. Endorsed, In the upper House 17th March 1774. Read the third time and passed. Ordered to be engrossed.

On motion Resolved, that John Phifer of Mecklenburg County be allowed the sum of twenty one pounds five shillings, he having had a sum equal to that in proclamation money burnt and totally destroyed in his dwelling House the 5th day of March last, as appears by indifferent and disinterested testimony. That the Treasurers, or either of them, pay him the same, and be allowed in their accounts with the public, and that the following Message be sent to the Council, Viz^t,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

This House have Resolved that John Phifer of Mecklenburg County be allowed the sum of twenty one pounds five shillings, he having had a sum equal to that in proclamation money burnt and totally destroyed in his dwelling House the fifth day of March last was twelve months, as appears by indifferent and disinterested testimony, that the public Treasurers or either of them pay him the same and be allowed in their Accounts with the public, and desire your Honors concurrence thereto.

JAMES HARVEY, Speaker.

Sent by Mr Polk and Mr Lock.

The House adjourned till tomorrow morning 10 o'clock.

Friday 18th March 1774.

The House met according to adjournment

Received from the Council the following Bills, Viz^t,

The Bill for appointing commissioners to erect a Court House, prison and stocks in the County of Guilford. Endorsed, in the upper House 17th March 1774. Read the third time and passed. Ordered to be engrossed.

The Bill directing the method of appointing Jurors in all causes civil and criminal. Endorsed, in the upper House 17th March 1774. Read the first time and passed.

Also a Resolve of this House in favour of Mr Robert Howe for one hundred and ninety one pounds ten shillings. Endorsed, In the upper House 17th March 1774. Concurrred with.

JAMES HASELL, P. C.

Ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

We herewith send your Excellency a Resolve of this House for allowing Mr Robert Howe the sum of one hundred and ninety one pounds ten shillings, concurrred with by His Majesty's Honble Council, and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Benbury and Mr J. Johnston.

Mr Ashe Chairman of the Committee of Claims laid before the House their reports, which was read and concurrred with and sent to the Council by Mr Knox and Mr Salter.

Received from the Council the Resolve of this House for allowing John Phifer the sum of twenty-one pounds five shillings. Endorsed, In the upper House, 18th March 1774. Concurrred with.

JAS HASELL, P. C.

Ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY, JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a,

SIR,

We herewith send your Excellency a Resolve of this House for allowing John Phifer the sum of twenty one pounds five shillings, Concurrred with by His Majesty's Honble Council, and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Martin and Mr Polk.

On motion Resolved that William Bryan, Sheriff of Craven County, be allowed the sum of fourteen pounds and eight pence out

of the contingent fund for conveying Spencer Dew from Newbern to Duplin County under Guard, and for sundry irons for Felons; that the Treasurers or either of them pay him the same, and be allowed in their accounts with the public, and that the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have Resolved that William Bryan Sheriff of Craven County be allowed the sum of fourteen pounds and eight pence out of the Contingent fund for conveying Spencer Dew from New Bern to Duplin County under Guard, and for sundry irons for felons, that the public Treasurers or either of them pay him the same and be allowed in their Accounts with the public, and desire your Honours concurrence thereto.

JOHN HARVEY, Sp.

Sent by Mr Hatch and Mr Coor.

On motion ordered the Bill directing the method of appointing Jurors in all causes, civil and criminal, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Ormond and Mr J. Jones.

Received from the Council the Bill for establishing Courts of Oyer and Terminer and general gaol delivery and directing the mode of appointing Jurymen, and regulating other proceedings therein. Endorsed, in the upper House 18th March, 1774. Read the second time and passed.

Also the Resolve of this House for allowing William Bryan fourteen pounds and eight pence. Endorsed, In the upper House 18th March, 1774. Concurred with.

JAMES HASELL, P. C.

Ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY, JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a

SIR,

We herewith send your Excellency a Resolve of this House for allowing William Bryan, Sheriff of Craven County, the sum of

fourteen pounds and eight pence, concurred with by His Majesty's Honble Council, and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Caswell and Mr Knox.

The order of the Day being read Ordered the same be deferred till tomorrow morning.

Received from His Excellency the Governor the following Message, Viz^t,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the resolve of your House allowing Mr Robert Howe the sum of one hundred and ninety one pounds, ten shillings, concurred in by His Majesty's Honble Council with my assent thereto.

JO. MARTIN.

Also the Resolve of this House allowing Robert Howe one hundred and ninety one pounds ten shillings. Endorsed, Assented to.

JO. MARTIN.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the Resolve of your House allowing John Phifer of Mecklenburg County, the sum of twenty one pounds five shillings. Concurred in by His Majesty's Honble Council, with my assent thereto.

JO. MARTIN.

Newbern 18th March 1774.

Also the Resolve of this House allowing John Phifer the sum of twenty one pounds five shillings. Endorsed, Assented to.

JO. MARTIN.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the Resolve of your House allowing William Bryan, Sheriff of Craven County, the sum of fourteen pounds and eight pence, Concurred in by His Majesty's Council with my assent thereto.

JO. MARTIN.

Newbern 18th March 1774.

Also the Resolve of this House allowing William Bryan the sum of fourteen pounds and eight pence. Endorsed, assented to.

JO. MARTIN.

Ordered the following Message be sent to His Excellency, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a,

SIR,

In consequence of your Excellency's message of the third of this month we have taken under consideration the act of Indemnity passed the November session 1771, and finding that it is copied almost word for word from British Acts of Parliament upon similar occasions extending no benefit, protection or indemnity to His Majesty's Subjects, who stood up in support of his Government in this Country, but such as have been extended to his Subjects of Great Britain, receive with surprise the information that the Lords Commissioners of Trade and Plantations, think an explanatory Act at all necessary. We are persuaded however, that if that Honble Board would but compare the Act of Indemnity with the Act of Parliament after which it was modelled, they would not continue to think themselves under the necessity of laying a Law to which their observations refer, before the King, for his Royal disallowance. But if they should still continue in that opinion, we have the fullest reliance upon His Majesty's Goodness, who equally attentive to all his people, will not withhold that security from his Subjects of North Carolina which has in like cases been granted to His subjects of Great Britain, nor leave those people who with the risque of their lives, and the expence of sixty thousand pounds to this Province, have supported his Government by suppressing a dangerous Insurrection exposed to the malicious prosecutions of a set of Insurgents who had trampled upon the Laws of their Country, under the influence of which they might have been happy, and who, was the Act of Indemnity to be repealed, might commence vexatious suits in the very Courts which they had overthrown, against the persons and for the very actions by which those Courts were again established. Your Excellency to whom these facts are well known will we hope as Governor of this Province, properly represent this matter to His Majesty, and also to the Lords Commissioners of Trade and Plantations and endeavour to prevent the repeal of the Act of Indemnity, which holds forth no benefit to the people of this Country, but what we think they merit, and what we must again repeat has in similar cases been extended to our fellow Subjects in Great Britain.

JOHN HARVEY, Sp.

Sent by Mr Ashe and Mr Thomson.

Then the House adjourned till tomorrow morning 10 °Clock.

Saturday, 19th March 1774.

The House met according to adjournment.

On motion ordered Mr Ashe and Mr Knox wait on His Excellency the Governor and acquaint him the House have prepared the Bill for dividing the province into six several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and desire to know when the House shall wait on him to present it. Being returned, brought for answer that his Excellency would return the rest of the Bills after he had examined them, and would receive the House at 5 °Clock this afternoon.

The order of the day being read, ordered the same be deferred till Monday morning.

On motion, Resolved that certain persons who were disabled in the service of the Government at the Battle of Alamance and who by Resolve of a former Assembly were allowed an annual provision during the time of their disability, provided they produced certificates from the Courts of the County where they resided that they continued objects of public bounty, and who from the unhappy state of this Province cannot obtain such certificates, be paid by the public Treasurers the sums now due them by the public, all further sums which shall become due, provided they produce certificates from three Justices of the Counties where they reside, that they remain disabled, which certificates till the establishment of Courts shall be taken by the Treasurers as proper warrants for their paying the same.

On motion, Resolved, *Nem. Con.*, That this House and His Majesty's Honble Council have pursued every measure in their power to release this Colony from the distressed situation to which it is reduced for want of Court Laws, and that by the Bills which have passed through this House and the Council, as well as by the Bills now under consideration, have used their utmost endeavour to lessen the present and prevent the future calamities of this Colony.

Received from the Council the Bill to oblige vessels having infectious distempers on board to perform their quarantine. Endorsed, In the upper House 19th March 1774. Read the second time, amended and passed.

Mr Speaker with the House waited on His Excellency the Governor at the Palace and presented him with the following Bills, to wit,

1. A Bill for dividing the Province into six several districts and for establishing a Superior Court of Justice in each of the said districts.

2. A Bill to continue an Act, Intitled an Act to amend an Act Intitled an Act for the regulation of the Town of Wilmington.

3. A Bill to amend the staple of Tobacco and prevent Frauds in His Majesty's Customs.

4. A Bill to amend an Act Intitled an Act for repairing the gaol for the District of Halifax, in the Town of Halifax.

5. A Bill to amend an Act Intitled an Act for building a Court house in the Town of Salisbury for the District of Salisbury.

6. A Bill for the more effectual obtaining an exact list of taxables for the Town of Newbern, for compelling the inhabitants of the said Town to pay their Taxes and for other purposes therein mentioned.

7. A Bill directing the duty of Sheriffs with respect to insolvent Taxables.

8. A Bill to prevent counterfeiting the paper money of this and the other British Colonies and prevent counterfeiting the gold and silver coin circulating in this province.

9. A Bill to empower the Justices of Anson County to establish free ferries and lay a Tax for defraying the charges thereof.

10. A Bill for further continuing an Act intitled an Act for appointing a printer to this province.

11. A Bill for erecting part of the Counties of Halifax and Tyrrel into one distinct County and Parish.

12. A Bill for enlarging the time of saving lots in the Town of Windsor, for erecting a court house prison and stocks for the County of Bertie in the said Town, and other purposes.

13. A Bill to explain an Act for erecting a parish in Chatham County by the name of St. Bartholomew.

14. A Bill for appointing commissioners for building a court house, prison and stocks for the County of Tryon, and for establishing a boundary line between the Counties of Tryon and Mecklenburg.

15. A Bill for dividing the Parish of Edgecomb in the County of Halifax into two distinct Parishes.

16. A Bill to enforce an Act Intitled an Act to encourage the destroy-

ing of vermin in the several Counties therein mentioned, passed in the year 1773.

17. A Bill to enforce an Act Intituled an Act for preventing the frequent abuses in taking up and secreting stray horses, in the Counties of Orange, Granville, Bute, Rowan, Anson, Mecklenburg, Johnston, Dobbs, Halifax, Edgecomb, Northampton, Tyrrell, Craven, Pitt and Chatham.

18. A Bill to amend and further continue an Act Intituled an Act concerning Vestries.

19. A Bill to facilitate the navigation of Neuse River.

20. A Bill to amend an Act for dividing the Northern part of Rowan County and erecting a new County by the name of Surry County and St. Jude's parish.

21. A Bill to prevent the willful and malicious killing of slaves.

22. A Bill for dividing the parish of St Marys in the County of Edgecomb into two distinct parishes.

23. A Bill to amend an Act for laying out a Town on the Lands of Richard Evans in Pitt County by the name of Martinborough, and for removing the court house, prison and stocks into the said Town.

24. A Bill to empower the Justices of Bladen County to hold the Inferior Court of pleas and quarter sessions in the Town of Elizabeth in the said County.

25. A Bill for vesting in certain persons therein named two acres of land at Belville in Currituck County as Trustees for erecting a Chapel thereon, and for enclosing a burying ground.

26. A Bill for establishing the Court House in the Town of Charlotte in Mecklenburg County and for regulating the said Town, and,

27. The Bill for appointing Commissioners to erect a Court House, prison and stocks in the County of Guilford.

To which said Bills His Excellency was pleased to give his assent, except,

The Bill for dividing the province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts, which he was pleased to reject, and then made a Speech to His Majesty's Honble Council and this House, to wit,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL, MR SPEAKER
AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have passed every Bill you have presented to me but one, and that the most important of any.

I can never find myself in a situation more affecting to my sensibility than when the duty I owe my Sovereign opposes my compliance with your wishes. Such Gentlemen is the unhappy predicament to which you have reduced me by offering your Bill for Establishing Superior Courts of Justice, in its present form and upon that principle I have been obliged to withhold my assent to it.

I had flattered myself Gentlemen that my open, free and candid communication of His Majesty's Royal Instructions to me upon the provisions of that Bill, my repeated assurances to you that my conduct must be regulated thereby, and the sincere inclinations I have constantly expressed and manifested to concur with you in any plans of consistency, not repugnant to those rules, would have saved me from those tender feelings that now oppress my Heart.

If, Gentlemen, the peace and security, the honor and general interests of this Colony are dear to you, consider how much they are at stake; and that you may still provide effectually for their preservation, I am and ever have been ready to meet your wishes to the utmost extent of my power. Because that admits not of my doing all you wish, let it not be reason, Gentlemen, for sacrificing all that is valuable, and to make me longer mourn over the miseries of your Country with heartfelt devotion to its services.

The deliverance of the province from its present melancholy and distressful state is an object worthy all your devotion, and may the Almighty guide your Councils to the perfect restoration of its prosperity and the greatest advancement of its glory and happiness.

JO. MARTIN.

Newbern March 19th 1774.

Then the House adjourned till Monday morning 10 o'clock.

Monday 21st March 1774.

The House met according to adjournment.

Mr Hunt presented a petition from sundry inhabitants of Granville County praying a Law may pass for restraining negroes trading with white people, &c.

Ordered the same lie for consideration.

On motion ordered the Bill for establishing Courts of Oyer and Terminer and General Gaol delivery and directing the mode of appointing jurymen, and also for hearing and determining appeals and writs of error from the Inferior Courts and regulating other

proceedings therein, be read the third time. Read the same the third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Bright and Mr Stewart.

On motion ordered the Bill for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this Province, and for 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 by Mr B. Harvey and Mr Everign.

On motion ordered the Bill to regulate the fees of the Clerks of the pleas in the Inferior Courts in this Colony, be read the second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Lock and Mr Hunt.

On motion ordered the Bill to oblige vessels having infectious distempers on board to perform their quarantine be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Knox and Mr Williamson.

On the question being put whether the Bill for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this Province and for regulating the proceedings therein, should pass, it was objected to, and on division of the House carried in the affirmative.

Then on motion ordered the yeas and nays be taken to the said question, and are as follows to-wit,

		<i>Yeas:</i>
Mr Harnett	Mr B. Harvey	Mr J. Rowan
Mr Ashe	Mr Thomson	Mr Haywood
Mr Hooper	Mr Hovey	Mr Sam ^l Johnston
Mr Tho ^s Jones	Mr Cray	Mr Stanley
Mr Edwards	Mr M ^c Culloh	Mr Knox
Mr Frazier	Mr Hart	Mr Oldham
Mr Benbury	Mr Smithwick	Mr Ormond
Mr Brown	Mr Shepard	Mr M ^c Alister
Mr J. Johnston	Mr Robinson	Mr Kenan
Mr Simpson	Mr F. Campbell	Mr Martin
Mr Howe	Mr Polk	Mr Macknight
Mr Williamson	Mr Everign	Mr Herring

Mr Perkins	Mr Cha ^s Robinson	Mr Stewart
Mr Hunter	Mr J. Jones	Mr Jordan
Mr Reding.	Mr Nash	Mr Latham
Mr Bryan	Mr Montgomery	Mr Battle

Nays:

Mr Bright	Mr Ward	Mr Field
Mr Salter	Mr Coor	Mr Parker
Mr Tho ^s Person	Mr Hunt	Mr Hatch
Mr W. Moore	Mr McAnally	Mr Lock
Mr Rutherford	Mr Lanier	Mr Picket.

Received from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

In answer to your message of the 18th Instant, I must observe that it appears to me the Lords of Trade by their instructions communicated to you in my message of the third day of this month approve of the fullest security being extended by the Act of Indemnity to all persons who acted in support of Government during the disorders that prevailed in this province for everything done then for the public service, and that their Lordships objected only to the loose wording of that Act, apprehending that persons might take shelter under it to whom the Legislature did not intend to give protection on the plea of having acted in that time of public convulsion in defence of government, and screen themselves from prosecution for violences and offences against the Laws, not actually done in the public Services.

I have already fully represented to the Lords of Trade the conformity of the Act of Indemnity passed here to the Acts of Parliament passed after the Rebellions in Great Britain as my justification for assenting thereto; and the ground on which I expected their Lordships favorable acceptance of it, and you may be assured Gentlemen I will faithfully report your sense on this act to that Board, and make every further representation upon the subject that becomes my duty as Governor of this Province, and my sincere respect and regards for the supporters of His Majesty's Government and the Laws of this Country.

JO. MARTIN.

Newbern, March 21st, 1774.

The order of the day being read for taking under consideration His Excellency's Message respecting Fort Johnston, Ordered the same be deferred till to-morrow morning.

Then the House adjourned till to-morrow morning 10 o'clock.

Tuesday 22^d March 1774.

The House met according to adjournment.

On motion ordered the Bill of pardon and oblivion to the persons concerned in the late Insurrection, except such persons as are therein excepted, be read the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent by Mr Bright and Mr Lanier.

Ordered Mr Hunter have leave to absent himself from the service of this House after to day.

Received from the Council the Bill to oblige vessels having infectious distempers on Board to perform their quarantine. Endorsed, In the upper House 22^d March, 1774. Read the third time and passed. Ordered to be engrossed.

Also the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading in this House for the third time the Bill for Establishing Inferior Courts of pleas and quarter Sessions in the Several Counties in this province and for regulating the proceedings therein, We observe a clause relative to attachments for debts not exceeding five pounds, which being inadmissible, we propose that the said Clause be *deled*, to which amendment if your House agree be pleased to send some of your members to see the same made. Endorsed, In the upper House 22^d March 1774.

Ordered the following message be sent to the Council,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your message of this day respecting the Inferior Court Bill, this House agree to *dele* the Clause you proposed, at the same time propose the following as a substitute, to wit,

"And be it further enacted by the authority aforesaid that the proceedings to be had upon attachments before any Justice of the peace, shall be under the same Rules and subject to the same regulations as are by this Law directed to govern that process in the Inferior

Courts of this province, due respect being had to the Jurisdiction of such Court." Our proposal being so reasonable, we send Mr Hooper and Mr Ashe to see the same made and inserted in the Bill.

JOHN HARVEY, Sp.

Received from the Council the following message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

On reading in this House the third time the Bill for establishing Courts of Oyer and Terminer and general gaol delivery &c^s, We propose the following Amendments, Viz^t, That the Title of the Bill be altered to the following one, Viz^t,

"A Bill to Establish Courts of Oyer and Terminer and general Gaol delivery and for appointing Jurymen and regulating the proceedings in the said Courts and also for constituting the Judges thereof a Court for hearing and determining appeals and Writs of error."

That the qualification of Judges of the said Court in the absence of the Chief Justice be confined to men of ability, integrity, and learned in the Law, and that the word, *Eminent*, now in the Bill be *deleted*.

If your House agree to these amendments, be pleased to send some of your members to see the same inserted. Endorsed, In the Upper House 22^d March, 1774.

Ordered the following Message be sent to the Council, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

This House in answer to your Message relative to the Bill for establishing Courts of Oyer and Terminer and General Gaol delivery are willing to admit the amendments proposed by you with respect to the Title, with the following alteration which we doubt not you will approve of, Viz^t,

"A Bill to Establish Courts of Oyer and Terminer and General Gaol delivery and for vesting in the several Inferior Courts of pleas and quarter Sessions, the power of appointing Jurymen for the said Courts of Oyer and Terminer and Regulating the proceedings therein, and also for constituting the Judges thereof a Court for hearing and determining Appeals and Writs of Error."

With respect to the Epithet of *Eminent* in the Character of Judges

if you think it an unnecessary or improper distinction in that Office we shall not contend for keeping it in the Bill.

JOHN HARVEY, Sp.

Received from the Council the following Bills, Viz^t,

The Bill for establishing Inferior Courts of pleas and quarter sessions in the several Counties in this Province, and for regulating the proceedings therein.

The Bill to establish Courts of Oyer and Terminer and general gaol delivery, and for vesting in the several Inferior Courts of pleas and quarter sessions the power of appointing Jurymen for the said Courts of Oyer and Terminer and regulating the proceedings therein; and also for constituting the Judges thereof, a Court for hearing and determining appeals and Writs of Error. Endorsed, In the upper House 22^d March, 1774. Read the third time and passed. Ordered to be engrossed.

Then the House adjourned till 4 °Clock in the afternoon.

The House met according to adjournment.

Our motion ordered the Bill for appointing a Militia be read the second time. Read the same a second time and rejected.

On motion ordered the Bill to regulate and ascertain the fees of the Clerks of the Inferior Courts in this Colony, be read the third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Sent by Mr Bright and Mr Hunt.

Then the House adjourned till tomorrow morning 9 °Clock.

Wednesday 23^d March 1774.

The House met according to adjournment.

On motion Resolved that Col^o John Harvey Speaker be allowed the sum of two hundred pounds proc. money for his extraordinary trouble and as a reward for his particular assiduity and attention to the business of the House the last and this present Session of Assembly, that the Treasurers or either of them pay him the same and be allowed in their Accounts with the public, and that the following message, be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

This House have Resolved that Col John Harvey Speaker be allowed the sum of two hundred pounds proc. money for his extraordinary

trouble, and as a reward for his particular assiduity and attention to the business of the House the last and this present session of Assembly, that the Treasurers or either of them pay him the same and be allowed in their accounts with the public, and desire your Honors concurrence thereto. JOHN HARVEY, Sp.

Sent by Mr Benbury and Mr Knox.

On motion ordered the Bill to prevent the pernicious practice of hunting with a gun in the night by fire light, be read the third time. Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Kenan and Mr Cray.

On motion ordered the following message be sent to His Excellency the Governor, Viz^t,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

This House have taken into consideration your Excellency's message of the 17th Instant relative to the disbursements made by Capt. Collet, Commander of Fort Johnston, and have allowed such parts as this House think the public ought to pay, but the House cannot consent to make an allowance for additions and alterations to the Fort, which they judge unnecessary, that were undertaken and carried on without the sanction or approbation of the Assembly, and which had they been previously consulted they should not have consented to have had made at the expence of this Province.

JOHN HARVEY, Speaker

Sent by Mr Stewart and Mr Polk.

Received from the Council the Bill to regulate and ascertain the fees of the Clerks of the Inferior Courts in this Colony. Endorsed, In the upper House 23rd March. Read the third time and passed. Ordered to be engrossed.

The Bill to prevent the pernicious practice of hunting with a gun in the night by firelight. Endorsed, In the upper House 23rd March 1774. Read the third time and passed. Ordered to be engrossed.

Received from the Council the Resolve of this House for allowing the Speaker two hundred pounds for his extraordinary trouble,

assiduity and attention to the last and present Session of the Assembly. Endorsed, In the upper House, Concurred with.

JAS. HASELL, P. C.

Ordered the following message be sent to his Excellency the Governor, Viz^t,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

We herewith send your Excellency a Resolve of this House for allowing Col^o John Harvey, Speaker, two hundred pounds proc. money for his extraordinary trouble, assiduity and attention to the business of the last and the present Session of Assembly, concurred with by His Majesty's Honorable Council, and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr T. Jones and Mr Benbury.

Received from the Council the following message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House are of opinion that the president of the Council ought to have an allowance made him, for his extraordinary Services, his assiduity, and attention to the public business, during the last and the present Session of Assembly, therefore hope you will make a Resolve for that purpose.

Endorsed, In the upper House 23^d March, 1774.

Received from the Council the report of the Committee of Claims, Endorsed, In the upper House 23^d March 1774, Concurred with.

JAS. HASELL, P. C.

Ordered the following message be sent to His Excellency the Governor, Viz^t

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

We herewith send your Excellency the Reports of the Committee of Claims, Concurred with by His Majesty's Honble Council and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr F. Campbell and Mr Ormond.

On motion Resolved that Mr Hooper, Mr Ashe, Mr Harnett, Mr Edwards, Mr Martin, Mr Howe and Mr Samuel Johnston be a Committee to draw up a loyal and dutiful Petition to His Majesty and the British Parliament praying that they would be graciously pleased to repeal so much of an Act of Parliament passed in the year of His Majesty's reign "An Act Intituled an Act to prevent paper Bills of Credit to be issued in any of His Majesty's Colonies or plantations in America from being declared to be a legal tender in payments of money and to prevent the Legal tender of such Bills as are subsisting from being prolonged the periods for calling in and sinking the same." And to pray that this Province may be permitted to pass a Law to make the present Debenture Bills of this Province a legal Tender in all payments, and that in case His Majesty and the Parliament should not think proper to grant such permission, then that His Majesty will be graciously pleased to withdraw his instructions to the Governor of this Province instructing him not to pass any Law, subjecting the goods, chattles, lands and tenements of debtors taken on Execution to a valuation, and that this House may be permitted to pass a Law similar to the late Act in that case made.

Received from His Excellency the Governor the following message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the Resolve of your House for allowing the Speaker the sum of two hundred pounds proc. money concurred in by His Majesty's Council to which I have given my assent with the greatest pleasure, having a just sense of the merits of the Gentleman who fills that office.

JO. MARTIN.

Newbern, 23^d March 1774.

Received the above Resolve. Endorsed, Assented to.

JO. MARTIN.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the report of the Committee of Claims, Concurred in by His Majesty's Honble Council with my assent thereto.

JO. MARTIN.

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

Thursday, 24th March, 1774.

The House met according to adjournment.

Ordered the following Message be sent to the Council, Viz^t,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

In answer to your message of yesterday this House are ever willing to pay a due respect to any application from you which they can vindicate consistent with the duty they owe to the public or Individuals. The provisions they have made for the Speaker they conceive to be a recompence for service which he hath actually rendered the province, and which have been attended with trouble to which no other member of this House is subject. The necessity there is for the constant attendance of the Speaker on the Business of the Assembly being interrupted are reasons which by no means are applicable to your claim in favour of the president of the Council. The absence of that Gentleman from your House leaves only a seat vacant which the next in seniority can with equal right fill and occasions no delay in your proceedings, so that the president is not subject to the same fatiguing restrictions in point of attendance as our Speaker. Precedents of the Speaker of the House receiving an Allowance for his services are frequent but we know of none in favour of the president of the Council. For these reasons we cannot assent to your proposals.

JOHN HARVEY, Sp.

Sent the estimate of allowances of this House to the Council by Mr Herring and Mr T. Robeson.

Received from the Council the estimate of this House. Endorsed, in the upper House 24th March, 1774. Concurred with.

JAS HASELL, P. C.

Ordered the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY, JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a,

SIR,

We herewith send your Excellency the estimate of allowances of this House, concurred with by His Majesty's Honble Council, and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Lanier and Mr Rutherford.

On motion, Resolved that Captain John Collet, Commander of Fort Johnston, be allowed the sum of three hundred and twenty-two pounds nine shillings and four pence for the necessary expenses of that Garrison, and that the Treasurers or either of them pay him the same and be allowed in their accounts with the public, and that the following Message be sent to the Council, Viz,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

This House have Resolved that Captain John Collet, commander of Fort Johnston, be allowed for the necessary expences of that Garrison the sum of three hundred and twenty two pounds nine shillings and four pence proc. money; that the Treasurers or either of them pay him the same and be allowed in their accounts with the public, and desire your Honours concurrence thereto.

JOHN HARVEY, Speaker.

Sent by Mr Oldham and Mr Harvey.

On motion, Resolved that the present establishment of Fort Johnston be continued until the end of the next session of Assembly and no longer, and that the following Message be sent to the Council, Viz,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL,

This House have Resolved that the present Establishment of Fort Johnston be continued until the end of the next Session of Assembly and no longer, and desire your Honours concurrence thereto.

JOHN HARVEY, Speaker.

Sent by Mr Lanier and Mr Williamson.

On motion Resolved that the power of attaching the effects of Foreign debtors is founded upon principles of the strictest equity, and is a benefit so essential to the Commercial Interest of this Colony, that we think it a duty we owe ourselves, our constituents and posterity to retain it unimpaired, and that our not being able to obtain a Law for continuing this power to the inhabitants of this Country is the source from which the present distresses of this Province are principally derived.

Resolved that the Bill for dividing the province into six several districts and for establishing a Superior Court of Justice in each of

the said districts as it went from this House upon the third reading, appears to be fitted to the policy of this country, that it reserves to the Colony the power of attaching the effects of Foreigners, and the same time carefully guards against any injury that can happen to debtors residing out of this Province.

Resolved that a copy of the said Bill be transmitted to certain persons hereafter named in England, that they be directed to lay the same before the Lords Commissioners of Trade and Plantations for their consideration, and solicit that Honble Board to recommend the same to His Majesty, and to request that he would be graciously pleased to permit His Governor or Commander in Chief, to assent to an Act framed according to that model, and that they exert themselves to the utmost to obviate every objection that may be made thereto.

Resolved that an extension of jurisdiction of the Inferior Courts would be of great benefit to this Colony, and that therefore it is the duty of this House to endeavour to obtain His Majesty's most gracious permission to extend it accordingly, and that the said persons hereafter named be directed to pursue every measure in their power to effect the desirable end.

Resolved that Thomas Barker and Alexander Elmsley Esquires be appointed agents to carry into execution the purposes of the above Resolves, and that Mr Speaker, Mr Howe, Mr Johnston, Mr Hooper, Mr Edwards, Mr Ashe, Mr Harnett and Mr Hewes be appointed a Committee to transmit a copy of the above mentioned Bill, that they furnish the said Agents with the reasons which governed this House in the construction thereof, and with every necessary paper and instruction.

Resolved that the following message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a,

SIR,

The melancholy situation to which this Country is reduced makes us think it a duty incumbent upon us to pursue every possible method for its relief, and as the misfortunes of this Province take their rise from certain instructions which restrain your Excellency from giving your Assent to the Laws for the establishing Superior and Inferior Courts but upon such conditions as we think incom-

patible to the Commercial Interest of this Colony in particular and of Traffic in general; the obtaining from his most gracious Majesty an alteration of those instructions appears to be the only means to preserve this Country from impending ruin, and ought therefore to be the principal object of our attention; We conceive Sir, those instructions arose from the abuses to which the mode of attaching the effects of Foreigners by our former Laws were liable to, and that the establishing a method of foreign attachment, abstracted from the possibility of such abuse would remove the objections which induced Government to restrain that power. We have therefore Resolved, to transmit to the Lords Commissioners of Trade and Plantations the copy of Laws which reserving the power of foreign attachments to this Colony is so framed as not in any manner to be injurious to the interest of foreign debtors; this Law Sir, will be laid before the Honble Board by certain persons appointed for that purpose who will be furnished with the reasons which governed this House in their determinations thereupon, and who will be ready to answer any questions that may arise, and any objection that may be made thereto, and we hope that if that Law can be made to appear as equitable to their Lordships, as it does to us, they will recommend it to His Majesty to withdraw the instructions which at present withhold your Excellency's assent to it.

As an extension of the jurisdiction of the Inferior Courts of this Colony would be of the greatest benefit to persons in Trade, and is so ardently wished for by the Inhabitants of this Country, we have Resolved to endeavor to obtain permission to extend it; and shall also Transmit our reasons upon this subject to the Lords Commissioners of Trade and Plantations for their consideration, and persuade ourselves they are such as will be worthy of their attention.

When we consider, Sir, that the happiness of this Country absolutely depends upon the event of these applications we think it the highest duty we owe our Constituents to adopt the best expedient to promote their success, and as such, Sir, solicit that you will be pleased to support our efforts with your interest and influence, which from the warm wishes you have expressed for the happiness of this people we have the firmest persuasion you will exert to the utmost, and which we consider to be of the greatest importance towards obtaining the beneficial ends at which we aim. We have directed our Committee to lay before your Excellency the proceedings there-

upon, and hope they will appear to merit your approbation and concurrence.

JOHN HARVEY, Sp.

Sent by Mr T. Jones and Mr J. Johnston.

Received from His Excellency the Governor the following Message, Viz^t

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the estimate of the expences of your House, concurred in by His Majesty's Honble Council with my assent thereto.
JO. MARTIN.

Received from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have received with great concern your answer to my Message, relative to Captain Collet's accounts against the public, for the repairs of Fort Johnston.

If, Gentlemen, that officer has been transported by his zeal for the public service of this Province to incur expense without your previous concurrence, I hope it will not be reason with you to refuse to reimburse him, but that you will consider his motives as giving rather additional weight to his claims, and his reliance upon your Justice as a further recommendation to your favour. I persuade myself that if you had acquainted yourselves with the state and condition of Fort Johnston, of which the utility stands confessed upon your Journals for a series of years, you would not have deemed the repairs Captain Collet has made unnecessary.

If the protection of a Fort, is essential to the Navigation of Cape Fear River, as it has been long justly considered, it is certainly expedient to maintain it in a state to afford that protection, and as I have the fullest conviction that the service has been performed with the strictest integrity, and greatest regard to economy, I cannot forbear again recommending to your mature consideration the reasonableness of indemnifying this deserving officer, who is chargeable only with the venial transgression of having served the public voluntarily, and unauthorized, and I wish to bring to your recollection, Gentlemen, that provision has been heretofore made for defraying the expence of services of a like nature, performed without your

consent, or the same proper evidence that Captain Collett has shewn of their necessity.

JO. MARTIN.

Newbern 24th March 1774.

Received from the Council the Resolve of this House for allowing Captain Collett £322.9.4, and for continuing the establishment of Fort Johnston. Endorsed, In the upper House 24th March 1774. Concurred with.

JAS. HASELL, P. C.

Ordered the following Message be sent to His Excellency the Governor,

To H^{is} EXCELLENCY, JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a

SIR,

We herewith send your Excellency Resolves of this House for allowing Captain John Collet the sum of three hundred and twenty two pounds nine shillings and four pence; and for continuing the establishment of Fort Johnston until the end of the next Session of Assembly. Concurred with by His Majesty's Honble Council and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr McCulloh and Mr F. Campbell.

On motion Resolved that the poll tax of one shilling and duty of four pence ^{per} gallon on rum, wine and other spiritous Liquors for the purpose of sinking the proclamation money of this Country has long since had its effect,

Resolved that the House of Assembly have frequently passed Bills to repeal the Act under the Authority of which the said tax and duty were collected, and that their not being able to obtain a Law for that purpose is a great grievance to the inhabitants of this Province.

Resolved that the Treasurers of this Province issue orders to the collectors of the said tax not to receive from any of the inhabitants of this Province the said poll tax for the year 1774, or any subsequent year, and to the collectors of the said duty not to receive the same on any liquors imported into this Province after the first day of May next, and inform such collectors, that their not complying

with the said order will be deemed a great contempt to the Resolutions of this House, and merit its highest censure.

Resolved that the Assembly consider it as a duty incumbent upon them to indemnify any person or persons from all damages whatsoever which may be incurred from acting in obedience to the above Resolutions.

Resolved that the public faith stand engaged to make good any deficiency should any such be made appear on the final settlement of the money collected, in virtue of the said tax of one shilling per poll and duty of four pence per gallon.

Ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY, JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a,

SIR,

We have considered your Excellencys Message of this day relative to Captain Collets accounts, and inform your Excellency that this House, ever attentive to the interests of their constituents, have made such an allowance to Captain Collet as they think themselves justifiable in, and we beg leave to observe that any provision heretofore made for defraying the expences of services of a like nature with the claim now set up, was made with the greatest evidence of their being absolutely necessary, and such as were consistent with the true interest of this Colony.

JOHN HARVEY, Sp.

Sent by Mr Caswell and Mr Ormond.

Received from His Excellency the Governor the following Message, Viz^t,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the Resolve of your House allowing Captain Collet the sum of three hundred and twenty two pounds, nine shillings and four pence proc. money, and for continuing the establishment of Fort Johnston until the end of the next Session of As-sembly, concurred in by His Majesty's Honble Council with my assent thereto.

JO. MARTIN.

Newbern March 24th 1774.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

In answer to your message of this day requesting my support of your applications to His Majesty intended to be made through the channel of the Lords Commissioners of Trade and Plantations on the points that have been so long impediments to the establishment of Courts of Justice in this Province, I am to assure you that I will upon being made acquainted with the nature and mode of your representations by your Committee, give them every support and aid in my power, corresponding with my warmest expressions of regard to the interest and happiness of this Colony that shall be consistent with my duty to my Royal Master.

JO. MARTIN.

Newbern March 24th 1774.

Resolved, that William Bentley of Dobbs County be allowed the sum of nineteen pounds proc. money, he having made it appear to the satisfaction of this House that he lost a sum equal to that in Neuse River which never can come into circulation, and that the Treasurers, or either of them, pay him the same out of the sinking fund, and be allowed in their accounts with the public, and that the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

This House have resolved that William Bentley be allowed the sum of nineteen pounds proc. money for so much money lost in Neuse River and that the Treasurers or either of them pay him the same out of the Sinking fund and be allowed in their accounts with the public to which we desire your Honors Concurrence thereto.

JOHN HARVEY, Speaker.

Sent by Mr McCulloh and Mr Hatch.

Mr Speaker with the House waited on His Excellency the Governor at the Palace and presented him with the following Bills, to wit,

1. A Bill to establish Courts of Oyer and Terminer and General Gaol delivery, and for vesting in the several Inferior Courts of pleas and quarter sessions the power of appointing Jurymen for the said Courts of Oyer and Terminer and regulating the proceedings therein, and also for constituting the Judges thereof a Court for hearing and determining appeals and Writs of error.

2. A Bill for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this province and for regulating the proceedings therein.

3. A Bill to regulate and ascertain the Fees of the Clerks of the Inferior Courts in this Colony.

4. A Bill to oblige vessels having infectious distempers on Board to perform their Quarantine, and

5. A Bill to prevent the pernicious practice of hunting with a gun in the night by fire light.

To which said Bills his Excellency was pleased to give his assent, and then made a Speech to His Majesty's Honble Council and this House, which is as follows, to wit,

GENTLEMEN OF HIS MAJESTY'S HONORABLE COUNCIL, MR SPEAKER
AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I should have seen your Session hastening to a conclusion with much greater satisfaction if the channels of Justice had been fully laid open to His Majestys Subjects in this province by the Laws I have been able to pass.

I flattered myself, Gentlemen, that you would have presented to me at this time some effectual plan for the General Administration of Justice freed from the exceptionable provisions upon which my duty to the King indispensibly obliged me to refuse my assent to your Bill for establishing Superior Courts. It is hardly necessary I believe to explain further to you the reasons of my uniform conduct in relation to that Act; but as I speak to your Country through you, I conceive it may not be improper to mention that the points of objection in it, were the regulations concerning attachments, the limitation of the Jurisdiction of the Superior Courts, and the repeal of a permanent Law whereby Fees were settled for the support of His Majesty's Chief Justice, while no equivalent provision was made for that purpose; all which are repugnant to the royal Instructions to me, that as far as they related to the two first heads I freely communicated to you at the commencement of your last Session. The latter militates against a standing General Instruction, and is not I apprehend agreeable to the Rules of Justice and sound policy.

It is with Infinite concern, Gentlemen, that I see no better system for the dispensation of Justice yet adopted by you, than the establishment of County Courts whose limited Jurisdiction extends not to the relief of Creditors of highest dignity who may certainly be

considered in general most deserving of the public care; but are at least intitled to like advantages, and security of their property, from the Laws of their Country as are allowed to creditors of Inferior degree, of which they are now virtually precluded. Why then, Gentlemen, this distinction, so irreconcilable to the impartiality of Justice?

The measures which have been taken to render ineffectual the powers I derive from the King for the protection of His Majesty's Subjects in this province and the dependence of the Bill for erecting Courts for the trial of Criminal matters (that are essential to the peace and safety of the people) are reasons of the greatest weight with me for giving my assent to a plan so inadequate to the due administration of Justice; so incompetent to the security of the public Revenue; the receipt of which is now left to depend on the integrity of the Collectors; and that has ever appeared to my understanding so inconsistent with every principle of good policy. Next to this consideration, Gentlemen, I wish to assure you that I am willing to concur with you as far as I possibly can to relieve the distress of this Country, and as on the one hand I well know that Example is of much greater force than precept, so on the other I am satisfied a short use of these expedients will convince you of their inefficiency, as well as of the integrity of my intentions, and rectitude of my conduct. After all, Gentlemen, I am but too sensible that my assent to these Bills, of a nature so unusual, new and extraordinary will need every apology I shall be able to make to His Majesty.

Mr Speaker and Gentlemen of the Assembly, I see with equal concern and surprize that you have not passed any Bill for reëstablishing the militia, which you have promised in your address to me, to put upon such a respectable footing as might give full security to this province against any designs of the Indians, if properly exerted. I am persuaded Gentlemen you have not intended to omit this necessary provision for the protection of your Country now actually threatened with Hostilities by that Barbarous People and in Confidence that you have not I most earnestly recommend to your consideration the expediency of such an establishment; which being now made upon a proper plan may obviate the necessity of calling you together during the Summer to provide for the public safety. My information from His Majesty's Superintendant of Indian Affairs relative to the designs of the neighbouring nations of savages that

I have communicated to you, leaves us at least in doubt concerning them; and urges the propriety of the interposition of this Government to prevent their outrages to certain of its people settled on the Indian Territory, in vengeance for whose encroachments it is to be feared they may extend their violences against the innocent unguarded inhabitants on the Frontiers of this Colony, and as the prolongation of the present Session for a day or two, will be less inconvenient to you, and far less expensive to the public, than to open a new Session at that inclement season, in case of such too probable events, I flatter myself you will forthwith take such proper measures for the defence of this province, as your prudence shall suggest; and that you may have opportunity to guard against the ill consequences that may arise for want of the protection of a militia, I forbear now to put an end to your Session; Wishing at the same time, to detain you from your pressing domestic avocations not one moment longer than the public Necessities require.

JO. MARTIN.

New Bern 24th March 1774.

Mr Howe moved for leave to present a Bill to establish a Militia for the security and defence of this Province.

Ordered he have leave accordingly.

Mr Howe presented the said 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 M^cCulloh and Mr Hart.

Received from the Council the Resolve of this House for allowing William Bentley nineteen pounds. Endorsed, In the upper House, 24th March 1774. Concurr'd with.

JAS HASELL, P. C.

Ordered the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

We herewith send your Excellency a Resolve of this House for allowing William Bentley the sum of nineteen pounds, concurr'd with by His Majesty's Honble Council, and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Campbell and Mr Kenan.

Received from the Council the Bill to establish a Militia for the security and defence of this Province. Endorsed, In the upper House 24th March 1774. Read the first time, amended and passed.

Ordered the Bill to establish a Militia for the security and defence 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 by Mr W^m Person and Mr Brown.

Received from the Council the Bill to establish a Militia for the security and defence of this Province. Endorsed, In the upper House 24th March 1774. Read the second time, amended and passed.

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

Friday, 25th March, 1774.

The House met according to adjournment.

On motion ordered the Bill to establish a Militia for the security and defence of this Province, be read the third time. Read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Benbury and Mr B. Harvey.

On motion Resolved that the Honorable Samuel Cornell Esquire be allowed the sum of twenty-eight pounds ten shillings as a drawback for the duties on nineteen hogsheads of rum imported into this Province in the Sloop *Polly*, James Green Master, and afterwards exported to the Colony of Virginia, and there landed; that the Treasurers or either of them pay him the same and be allowed in their accounts with the public, and that the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

This House have resolved that the Honorable Samuel Cornell Esquire be allowed the sum of twenty eight pounds ten shillings as a draw back for duties on nineteen Hogsheads of rum imported into this province, in the sloop *Polly*, James Green Master, and afterwards exported to the Colony of Virginia and there landed, due proof being made to this House. Ordered that the Treasurers or either of them pay him the same and be allowed in their Accounts with the public, and desire your Honors Concurrence thereto.

JOHN HARVEY, Sp.

Sent by Mr Edwards and Mr Tignal Jones.

Received from the Council the Bill to establish a Militia for the security and defence of this Province. Endorsed, In the upper House 25th March, 1774. Read the third time and passed. Ordered to be engrossed.

Received from the Council the Resolve of this House allowing the Honble Samuel Cornell Esquire the sum of twenty-eight pounds ten shillings. Endorsed, in the upper House 25th March, 1774. Concurred with. JAS HASELL, P. C.

On motion ordered the following Message be sent to His Excellency, Viz^t,

TO HIS EXCELLENCY, JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a,

SIR,

We herewith send your Excellency a resolve of this House for allowing the Honble Samuel Cornell Esquire the sum of twenty eight pounds ten shillings. Concurred with by His Majesty's Honble Council, and request your Excellency's assent thereto.

JOHN HARVEY, Sp.

Sent by Mr Hatch and Mr Williamson.

Received from His Excellency the Governor the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return herewith the Resolve of your House allowing the Honble Samuel Cornell Esquire the sum of twenty eight pounds ten shillings. Concurred in by His Majesty's Honble Council, with my assent thereto. JO. MARTIN.

Mr Speaker with the House waited on His Excellency the Governor at the Palace and presented him with the "Bill to establish a militia for the security and defence of this Province" to which His Excellency was pleased to give his Assent,

And then Prorogued this Assembly to the twenty fifth day of May next.

Estimate of the allowances due and payable to the members of
Assembly at New Bern, Clerks, Officers and others this present
Assembly—2^d March 1774.

	£	s.	d.
Mr John Harvey Sp -----	17	5	8
Mr John Ashe -----	12	14	8
Mr Samuel Johnston -----	16	10	8
Mr Thomas Oldham -----	16	10	8
Mr Thomas Jones -----	16	10	8
Mr Allen Jones -----	9	14	0
Mr William Cray -----	11	7	8
Mr John Spicer -----	6	10	2
Mr Joseph Hewes -----	11	13	2
Mr Alex Martin -----	14	17	10
Mr William Field -----	15	5	4
Mr William Hooper -----	12	14	8
Mr Cornelius Harnett -----	12	14	8
Mr William Thomson -----	10	18	0
Mr William Moore -----	15	19	0
Mr John Rowan -----	13	12	4
Mr Jonathan Herring -----	17	12	4
Mr Edward Everign -----	17	12	4
Mr Robert Jordan -----	14	15	4
Mr Joseph Reding -----	14	15	4
Mr John Simpson -----	10	13	4
Mr Benjamin Harvey -----	17	5	8
Mr Edward Smithwich -----	11	17	4
Mr Michael Rogers -----	9	1	4
Mr Tignal Jones -----	11	13	10
Mr Richard Caswell -----	10	10	0
Mr Simon Bright -----	10	10	8
Mr Francis Nash -----	10	7	10
Mr Benjamin M ^c Culloh -----	12	2	8
Mr John Alston -----	7	12	8
Mr Memucan Hunt -----	13	14	0
Mr Thomas Hart -----	14	10	4
Mr Rotheas Latham -----	8	2	4
Mr William Person -----	12	19	0
Mr Lemuel Hatch -----	9	7	6
Mr James Coor -----	9	15	0

	£	s.	d.
Mr Frances Williamson	20	13	4
Mr Solomon Perkins	18	7	4
Mr Isaac Edwards	9	15	0
Mr John Johnston	14	9	2
Mr Robert Howe	13	12	4
Mr Thomas Benbury	18	2	8
Mr Andrew Knox	17	5	8
Mr Edward Salter	10	13	4
Mr James Picket	10	7	2
Mr Charles Robinson	11	17	2
Mr Seth Hovey	12	12	4
Mr Thomas Gray	7	18	10
Mr James Kenan	10	18	10
Mr Robert Lanier	14	16	6
Mr Needham Bryan	6	1	4
Mr Jeremiah Frazier	11	17	4
Mr Benj ^a Spruil	8	2	4
Mr David Stanley	14	16	8
Mr William Haywood	12	1	0
Mr Elisha Battle	6	8	6
Mr Ferq ^d Campbell	12	10	2
Mr Thomas Stewart	8	17	4
Mr Ralph M ^c Nair	10	16	8
Mr Thomas Robeson	11	15	10
Mr Benjamin Ward	12	16	4
Mr Griffith Rutherford	14	15	2
Mr Matthew Lock	14	15	2
Mr Thomas Polk	15	12	10
Mr Roger Ormond	12	12	4
Mr Thomas Macknight	18	7	4
Mr Joseph Jones	19	9	10
Mr Thomas Person	13	14	0
Mr Richard Parker	12	16	4
Mr Charles M ^c Anally	15	4	0
Mr Thomas Hunter	8	9	10
Mr Hugh Montgomery	10	12	8
Mr Solomon Shepard	10	18	0
Mr William Brown	12	12	4
James Green Clk	13	17	4

	£	s	d.
Benj ^a Fordham	6	18	8
Francis Linaugh	6	18	8
Evan Swann	6	18	8
James Green, for three transcripts of the Journal	25	0	0
Ditto, for stationary	10	0	0
Ditto, for extra services	100	0	0
James Glasgow, assistant Clerk	50	0	0
Ditto for copying and engrossing Bills	53	0	0
Evan Swann, for firewood	5	0	0
Benj ^a Fordham, M. B., for extra services	30	0	0
Francis Linaugh, D. K., for ditto	30	0	0
Evan Swann, D. K., for ditto	30	0	0
John Gray Blount, for copying and engrossing Bills	14	0	0
Rigdon Brice, for copying and engrossing	38	0	0
James Davis, for a Law book	2	3	0
Trustees, for the use of the school in New Bern	25	0	0
Cha ^s Crouch of S ^c Carolina for printing Resolves	3	10	0
Author Benning for proc. money lost by fire	20	2	0

Report of the Committee on Claims, Viz^t,

	£	s.	d.		£	s.	d.
John Quine	4	0	0	Adam Boyd	27	19	10
Henry Young	9	9	0	Alexander Harvey	10	0	0
John Rogers	7	0	0	Malcolm McNeal	71	13	8
Thos Sitgreaves	2	0	0	Joseph McDonald	80	0	0
Jesse Benton	22	13	0	John Dabney	10	0	0
John Wilkins	3	17	4	George Webb	6	7	0
Thomas McClean	14	9	7	Francis Lock	10	0	0
Absalom Taylor	16	10	0	John Bates	1	16	0
William Alexander	5	0	0	James Kerr	54	17	8
Jacob Ryley	80	0	0	Robert Orme	4	2	0
Michael Rogers	40	5	4	Jethro Sumner	9	16	4
Charles Robinson	2	0	0	William Branch	13	0	0
John Rhymes	50	15	8	Henry Jarrell	5	0	0
Hon ^{ble} S. Strudwick	333	8	7	Jn ^o C. Bryan	29	16	0
Edward Hunter	6	0	0	Mial Scurlock	1	4	8
Elisha Cain	5	1	4	Roger Ormond, Ex ^r			
Adley Osburn	4	10	0	of W. O	5	17	6
James Biggleston	21	6	8	John Cook	21	13	6
Thomas Sitgreaves	8	0	0	James Glasgow	25	0	0

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

COUNCIL JOURNALS.

At a Council held at New Bern 28th March 1774

Present

His Excellency the Governor.

The Honble {	James Hasell	Martin Howard	} Esquires
	John Rutherford	and	
	Samuel Strudwick	Samuel Cornell	

The Governor having taken into consideration the Resolve entered upon the Journals of the House of Assembly on the 24th March declaring that the tax of one shilling 3^d poll and duty of 4 d. 3^d gallon on wines and spiritous liquors imposed by an Act of the General Assembly now in full force had its effect, and should be no longer collected, and directing the collectors of the same, on pain of the censures of that House, to forbear receiving the same, and engaging to indemnify them in such conduct. And it appearing to him a measure not only grounded on wrong principles, as the notorious fact is that a vast sum of money is yet in circulation which this Tax and duty were intended to redeem and sink, but that it is assuming to that Branch of the Legislature a power of dispensing with the positive Laws of this Country, as well as contrary to the public faith, repugnant to the Spirit of the Act of Parliament of the Year of his present Majesty's Reign, and a flagrant violation of the Constitution, He submitted it to the Consideration of this Board how far it was consistent with the dignity of Government to continue an Assembly that had taken steps so inconsistent with Public Justice, and in their tendency so subversive of the Constitution of this Province.

The Board taking into consideration his Excellency's representation of the Assembly's Conduct in the foregoing resolves, are unanimously of opinion that the House of Assembly have without any authority derived to them from the Constitution of this Province set up a most dangerous precedent, and by directing the Treasurers to issue orders to the Collectors not to receive the said Tax and duty, (which the said Collectors are obliged to do by a Law of the province) have assumed a power of dispensing with the Laws of this Country which His Majesty's Governor cannot consistent with his

duty pass over without some mark of his censure and disapprobation. And therefore this Board advise his Excellency to dissolve the said Assembly: And it is further their advice and opinion that his Excellency insert in his proclamation for dissolving the said Assembly the Reasons which influence the opinion of this Board to recommend the above measure.

NORTH CAROLINA —

By His Excellency Josiah Martin Esquire, Captain General, Governor and Commander in Chief in and over the said Province.

A Proclamation.

Whereas the Assembly of this Province having by their resolves of the 24th of this Instant March assumed to themselves a power unconstitutional, repugnant to the Laws, and derogatory to the honour and good faith of this Province, by attempting to abrogate an Act of the General Assembly upon which the public credit essentially depends, It becomes necessary for His Majesty's service to dissolve the said Assembly of this Province. I do therefore with the advice and consent of His Majesty's Council and by virtue of the powers and Authorities in me vested by His Majesty, dissolve the said Assembly — And it is hereby dissolved accordingly.

Given under my hand &c., dated 30th March 1774.

JO. MARTIN.

God save the King.

His Excellency then desired the advice of the Board at what time he should call the new Assembly.

The Board were of Opinion that Thursday the 26th day of May would be a proper time for calling the new Assembly.

[B. P. R. O. B. T.: NO. CAROLINA, VOL. 24. P. 231.]

Letter from the Board of Trade to the King.

MAY IT PLEASE YOUR MAJESTY,

We have had under our consideration five Acts passed in your Majesty's Province of North Carolina in March, 1773, the Titles of which are as follows, viz:

1. An Act for the Relief of Insolvent Debtors with respect to the imprisonment of their persons.

2. An Act for the Relief of persons who have or may suffer by their Deeds and *mesne* conveyances not being proved and registered within the time heretofore appointed by Law.

3. An Act to regulate and ascertain the Fees of the Clerks of the Pleas in the Superior and Inferior Courts in this Colony, directing the method of paying the same, and for taxing Law Suits.

4. An Act for directing the method of appointing Jurors in all causes, civil and criminal.

5. An Act for the more speedy recovery of all Debts and Demands under five pounds Proclamation money within this Province.

We have likewise consulted Mr Jackson, one of your Majesty's Counsel at Law on these Acts, who has reported to us in the case of the Act for the relief of insolvent Debtors (which is first in the List above recited) that he conceives there are weighty objections thereto inasmuch as it fixes so short a time as sixty Days from the appointment of the Commissioners at most, for beginning to examine the Claims of Creditors, after which there is no further delay allowed for absent persons, but the commissioners certainly may and seem to be required to make their Dividend forthwith. That it is besides a great defect in this Law, that there is no saving in respect of Debts due to your Majesty, for which reasons, as they appear to us to be material, we are humbly of opinion that it will be advisable for your Majesty's Royal disallowance of this Act.

With respect to the second of these Acts, viz, the Act for the relief of persons who have or may suffer by their Deeds and *mesne* conveyances not being proved and registered within the time heretofore appointed by Law, Mr Jackson observes that it is improper in point of Law in that there is no saving for the right of Purchases without notice. Your Majesty's Governor likewise in his Letter accompanying the Manumission of these Acts observes upon this Law that it is indeed apparently well designed but that since he passed it he finds under a specious Title it is calculated as a Strategem to indemnify persons who are desirous to defraud Your Majesty's Revenue by withholding their Quit Rents by keeping the Receiver General in ignorance of the Lands they hold. Upon the force of these objections we humbly propose to your Majesty to signify your Majesty's Royal disapprobation of this Act.

The Acts No. 3, 4 and 5 are all passed with clauses limiting their duration for Six months only and altho' it does appear from what is stated by your Majesty's Governor that the reason for passing these Acts for a term of so short duration was in order to make them correspond and be coeval with the temporary Court Acts which were rejected, yet inasmuch as the said Acts to which they refer have received your Majesty's Royal disallowance, and as the passing Acts in your Majesty's American Colonies for Terms of so short continuance without the clauses suspending their execution until your Majesty's Pleasure shall be known, ought as we conceive for very obvious reasons to be resisted. We do therefore think it advisable for your Majesty to signify your Majesty's Royal Disallowance of the three several Acts above referred to.

All which is humbly submitted.

DARTMOUTH,
SOAME JENYNS,
BAMBER GASCOYNE,
WHITSHED KEENE.

Whitehall, March 31st, 1774.

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

Expenditures at Fort Johnston allowed by the Assembly at March Session 1774.

The Public of North Carolina

To John Collet

D^r

£ s. d.

To a Schooner purchased to transport Soldiers enlisted for the service of the province from New York to Fort Johnston and for the use of the said Fort.....	175	--	--
To the expence of repairing the damages said Schooner received in her passage from New York ꝑ Bill.....	95	--	--
To Provisions laid in for the use of the Soldiers ꝑ Bill..	63	10	--
To Wages of the Master & men to navigate s ^d Schooner	36	10	--
To 25 steel rammers slings for 25 cartouch boxes and for repairing the said Boxes ꝑ Bill.....	15	16	--
To 160 ^{lbs} Musket powder, @ 2s. 6d. ꝑ Bill.....	20	--	--
To 400 ^{lbs} ditto purchased in New York ꝑ Bill.....	30	--	--

	£	s.	d.
To 1 Jack, 1 Fife, and 6 drum heads for the use of the Fort -----	12	10	--
To hire of a Boat & hands for removing some Cannon from Wilmington to the Fort -----	9	10	--
To Doctor Farquas's Bill for medicines & attendance on the Soldiers of the Garrison -----	21	3	4
To Cloathing for 25 Soldiers, @ £6 each -----	150	--	--
	£628	19	4
	306	10	0
John Collet -----	£322	9	4

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 231.]

Letter from Governor Martin to the Earl of Dartmouth.

N^o CAROLINA NEW BERN, April 2^d 1774.

MY LORD,

I have the honor to acquaint your Lordship, that the General Assembly of this Province, met here pursuant to Prorogation, at the beginning of the last month, and continued sitting until the 26th day of it, without effecting anything material for the public good; as will but too plainly appear by the Journals of the Council and Assembly, which I shall transmit to your Lordship as soon as I can obtain Transcripts of them, in the mean time your Lordship will discern the temper of the Assembly by its address to me, of which, of the Address of the Council, and of my Speeches in the course of the Session, I inclose Copies herewith. The Assembly your Lordship will observe, boasts of the People's approbation of its past conduct, which would appear by the Address of that House, to have been general; that I am warranted to say, is by no means the case, it is true, that some of the Members who have been principal Leaders in the opposition to the measures of Government, have had influence enough with their Electors to obtain the most fulsome offerings of adulation for their patriotism; while other of the Electors, have by their Instructions, expressed the fullest approbation of the conduct, and propositions of Government; and enjoined their representatives to accept of Court Laws conformable thereto; by

some, it is asserted, that the People at large are highly dissatisfied with the Proceedings of the Assembly, by others, it is alleged, that the majority, being Debtors, is on the side of the Assembly, rejoicing in the protection they enjoy from the suspense of Justice whence-soever it arises, and it is impossible for me to determine what is the truth.

Your Lordship will receive herewith Copies of some very extraordinary resolves the House of Assembly entered upon its Journals on the 24th day of March, which I considered in their nature so unconstitutional, and in their tendency so ruinous to the credit of this Country, as to demand every exertion of Government to prevent their effect. I was ignorant of this transaction on the 26th of March, at the time of the Prorogation, but on the 28th I consulted His Majesty's Council on the measures proper to be taken in the case, and your Lordship will perceive by the Minutes, the Board was unanimously of opinion that the immediate dissolution of the Assembly was become indispensable, and advised also the issuing a Proclamation enforcing the collection of the Tax and duty, to which the resolves of the Assembly refer, according to the Law imposing them; that those resolves were calculated to defeat these steps my Lord, I have pursued; & Writs have been issued, for the election of a new Assembly, returnable on the 26th day of May next, being one day beyond the time to which the late Assembly stood prorogued, but unless some unforeseen public exigency shall make it expedient I do not propose another meeting of the Legislature untill the fall, when I hope to know His Majesty's further pleasure on the points which the Assembly hath so long made obstacles to the Establishment of Courts of Justice upon any reasonable Plan. It appears my Lord that Bills have been brought into the Assembly at every Session, except one, since I came to this Government, for the purpose of taking off the Tax & duty, that are subjects of the resolves above mentioned. At the first a Bill actually passed both the Council and Assembly, and was rejected by me; since that time, when I took much pains to shew the Council, it was a measure inconsistent with the Public faith, and directly contrary, to the Act of the 4th year of His present Majesty, relative to the Paper Bills of Credit in the Colonies, it has been rejected at that Board, in consequence of which, the Assembly has entered resolves upon its Journals, from time to time, declaring that the Tax and duty have had the effect intended by the Law imposing them, and that they ought therefore to dis-

continue, but never has gone so far as in the resolves I now lay before your Lordship, by which that Branch of the Legislature, has assumed the dangerous power, of dispensing with the positive Laws of the Country.

Besides the political enormity of this attempt of the Assembly, to abrogate a solemn and important Law, by its single Veto, there is something so contrary to reason, and justice, as well as good policy in this Proceeding, that I can never cease to wonder at it; for notwithstanding it is asserted, that the Tax, and duty, have had their effect, there is nothing more certain and notorious to every man, than that there is a vast sum of money, yet in circulation, of the emission of forty thousand pounds, in Paper Bills of Credit, of legal tender in the year 1754, which this Tax, and duty, were expressly laid to redeem; and by the Law directed to continue, until the same should be called in, burnt, and destroyed. Indeed, by the last clause but one, of that Law, it appears that the Tax, and duty in question, were thereby engaged, to sink as well the then [present] circulating Bills of Credit, as those to be emitted immediately under the authority of that Act. The plain truth is, my Lord, the Assembly wishes to continue the legal tender Paper Bills in circulation forever, at the same time, that it is aiming to withdraw the only support of their credit, and that House is encouraged without doubt to persevere in this attempt, from the success of a former proceeding of like nature, of which I took notice in my letter No. 9 of my correspondence with the Earl of Hillsborough.

The circumstances of it, were, as appear by the Journals of the Assembly, that in the month of December, in the year 1768, the House resolved, that a Tax of one shilling p^r Poll imposed by Law for sinking £12,000 Proc. money in Bills of Credit of legal tender, emitted in the year 1760, and another Tax of two shillings p^r poll laid for sinking £20,000 like money, emitted in the year 1761, having had their effect, should cease, and be no longer collected. The Council concurred in this resolve, but M^r Tryon, the then Governor of this Province, seeing that the Bills of those emissions, were then abundant in circulation, as they continue to be at this day, opposed its operation vigorously, by issuing a Proclamation inforcing the Collection thereof, according to the direction of the respective Laws, under which the said sums were uttered, that declare, as the Law before alluded to, the Taxes shall continue to be collected, until the whole sums to be emitted under their authority, be paid in, and

burnt in consequence of this step. These Taxes were partially, if not generally, collected throughout the Province, until the year 1770, when an Act passed entitled "An Act to indemnify the several Sheriffs who have not collected the one shilling Tax p^r Poll for sinking the £12,000 granted in the year 1760, and the Tax of two shillings p^r Poll for sinking the £20,000 granted in the year 1761, and to direct such Sheriffs who have received the said Taxes to refund the same to the People from whom they received the said Taxes, since which time these Taxes have not been collected. I can only account for the Governor's assent to this Act upon the supposition, that he was induced to it in that time of distraction, in order to engage the Assembly to adopt measures that were then indispen- sibly necessary to the safety and tranquility of the Country. But as that Gentleman always acted upon the noblest and best principles, I cannot doubt that he fully justified the expediency of his conduct. The effect of it, however, has been to withdraw Taxes, appropriated to the redemption of a quantity of legal tender Paper money, of which there is a large sum still extant, that will continue to circulate, as it has done hitherto, with common consent, I presume, until the hand of all consuming time shall destroy it, although since the prop of its credit hath been thus removed, it is, in fact, become of no value, and its redemption can only be effected, by enforcing again the Laws under which it was emitted, or by a new fund established for the purpose; to both which measures I fear, the Assembly will be equally averse.

Thus I have made your Lordship fully acquainted with the principles of the Assembly's and my own conduct in relation to this matter; and I flatter myself His Majesty and your Lordship will approve the measures I have taken, in which I have been entirely governed by my sense of duty to His Majesty, and due regard to the honor and credit of this Colony.

The Dissolution of the Assembly is a step that I confess, my Lord, I have taken with some reluctance, as I clearly discovered that the Cabals and Parties in it were disjointing fast; but the violence that the House offered to the Constitution, in resolving away the effect of a positive law, and a law upon which the Public Credit so essentially depends, I thought, with the Council, could not be passed over, consistently with the justice and dignity of Government. Many well judging people think it well timed, and that it will produce happy consequences.

Your Lordship will observe by the Proceedings of the House of Assembly on the 23^d day of March, it has done away the personal slight, intended to me at the late Session, in the resolve of the last day of it, which was concerted entirely by two Members, whose names I then mentioned to your Lordship; the other Members, who who were present at the time the resolve was entered upon the Journals, disavowing solemnly their concurrence in it, and many of them disclaiming that they ever heard it proposed, as I am informed, notwithstanding it appears by the resolve as it was delivered in to the Clerk at the Table, which I saw drawn up in the hand writing of its Contrivers, that it passed *Nemine Contradicente*, which implies at least, negative and general approbation.

I have now the honor to lay before your Lordship a Bill for establishing Superior Courts, that to my great surprise passed the Council, as well as the Assembly, at the late Session; although it is at least as exceptionable as any Bill of that nature heretofore proposed; containing regulations concerning attachments, and a limitation of the original jurisdiction of the Superior Courts, inconsistent with my Instructions that I had fully and repeatedly communicated to the other Branches of the Legislature, and more particularly to the Council, and also the repeal of the Bill establishing fees for the support of His Majesty's Chief Justice, while no appointment is made in lieu thereof. Upon all which considerations, I was obliged, in duty, to refuse my assent to it. But as it is a Bill of the greatest consequence, and that I find by the Journals of the Assembly, it is to be supported at the Board of Trade by a Mr Elmsley and a Mr Barker, late practising Attornies in this Country, and now in England, who are appointed special Agents for the purpose, I think it may be proper to state my objections to it, more at large to your Lordship, which are

1st That the original jurisdiction of the Superior Courts is limited contrary to His Majesty's Instructions, communicated by your Lordship's letter No. 6 to cases exceeding twenty pounds value, where Plaintiff and Defendant shall live in the same District, and to matters above ten pounds value where they shall live in different Districts, as will appear on reference to the 11th clause of the Bill. The necessity of this restriction, my Lord, is insisted on to prevent oppressive Creditors harrassing their Debtors, by bringing little suits into Superior Courts at a great distance from their abodes, and aggravating the costs and charges upon the Defendant. But this reason-

ing, I apprehend, my Lord, does not hold good, for it is not to be presumed that Creditors, where they could expect justice in the Inferior Courts, would not institute their suits there, where they can recover their money in nine months, rather than in the Superior Courts, where recoveries could not be had in less time than eighteen months. Besides, creditors who had it in view to harrass their Debtors, and to swell the charges of their suits, would certainly do it more effectually by carrying them first through the inferior judicatures, and then by appeal into the Superior Courts than by commencing their actions originally in the latter. It would be easy, however, to obviate this objection, if it has any force, without depriving the subject of the advantage, that I think important, of choosing between two jurisdictions, where he will have his property tried, in the first instance, by provision in the Court Act, that all suits, where the matter in question does not exceed twenty pounds, shall be brought in no other Superior Court than that of the District in which the Defendant resides, and that the Attornies Fees and other costs and charges therein, shall be the same in the Superior Courts, which will remove the objection, that the Attornies, to enhance their gain, would institute any suit in the Superior Courts. But the true ground upon which it is wished to limit the original jurisdiction of the Superior Courts, is, that the County Court Clerks, of which there are many in the House of Assembly, apprehend, if all suits could be brought there, it would tend to the diminution of the business of their Courts, and consequently lessen their emoluments, and I am very sure that if Government had proposed the very limitation of the Superior Court's Jurisdiction that the Assembly now contends for, it would have been opposed by all the other Members of that Body except the Clerks with more eagerness than it is now adopted.

2nd. That in the Provision of the Bill, relating to attachments, the explanation of the due proof required by the 20th clause of the Debtors absconding, to avoid payment of the debts &c, the reason assigned for which, is to render it intelligible to many of the ignorant Justices who are in this Country supposed, and I believe but too justly, to be wanting in knowledge & capacity to determine what is the *due proof of such circumstances* that should entitle a Plaintiff to a Writ of Attachment, reduces that to vague suggestion, suspicion and pretext which ought to be full, positive as in the nature of things it can be, & satisfactory to the conscience of the

Magistrate, appointed to do justice between Plaintiff and Defendant and of which he is to judge from circumstances, perhaps impossible to be set forth, as they may arise out of every particular case, which I conceive is not contained in this explanatory disjunctive clause, and cannot be properly defined as depending on the various facts, that may attend different cases, of whose weight the Magistrate should be left to judge. And hereupon, my Lord, I cannot help observing, that by the Laws of Attachment of the other Colonies that I have seen (Virginia only excepted, where the Inferior Justices, are empowered to grant Attachments for debts not exceeding £5) the Judges of the Supreme Courts, only, are vested with power to issue that Process, to whom no explanation of due proof can be supposed wanting. In this Province, by the former Court Law, and by this now offered to your Lordship's consideration, Justices of the Peace are authorized to grant Attachments for any sums, and it is notorious, that they have heretofore granted them without any proof of debt, and without any Oath whatsoever.

3^{dly}. That the Provision of the said 20th clause (which is manifestly partial) that no Attachment shall be granted except where the cause of Action &c., can be construed to arise within the Colony, is destroyed by the subsequent part of the Clause, which directs that before the Defendant be suffered to plead, he, or his Attorney, shall give bail to a new suit or action, if the Plaintiff judges one necessary. For, if the absent Defendant shall have no Attorney here, as may happen, no bail is offered, and the Attachment will stand good, although the cause of Action clearly arose out of the Colony, or if he has an Attorney here, the Plaintiff, who may hold a person to bail (which is by this Law in all cases to be deemed special) upon his own suggestion of Damage, without affidavit, as Writs are in all other Actions obtainable here, may lay them so high, that the Attorney of the Defendant shall not be able to procure bail, and I think it appears by the form of the Writ, prescribed in this Law, that damages suggested, are designed to be ground for Attachments.

4^{thly}. That this Bill, without a suspending clause, repeals that part of an Act, passed in the year 1740, which settles Fees on His Majesty's Chief Justice, that is contrary to the 18th Article of the King's General Instructions to me, and as I conceive inconsistent with justice and good policy, while no other Provision is made for the support of that Officer.

I hope for your Lordship's favorable construction of my meaning, when I suggest humbly my opinion of the expediency of giving some uniform Plan of Attachment, to all the Colonies, which now practice various modes; it would seem reasonable, I think, that such matters of Commercial Policy, should [be] under the same regulations, as nearly as possible, everywhere throughout the King's Dominions. Discriminations in such points, of common interest, & concernment, will not fail to create opposition and discontent, in such Provinces as are denied the convenient Laws, for the security of Property, that are admitted in others. And I confess to your Lordship, I should feel sensibly hurt by any measure that should place the People of this Province, over which His Majesty has been graciously pleased to appoint me His Governor, upon a footing of less advantage, than the Inhabitants of the other Colonies. I have at length procured a Copy of the Attachment Law of South Carolina, that is of great latitude and extent, and I transmit it herewith for your Lordship's information.

After all the long struggle that has been made here, for a particular mode of attaching the effects of foreign Debtors, and that it has been asserted in the Assembly, to be a Privilege held ever since the Establishment of a Legislature in this Province, many of the most eminent Lawyers, are of opinion with me, that no Judicial Attachment has been obtainable, as assist such Debtors, by a fair construction, of any Law of this Country, from the beginning of time. It appears by the Journal of the Assembly, that the House on the 23^d day of March resolved upon an Address to be presented to the King, in which His Majesty is alternatively to be implored to withdraw His Instructions, to the Governor of this Province, not to pass any Law subjecting the Goods, Chattels, Lands and Tenements of Debtors, taken on execution of a valuation, &c. Now, upon what ground my Lord, the Assembly has supposed I rejected that Law, at the Session in March 1773, in consequence of particular Instructions from His Majesty, I cannot divine, for I assigned no other reasons for so doing, than its being obviously prejudicial to commerce, and injurious to the credit of this Province. That Law my Lord, has been ever held in execration, by the mercantile Body of this Country, to which it was certainly a great grievance, for by its Provisions, as your Lordship will see on reference to the Act passed in the year 1770, intituled "An Act to direct Sheriffs in levying executions, and the Disposal of Lands, Goods & Chattels taken

thereon." A Debtor might pay his Creditor a just debt, in commodities fit for exportation, at two thirds of their value, under the sanction of which, Merchants might be, and according to my information, actually have been paid in Tow, Timber and other such unwieldy articles, at one, two or three hundred miles distance from navigation, where it is worth ten times their value to bring them to market; or in land as impossible to be converted into money, but with great loss and disadvantage, and such my Lord, were the apprehensions and dread of its being re-enacted, that while the Bill was depending, the merchants were everywhere actually uniting, to address me, to refuse my assent to it; there is a law of indulgence to Debtors in Virginia, which I have often recommended to supply the want of this Law, having I think all its virtues, without its defects.

The opposition that has appeared in the Assembly to the provisions of the Superior Court Act recommended by Government may, according to the opinions of some of the most discerning members of that Body, be ascribed to different principles that have actuated the various leaders of it. Some few are represented as having acted in it conscientiously, and from a sense of rectitude and public good. Another set of men of broken fortunes resisted them in order to prevent the erection of Courts, to the Justice of which they knew they must become sacrifices. And a third have made their opposition to Government an engine to gain weight and popularity in the Assembly, against the next appointment of Treasurers, which comes on in the next winter. The ignorant majority of the House have followed the Leaders of these several descriptions implicitly, without knowing, understanding, or entering into their views.

Among the several Acts passed at the late Session, which I shall transmit, as soon as fair transcripts of them can be made, there is one, my Lord, for establishing Inferior Courts, and another for appointing Courts of Oyer and Terminer that is dependent on the former, which form a Plan so new and extraordinary, for the administration of Justice, as I am sensible needs every apology I can make for passing them. But the measures taken by the Assembly having rendered ineffectual the Powers I derive from His Majesty's Commission for the constitution of Courts of Civil and Criminal Jurisdiction in this Province, Where the hands of Government are so extremely weak, I thought it expedient to adopt even this new fangled and inadequate plan, that will soon discover its own naked-

ness and induce the adoption of a better, rather than to have a Colony in so rude a state as this is, altogether without any mode for the distribution of Justice; and it is upon the necessity of the case alone that I rest my hopes of His Majesty's making a gracious allowance for my assenting to these Acts, in themselves so highly exceptionable.

It has been matter of no less surprise than consolation to me that during the suspense of the Courts of Justice for more than six months, violences have not been more frequent than while they were regularly held. I hope, and think, it is a good presage of the amendment of the People's morals here.

I have the honor to be &c.,

JO. MARTIN.

P. S. Sickness depriving me of all aid, my Lord, I am obliged to write myself, and fear I am ill qualified to write for your Lordship's inspection, especially too as I am now exceedingly fatigued with business and at no time a good Amanuensis.

[FROM MS. 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 THE SHERIFF OF BERTIE COUNTY—GREETING

We command you to summon and warn the Freeholders within our County of Bertie to meet at the Court House in the said County on the 28th Day of this Ins^t April, then and there to choose and elect Representatives duly qualified to sit and vote in the General Assembly of our said Province, to be held at Newberne, on the 26th Day of May next; then and there to consult on the weighty and arduous Affairs of Government. Herein you are not to fail; and have you then and there this Writ, with your doings thereupon.

Witness our trusty and well-beloved Josiah Martin, Esq; our Captain-General, Governor, and Commander in Chief, in and over our said Province, at Newbern, the 4th Day of April in the 14th Year of our Reign, *An o Dom*. 1774.

JO. MARTIN.

By His Excellency's Command

JA^s PARRATT, D. Sec.

NORTH CAROLINA }
 Bertie County } Ss.

By Virtue of the within Writt directed to the Sheriff of this County, whose Commission being expired and in such Cases provided by Act of Assembly The Coroner for the Time being is Impowered to Hold, Poll & return. The same was accordingly Done after Duely warning the Freeholders who met on the day appointed & Duly Elected John Campbell, John Johnston & David Hendly Esq^{rs} by a majority of Voters & they are returned accordingly.

PETER CLIFTON, Co^r.

[REPRINTED FROM JONES'S DEFENCE OF NORTH CAROLINA, P. 124.]

Letter from Samuel Johnston to William Hooper.

April 5, 1774.

MY DEAR SIR,

Colonel Harvey and myself lodged last night with Colonel Buncombe, and as we sat up very late the conversation turned on Continental and provincial affairs. Colonel Harvey said during the night, that Mr Biggleston told him, that the Governor did not intend to convene another Assembly until he saw some chance of a better one than the last; and that he told the Secretary that then the people would convene one themselves. He was in a very violent mood, and declared he was for assembling a convention independent of the Governor, and urged upon us to co-operate with him. He says he will lead the way, and will issue handbills under his own name, and that the committee of correspondence ought to go to work at once. As for my own part, I do not know what better can be done. Without Courts to sustain the property and to exercise the talents of the Country, and the people alarmed and dissatisfied, we must do something to save ourselves. Colonel Harvey said he had mentioned the matter only to Willie Jones of Halifax, whom he had met the day before, and that he thought well of it, and promised to exert himself in its favor. I beg your friendly counsel and advice on the subject, and hope you will speak of it to Mr Harnett and Colonel Ashe, or any other such men. Colonel Harvey left us this morning, and I shall follow him in the course of a few days as far as Edenton,

where if there is anything important stirring, you shall hear from me again.

My best respects to your family, and believe me

Your obedient servant

SAMUEL JOHNSTON.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from Governor Martin to the Earl of Dartmouth.

NEWBERN, April 6th, 1774.

MY LORD,

The duty I owe to the King, my sincere zeal for His Majesty's service, and my anxious desire to support with dignity and firmness the just measures of His Government, oblige me to lay before your Lordship, for His Majesty's consideration, the conduct of a majority of the Council of this Province at the late Session of the General Assembly, which has appeared to me highly unworthy and unbecoming, and in its tendency greatly injurious to the inseparable interests of Government and this Country.

It is necessary I should premise to your L^{dy} that I communicated twice in full Council at the former Session with an injunction of secrecy His Majesty's Instructions communicated to me by your Lordship's Letter N^o 6, as well with regard to the regulations concerning Attachments, as the limitation of the original jurisdiction of the Superior Courts, which last your Lordship will find expressed in these strong terms admitting of no ambiguity: "The King will not consent that the Jurisdiction of His Superior Courts should be limited in cases of any value whatsoever," which I also declared in my speech at the opening of that Session, I then thought to the understanding of everybody, although in somewhat different phrase, and I am very confident no doubt at that time was entertained of my meaning. And it seems that the Council had a just sense of it by the positive refusal of that Board to agree to the limitation of the Superior Courts as will appear to your Lordship by its Message to the Assembly of the 14th day of March on reference to the Journals herewith transmitted.

On the day before the Superior Court Bill, enclosed to your Lordship in my dispatch No. 22, passed the Council, at the late Session,

I discovered by the conversation of M^r DeRosset that there was an inclination in some of the Council to pass it. I answered him that I understood it contained the exceptionable clauses on which former Bills had been rejected, but that I should consider with all due attention any Act of the Council in a case of such importance. I sent for the Council Journals immediately afterwards, my Lord, and considering the state in which the Bill lay, that it was on the last reading, that M^r DeRosset had discovered at least a wavering in the Council with regard to it, and that it must decide upon the Bill's passing or not, probably the next morning on receipt of the Assembly's answer to a very peremptory message of that Board on the 14th day of March, proposing amendments, I thought it proper in order to confirm the Council in its duty, and to cut off every pretence of ignorance, to lay before them in writing His Majesty's Instructions with regard to the two points in the Bill on which only doubts could possibly be suggested, the Plan of Attachment being confessedly and universally well known. Accordingly, on the 17th I sent a message with the Extracts from my Instructions that stand upon the Journals of that day's proceedings to which I beg leave to refer your Lordship. This somewhat disconcerted the friends of the Bill who expressed wishes, I hear, that the Governor had not sent these Instructions, thinking, I suppose, they might with better grace plead ignorance of them than they could now that they stand there in their face. Notwithstanding this discomfiture, however, the Bill was passed the same day, directly contrary to the express declaration of the Council to the Assembly in its Message before alluded to, and your Lordship will find these Gentlemen after all, with one accord, dissemble ignorance of these very instructions, that lay upon their Table when they passed the Bill, a littleness which they cannot, I think, remember without a blush.

I confess to your Lordship I was exceedingly surprised at this conduct so inconsistent with the dignity of the Council, and my sense of its duty to Government, which I had carefully & designedly enlarged upon at the Board on the opening of the Session: and set before it, in the strongest manner I was able, the particular need there was of the Council's utmost support at a time when the representatives of the People were blindly opposing its just measures, and urging their Country's ruin.

On the 19th after receiving a message from the Assembly importing a desire to know when I should receive the House to present the

Bills it had prepared, and that I had appointed 5 o'clock that evening, I ordered the Council to be summoned an hour sooner, when I advised with the Board, as a Privy Council upon the part becoming me to take with regard to the Superior Court Act, which they had passed to my great surprise as an Upper House of Assembly, although it contained Provisions expressly contrary to His Majesty's Instructions repeatedly communicated to them. The Council was equally divided in its advice to me for, and against, giving my assent to the Bill; Mr Sampson who had made a majority in the Upper House for passing the Bill, being then confined by illness. I cannot express to your Lordship my feelings on seeing division in the Council on a question of which the import was, whether I should, or should not fulfill my duty to His Majesty. As I know the Council discriminated between their duty in the Upper House of Assembly and at the Council Board, although in my opinion mistakenly, and that the Members thought it not inconsistent with their duty to act oppositely to the King's instructions in their Legislative character while they considered themselves bound by them as Counsellors of the Governor, I fully expected that having sacrificed in the first instance to popularity, The Council in the different character they now took would unanimously advise me to reject the Bill, they so well knew I could not in duty pass. To my great Concern and astonishment however, it happened otherwise and as I could not help thinking the Members who advised me to give my Assent to such a Bill were guilty of a flagrant breach of duty to His Majesty, it was not without much repugnance that I could forbear testifying my disapprobation of their conduct, by their immediate suspension, but reflecting on the circumstances of things, that my Instructions required a majority of the Council to concur in such an Act, whereas it was then equally divided on the subject, that would be my Ground for the Proceeding; that it might be charged to rashness and precipitation as the Assembly had most unjustly done my conduct in the Conclusion of the former Session, and besides that if the Council's behaviour should, as in my estimation deserve such high mark of His Majesty's displeasure, it would come from the royal Authority with infinitely greater force, and effect, than from me, I restrained my indignation.

Such, my Lord, were the motives of my forbearance, and I contented myself with requiring separately in writing the reasons of the Members who advised me to pass the Bill. These I did not

obtain until the 26th day of last month, when I informed the Gentlemen that I should transmit them to your Lordship to be laid before His Majesty, as what was to justify their conduct, or to condemn mine. Accordingly, my Lord, I have now the honor to offer them to your Lordship's consideration, remarking upon them only, that they are all alike, that the Gentlemen concur most exactly in their opinions, and that I believe M^r DeRosset, who is greatly the superior among them in point of understanding, has the merit of the composition and that I see with infinite concern, Members of His Majesty's Council resorting to the shallowest wickedness and most groundless pretences to extenuate a conduct that they know is not defensible; that they pursued in spite of the fullest evidence of its impropriety, and of which they ought to be ashamed. Their own proceedings, my Lord, as an Upper House of Assembly that will appear on their Journals now transmitted, and the circumstances I have set forth with the strictest exactness are sufficient I apprehend for their confutation, I will therefore only further observe, that their reasons for passing the Bill under contemplation, and for advising me to pass it, grounded on the Assembly's refusal to adopt any other Plan will apply as well to excuse them for yielding to any other wrong measures that Branch of the Legislature shall obstinately and unreasonably adhere to, and that the assertion of the Chief Justice's Fee Bill causing clamour in this Country, and being one ground of the late insurrection is quite new to me; having always heard that the People's discontent arose from the Clerks extortions in their own behalf.

I have seen, my Lord, during the two preceeding Sessions a disposition in these Members of the Council to cultivate the favour of the Assembly particularly instanced by their countenance given to the Bills for establishing Inferior, without Superior Courts, very much to the disparagement of the operations of Government and their own weight and dignity. I am very sorry to say to their dishonour, that it is known in the Assembly how the Council as an Upper House of Assembly, will divide upon any question before it is agitated. That these Members seem to have only studied to throw the odium of resisting the Assembly's wishes off their own shoulders upon the King's Governor, instead of firmly supporting the just measures he is authorized to propose, becoming thus an embarrassment rather than a bulwark & defence to Government, and I have heard with indignation that through some of them, the most secret

and confidential transactions at the Council Board have constantly and immediately transpired.

In short, my Lord, my duty obliges me to declare that it is impossible to carry on the business of Government, with dignity and propriety, with a Council of such principles, and I do therefore hope His Majesty will be pleased to suspend the Members who have so flagrantly violated their duty to His Majesty and the Publick, and where seats may be supplied I am sure with infinite honor and advantage to His Majesty's service as I think will appear from a sketch of their characters, and of those of the Gentlemen I propose to fill their vacancies, which I believe it proper to give, however hateful and invidious the task. To begin with

M^r Rutherford. He is, my Lord, a Bankrupt in point of fortune although unhappily the Receiver General of His Majesty's revenues, of excellent temper but strangely confused understanding, and actually disqualified by invincible deafness for public business.

M^r DeRosset is a man of good natural understanding and moral character, of moderate fortune and slender education, and extremely attentive to the favour and applause of the Assembly in all political controversies.

M^r Sampson, a gentleman of the Kingdom of Ireland, who has thought fit to assign reasons for advice that he intended to give me, if his indisposition had not prevented his attendance in Council is a man of middling fortune and of good moral character, but of very shallow understanding and an implicit follower of the opinions of M^r DeRosset on all occasions.

M^r Dry, Collector of His Majesty's Customs at Port Brunswick, a good-natured man, of no pretensions to knowledge or understanding in anything, an advocate for all popular measures, and a republican if he has any fixed political principles at all.

M^r Cornell, a man of no education, who has acquired in Trade a very considerable fortune from the lowest beginning, an adept in mercantile business, and of no knowledge or talent out of that line. He was brought into Council by Governor Tryon, who believed him well principled towards Government and who had found him useful by his money in some public exigencies, but detested in this place where he has made his fortune for his vanity and his griping and oppressive disposition.

I have already had the honor to recommend to your Lordship M^r Willie Jones, and M^r M^cGwire, His Majesty's Attorney General, to

supply the vacancies occasioned by the resignation of Sir Nath^l Dukenfield and M^r Marmaduke Jones, and I humbly propose the following gentlemen to fill the vacancies of the Members of the Council above mentioned.

M^r Hugh Finlay at this time a member of the Council of Canada, a gentleman of education and good fortune, of an excellent character and great understanding. He is Surveyor of His Majesty's Post roads in America, and now fixing his residence in this Province.

M^r Robert Munford, a gentleman of liberal education, of exceeding good understanding, very considerable fortune, and of a very amiable character, lately removed into this Province from Virginia.

M^r Thomas Markwright, a gentleman of good education, who has made a large fortune in Trade, of liberal disposition, excellent understanding, and a very respectable character.

M^r Robert Schard, a gentleman of exceeding good sense and amiable character, has lately retired from Trade with a good fortune, and is making great progress in the culture of rice.

M^r Lancelot Graves Berry, Collector of His Majesty's Customs at this Port, a young gentleman of good education, and parts, of genteel fortune and fair character.

With a Council thus formed, my Lord, I will venture to say I could transact the public business with satisfaction, dignity and propriety, and I do not know my Lord upon my honor that taking all circumstances together, I could change one for the better in this Country.

In the representation I have made of the conduct and characters of the present Council who have behaved so unworthily, I do aver to your Lordship, I am influenced entirely by a sense of duty, and regard to truth, free from prejudice and personal dislike, for which indeed I have not the shadow of reason, since they have always treated me with all sort of regard; and if I may believe their professions, entertain the greatest respect for me.

M^r Alexander McCulloch, who is as little qualified as either of those Gentlemen for a seat in the Council, fell off upon this late occasion from the popular side, to which he was wont to have heretofore upon all occasions, on what Principles I know not, but he has rendered himself exceedingly hateful by that apostacy to his old Associates.

I should be much wanting in justice my Lord, if I could conclude this letter or omit any other proper occasion to bear my testi-

mony to the honorable, steady, generous and right conduct of the worthy and aged M^r President Hasell, M^r Strudwick and M^r Chief Justice Howard, from whom I have met with every aid and support that they could give me, or I could expect, in the discharge of my duty to His Majesty; and I have to hope that His Majesty's disapprobation of the behaviour of the Gentlemen who have abandoned the interests of Government and their Country, and sacrificed their duty, will give strength and countenance to these friends of Government and to my feeble, but best endeavours, to promote His Majesty's service.

However out of place it may be, my Lord, I cannot help observing to your Lordship, that it is singular the Gentlemen of the Council just mentioned, who had the same participation in my Counsels, should pretend ignorance of those Instructions, of whose meaning the Members last named never entertained the least doubt.

I have the honor to be &c^a

JO. MARTIN.

TO HIS EXCELLENCY, JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a

SIR,

Your Excellency has required that I should assign the reasons which induced me to recommend to you to ratify the Bill for establishing Superior Courts passed this Session through both Houses of Assembly.

The distressful situation of this Province for want of either a civil or criminal Jurisdiction so sensibly and severely felt by the Inhabitants of this Country, and so justly and pathetically described by your Excellency in your Speeches to both Houses of Assembly, evinces the necessity of establishing Courts of Judicature. This I was of opinion could only be effected, by ratifying the Bill above mentioned, as the representatives of the People had absolutely refused to adopt any better plan for the establishment of Superior Courts than that proposed by the Bill rejected by your Excellency. The Council Journals will sufficiently testify that the Upper House used every means in their Power to prevail on the Assembly to alter that Bill, agreeable to your Excellency's wishes, but on their refusal that Board judged it more expedient to pass the Bill as it was, than to suffer the Country to remain longer in the state Anarchy & Con-

fusion to which it has been subjected for these twelve months past, and when I reflected that this Bill was, although ratified here, still subject to His Majesty's royal disallowance, I determined to advise your Excellency to give your assent to it, as the only possible expedient to restore the fallen credit of the Country, and further Sir, as far as I could collect from that part of a Letter from the Earl of Dartmouth which your Excellency communicated to the Council, a principal objection to the Act passed in March 1773, with a suspending clause for establishing Superior Courts, which His Majesty did not approve, was that it did not restrict the granting Attachments to cases where the cause of Action originated in the Country and this Provision I conceive was made by the Bill you rejected; another cause assigned for the royal Disallowance of the Act above referred to I ever understood was owing to the extension of the Jurisdiction of the Inferior Courts to fifty pounds, and the restriction of that of the Superior Courts to take cognizance of no less sum but in certain cases, whereas by the Bill offered to your Excellency this Session, a right was given to sue in the Superior Courts for any sum above ten pounds except in those instances where the Parties both resided in the same District, and in that case suits might be commenced for twenty pounds. This was a Provision calculated to prevent vexatious prosecutions for trivial sums in the Superior Courts & designed to guard poor debtors from the heavy Costs that would accrue on being sued in those Courts by ill disposed persons, who under the sanction of that Law might greatly oppress such as might be considerably indebted to them, and is a Provision that has ever been made since the first establishment of Superior Courts under Governor Dobbs' Administration, so that I conceived Sir there was a material difference between this Bill and that above referred to disallowed by His Majesty, besides I judged that if your Excellency had assented to the Bill it would have had a tendency to quiet the minds of the Inhabitants of this Country who generally at present appear from their Instructions to their representatives not at all disposed to come in to the measures proposed by your Excellency, and when the warmth of opposition had subsided it is reasonable to suppose that in a better temper such a Law as would have been satisfactory to Government, if this had not proved so might have been more easily obtained, but as this is the third Session your Excellency has met the Assembly since the unhappy contest between the different Branches of the Legislature has subsisted, I did think

and still do, that His Majesty's service would have been more effectually promoted by your Assent to the Bill than to suffer the Country to remain longer in anarchy and confusion. How far the Laws for establishing Courts of Oyer and Terminer and Inferior Courts which your Exc^e has since passed will answer this purpose I cannot foresee tho' I am hopefull they will have many effects, but until a Superior Court Law is passed that protection derived from a regular system of Laws to the Persons and Properties of the Inhabitants of this Country is left on a very precarious and uncertain footing.

The Act of 1748, so far as relates to Fees or Suits both to the Chief Justice and to the Clerks of the Courts has long been considered as injurious to this Country, and the uncertainty of that Law and the extortions practiced under it was one of the principal causes assigned by the Insurgents for their taking arms against Government, and which cost the Country near sixty thousand pounds to suppress. The fees of the Clerks have been explained and ascertained with precision and the Chief Justice provided for by a salary equal if not superior to what is allowed that Officer in any other Colony on this Continent.

This Provision I consider much more honorable and more becoming the dignity of the Office, than the precarious collection of trifling Fees from suiters. It is true that the Law granting this Salary is limited in its duration, but the Assembly have given the strongest assurances of their intentions always to make suitable and honorable Provision for that Officer, and from all these considerations I am induced to think that in this instance nothing can be contrary to the spirit of any of His Majesty's Instructions that I have seen.

I trust that my avowed loyalty to my gracious Sovereign & His illustrious House, my abhorrence of republican principles, the zeal I have constantly manifested for the support of Government even to exposing my life and property in its defence, and my constant application and unimpeached conduct for above twenty one years at a great expense to myself in discharge of the important Trust reposed in me by the Crown are sufficient justifications of the purity of my intentions.

I have the honor to be &c.,

LEWIS DEROSSET.

Newbern 25th March 1774.

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

Your Excellency having required that I should assign the reasons which induced me to recommend to you, to ratify the Bill for establishing Superior Courts, passed this session thro' both Houses of Assembly.

The distressful situation of this Province &c. [What follows is the same as in previous enclosure down to words "Instructions that I have seen."]

I trust that my avowed loyalty to my gracious Sovereign and His illustrious House, the zeal I have constantly manifested for the support of Government, even to exposing my life more than once in its defence, and my constant application for above twenty two years in discharge of the important trust reposed in me by the Crown, are sufficient justifications of the purity of my intentions.

I am &c.,
RUTHERFORD.

Newbern 25th March 1774.

NEW BERN, March 25th, 1774.

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

As I was one of the Members of the Council that agreed in the Upper House to pass the Superior Court Bill that was rejected by your Excellency, and tho' unfortunately by sickness was prevented from attending when you was pleased to ask the advice of the Council relative to that Bill, yet as I should most certainly have recommended to your Excellency the ratifying of it, I think it incumbent on me to give my reasons for such my intentions.

The distressful situation of this Province, &c. [Same as previous enclosures down to words "Instructions that I have seen."]

I trust that the loyalty I profess for my gracious Sovereign and His illustrious House, my abhorrence of republican principles, the zeal I have ever shewn for the support of Government and my unwearied application and unimpeached conduct for a number of years at a great expence to myself, in discharging the important

Trust reposed in me by His Majesty are sufficient to justify the purity of my intentions.

I have the honor &c
JOHN SAMPSON.

NEW BERN March 25th 1774.

TO HIS EXCELLENCY, JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a,

SIR,

Your Excellency has required that I should assign the reasons which induced me to recommend to you to ratify the Act for establishing Superior Courts. passed this Session through both Houses of Assembly.

The distressful situation &c. [The same as in previous enclosures down to "Instructions that I have seen."]

I cannot conclude without testifying my loyalty to my gracious Sovereign & professing my regard for his Government, in support of which I have ever manifested the utmost zeal. My life I have cheerfully exposed in the service of my King, & in suport of His Government I have risqued as much of my Property as any Subject in this Country. It was unsolicited that your Excellency's worthy Predecessor recomended me to the seat I have now the Honor to fill in His Majesty's Council, and it is only by the uprightness of my heart, the Purity of my intentions & the constant uniform exertion of my best endeavors to support the Honor and dignity of Government, that I wish to recommend myself to the favour of my King.

I have the honor to be &c.,
SAM^r CORNELL.

NEW BERN March 25th 1774.

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a,

SIR,

Your Excellency has required that I should assign the reasons which induced me to recommend to you to ratify the Acts for establishing Superior Courts, passed this session through both Houses of Assembly.

The distressful situation &c. [The same as in previous enclosures down to "Instructions that I have seen."]

To a Member of His Majesty's Council of North Carolina, bound

by every tie of honor and of duty to act a part in public life, not unworthy the important trust reposed in me by my Sovereign, I acted from the independant Principles of rectitude and good conscience and with the fullest duty I owe the Crown, and to the happiness of the Province, I advised your Excellency to assent to the Bill. If I hath been wrong my heart hath no share in the transgression. I have the conscious satisfaction to think that I have acted to the best of my understanding, & I hope it will be thought so by the Sovereign & his Ministers. I don't by any means wish to embarrass your Excellency's Administration. It is and ever has been my intention to render every support to Government in my Power.

I am with respect &c.,

W^m DRY.

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

Bond of Office of John London, Esq., Clerk of New Hanover.

Know all men by these presents that we John London, John Burgwin & John Ancrum, all of New Hanover County, in the province of North Carolina, are held and firmly bound unto Cornelius Harnett, John Lyon and Alexander Lillington, Esquires, Justices of the Inferior Court of pleas and quarter Sessions of the said county, and the rest of the Justices of the said county now sitting in court in the just sum of one thousand pounds proclamation money to be paid to the said Justices and their successors, for which payment well and truly to be made we hereby bind ourselves and each of us our and each of our heirs executors and administrators jointly and severally by these presents. Sealed with our seals and dated the eighth day of April, one thousand seven hundred and seventy-four and in the fourteenth year of his Majesty's reign.

The condition of the above obligation is such that whereas the above bound John London is appointed Clerk of the said Court. Now if the said John London shall well and safely keep the records of the said Court, and faithfully discharge the duty of his office as clerk thereof then this obligation to be void, otherwise to remain in full force and effect.

JOHN LONDON [Seal].

JOHN BURGWIN [Seal].

JOHN ANCRUM [Seal].

Sealed and Delivered in the Presence of

J. MACLAINE.

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

Official Bond of William Cray, Jr., Clerk of the Pleas, &c.

NORTH CAROLINA, }
Onslow County. }

Know all men by these Presents that we William Cray Jun^r, Henry Rhodes and William Cray Sen^r, all of the County and Province aforesaid, Gentlemen, are held and stand firmly Bound unto the Justices of the Inferior Court of the County of Onslow aforesaid in the Penal sum of One Thousand Pounds Proclamation Money to be paid the Justices aforesaid or to their successors in office. In Witness whereof we have Hereunto set our Hands & Seals this 12th day of April 1774.

The Condition of the above obligation is such that whereas at an Inferior Court of Pleas & Quarter Sessions Begun and held at the Court House in the County of Onslow aforesaid on the second Tuesday in April in the year aforesaid, the Justices of said County Nominated and appointed William Cray, Jun^r, Clerk of the Inferior Court of Pleas and Quarter Sessions. Now if the above Bounden William Cray Jun^r do and shall safely Keep the Records of said Court and faithfully Discharge his duty as Clerk aforesaid, then the above Obligation is to be Void and of None Effect, otherwise to be and Remain in full force, Power and Virtue.

WILLIAM CRAY, JUN^r [Seal].

HENRY RHODES [Seal].

WILL^m CRAY [Seal].

Signed, Sealed and Delivered in Presence of

JN^o COOKE

ALEX. GRAY.

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

COUNCIL JOURNALS.

At a Council held at New Bern 23^d April 1774.

Present

His Excellency the Governor.

The Honble {	James Hasell	Samuel Strudwick	} Esquires
	John Rutherford	Martin Howard ^r &	
	Lewis DeRosset	Samuel Cornell	

His Excellency desired the advice of the Council as to the measures proper to be taken with certain persons from this province who have settled on the Cherokee lands and who, it is represented by His Majesty's Superintendant of Indian Affairs, have given umbrage to those people, and may probably involve this Province in a war with them.

This Board recommended to His Excellency to issue a proclamation strictly requiring the people who have settled beyond the Indian Line to remove themselves forthwith, or they must expect no protection from this Government.

NORTH CAROLINA — Ss.

By His Excellency Josiah Martin, Esq., Governor, &c.

A Proclamation.

Whereas it hath been represented to me by John Stewart, Esquire, His Majesty's Superintendant of Indian Affairs, that sundry persons supposed to be Emigrants from this Province had settled on the Cherokee Lands, in violation of the most solemn Treaties, which had given just umbrage to the said Indians, and may be attended with the most fatal consequences; I have therefore thought fit, by and with the advice and consent of His Majesty's Council, to issue this Proclamation, hereby strictly enjoining and requiring the said settlers immediately to retire from the Indian Territories, otherwise they are to expect no protection from His Majesty's Government.

Given, &c., 25th April 1774.

JO. MARTIN.

God save the King.

His Excellency laid before the Board a resolution of the Lower House of Assembly to discontinue the collection of the one shilling poll tax, and the duty of 4^d $\frac{3}{4}$ gallon on rum, wine and other spiritous liquors imposed by a Law still existing, and which hath not had its effect. The Board were of opinion that His Excellency should issue a Proclamation to enforce the collection of the said Tax and duties according to Law, requiring the Sheriffs to receive it on pain of having their Bonds put in suit against them.

NORTH CAROLINA—Ss.

A Proclamation.

This proclamation is *verbatim* with the one issued the 29th January, 1772, except this alteration—(And whereas the late Assembly

by a resolve of the 24th of March last, have directed the Treasurers of the Province to order the Collectors of the said Poll Tax and duties to discontinue the Receipt of them for the future, asserting that the above recited Law has had its effect, altho' it is notorious that the money arising, &c.)

Dated 26th of April, 1774.

(Signed) JO. MARTIN.

God save the King.

His Excellency observed to the Board that the time expressed in the Law for the County Court to recommend proper persons for the Sheriff's Office would in several Counties expire before their respective Courts could be held, and desired their Opinion whether in that case he could legally appoint Sheriffs for such Counties.

The Board were unanimously of opinion that His Excellency had power so to do.

The Members of His Majesty's Council here present qualified to a General Commission of the Peace.

[REPRINTED FROM JONES' DEFENCE OF NORTH CAROLINA, P. 312.]

Letter from William Hooper to James Iredell.

April 26th 1774.

DEAR SIR,

"You have great reason to reproach me that I have not long before this answered your most acceptable letter of the 30th of December last. Attribute my neglect to business, which I might have postponed, to forgetfulness, to indolence; but by no means to want of respect, for be assured that this had not the smallest share in the omission. It is a crime however, which in some degree, has carried its punishment with it, as it has deprived me of a repetition of your epistolary favors hitherto, from which I might have derived ample instruction and amusement.

"It has afforded me the utmost pleasure, that, notwithstanding the multiplicity of business in which you are engaged, you have found some leisure moments to dedicate to the investigation of those political subjects which have engaged the attention and hurt the peace

of this province. Every man who thinks with candor is indebted to you for the share you have taken in this interesting controversy. You have discussed dry truths with the most pleasing language, and have not parted from the most refined delicacy of manners in the warmth of the contest. It is a circumstance which much enhances the merit of the performances written in opposition to the measures of Government, that those who have attempted to answer them have for argument substituted personal invectives, and have lost sight of the measure to run foul of the man.

"I am happy, dear Sir, that my conduct in public life has met your approbation. It is a suffrage which makes me vain, as it flows from a man who has wisdom to distinguish, and too much virtue to flatter. If I have served the public in any respect, I have done no more than my duty; if I have adopted measures inconsistent with the public good, and pursued the completion of them, it is to be charged upon my understanding, for my heart hath had no share in the transgression. I shall meet the censure of the world with indifference, wrapt in that applause which no external circumstances can rob me of—that I have done my endeavours to the best of my knowledge to serve my country.

"With a pleasure which words can scarce express, I have gone hand in hand with those whose virtue baffled the severest trial, by making a sacrifice of private interests to the promotion of the public good; who in private life maintained a character exemplary in being upright, and by the independent rectitude of their conduct in public life, and the open, generous manner in which they expressed their sentiments, might rival the dignity of a more august senate than that in which they were placed. While the scene of life in which I was engaged with them would have rendered any reserve on my part not only improper, but even culpable, you were destined for a more retired, but not less useful conduct; and whilst I was active in contest, you forged the weapons which were to give success to the cause which I supported. To your most intimate friends I am indebted for the discovery of you as a writer; and you will pardon them for the luxury they have furnished me in an opportunity of being grateful to an author who claims no reward for serving the public but the pleasure of it, and deals out his bounty to them without suffering them to know the hand from which it flows.

"With you I anticipate the important share which the Colonies must soon have in regulating the political balance. They are

striding fast to independence, and ere long will build an empire upon the ruins of Great Britain; will adopt its constitution purged of its impurities, and from an experience of its defects will guard against those evils which have wasted its vigor and brought it to an untimely end. From the fate of Rome, Britain may trace the cause of its present degeneracy, and its impending destruction. Similar causes will ever produce similar effects. The extent of the British dominion is become too unwieldy for her to sustain. Commerce hath generated a profusion of wealth, and luxury and corruption, the natural attendants of it. Those to whom are entrusted the conduct of the State are too much absorbed in debauchery to attend to the rights of the Constitution, or too enervated to dare to support them. Venality is at the standard it was when Jugurtha left Rome, with this difference, that subjects are now found who have wealth enough to make the purchase, and have advanced very far in the infamous traffic. What Sir Robert Walpole gained by the artful use of the public treasury is now the voluntary contribution of individuals, and subjects vie with each other in the pious purpose of subverting the Constitution. In Britain the attack must soon produce its purpose; it is directed at the freedom of elections, its success buys the independence of Parliament, and then farewell Old England.

“They who view things superficially, are induced to believe, from the authority which the Mother Country maintains abroad, that the body politic is in the highest vigor.

“Appearances deceive them. What strikes them as the glow of health, is but the flushing of a fever. The coloring is transitory and fatal. Rome in its greatest lustre was upon the verge of dissolution; an internal malady preyed upon its vitals, which became the more dangerous from being concealed. Good fortune is a powerful enemy to virtue, and mankind become abandoned in proportion to the strength of temptation, and the facility of being gratified. Her ambition was sated. She sat down in indolence to enjoy the fruits of conquests, regardless of the means by which they were to be supported. Luxury and dissipation ensued. The amusements which they had formerly pursued, and which had conspired to brace their nerves and give vigor to their constitution, and thus prepared them for action, took a different turn; the refinement of the arts and sciences, while it softened the ferocity of their manners, depraved the purity of their morals, and Rome from being the nursery of heroes, became the residence of musicians, pimps, panders, and cata-

mites. Their extravagance and profusion every day excited new wants, while the sources were no longer open from whence they were to be supplied. The provinces, dependent on them who had now added the Roman discipline to their own native bravery, prepared to subdue their conquerors with the arms which they had put into their hands. Wearied with being made the mere instruments of pleasure and convenience to Rome, they began to feel their own importance and to aim at independence. The Empire, no longer in a situation to give laws to her remote dependencies, and to enforce obedience by the exercise of her own strength, had recourse to barbarians for succour, and shuddered at the cabals of her own subjects. She fell a sacrifice to a herd of savage miscreants, and the most polished State in the world sunk at once into absolute barbarism. She had been some time ripe for this fate. Some one of enterprise was wanting to make the attempt. Reserve the catastrophe, and might not Great Britain be the original from which this picture is taken?

"America is perhaps reserved to be their asylum; may they find it the asylum of liberty too. Be it our endeavour to guard against every measure that may have a tendency to prevent so desirable an object. Thus I have forced upon you my undigested thoughts upon a subject, which some hints in your letter have drawn me into a discussion of, with a prolixity that will require all your good nature to excuse.

"I know too well your reverence for our Constitution not to forgive it in another, although it borders upon enthusiasm. There may be an excess even in virtue.

"Adieu, dear Sir. I flatter myself that this may be introductory to a frequent and intimate correspondence between us, in which, though I am to be the only gainer in point of instruction or amusement, yet I shall in a manner thereby make you my debtor by furnishing you the highest entertainment—the luxury of obliging a friend.

"I am, dear Sir, &c.,

"WILL HOOPER.

"From the Sound April 26th 1774."

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from Earl of Dartmouth to Chief Justice Howard.

WHITEHALL, 4th May 1774.

SIR,

I have received your letter of the 4th of January inclosing a memorial respecting the present state of your Office of Chief Justice of His Majesty's Province of North Carolina, and I beg you will be assured that I will not fail to give due attention to it, and to take every step, as far as depends upon my Department for inducing a due consideration of the difficulties and disadvantages you complain of, and of the necessity of making some Provision that may render the office of Chief Justice less dependent, and the emoluments of it less precarious.

I am &c.,

DARTMOUTH.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from the Earl of Dartmouth to Governor Martin.

WHITEHALL, 4th May 1774.

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

I have received your Dispatches numbered 18, 19, 20 and 21, and have laid them before the King.

At the same time that I lament the distracted and disordered state of your Government arising from the obstinacy and want of temper in the Assembly in their last Session, I should do injustice to you if I did not express my approbation of your conduct in the steps you took to reconcile the difficulties that arose during the course of the Session, and in putting an end to further proceedings, by Adjournment when there was no longer any hope that those difficulties would be removed, but on the contrary a very just ground of apprehension that the House would have proceeded to more violent and unwarrantable Acts.

The manner in which they very early took up and concurred in the resolutions of the House of Burgesses of Virginia was a very

unfavorable omen of what was to follow, and the whole of their proceedings respecting the Court Acts discovers such an unwillingness to acquiesce in what had been recommended to you upon that subject in my letter of the 4th of August last, that I am almost without hope of seeing an end to the distraction that prevails within your Government and which has already operated so prejudicially to the King's authority and to the real interests of the Province.

I have already in that letter fully expressed to you how much I have at heart the welfare and prosperity of North Carolina, but I should betray the trust that my Royal Master has reposed in me if by any direction of mine I could authorize provisions to be made by Law, for any Establishments that might militate against those principles of Justice upon which the Laws of England are founded.

The alteration proposed to be made in the Oath to be taken before an Attachment issues in cases where the cause of action arises within the Colony does not however appear to be objectionable, and if the Plaintiff deposes that the Defendant in the suit has *according to the best of his belief and information* absconded to avoid payment of his debts so that Law process cannot be served upon him, it may certainly be consented to in that form, and the King desirous of conforming to the wishes of his faithful subjects in all cases where it may be done without hazard to the Constitution, is graciously pleased to allow that you may consent to any Law by which the mode of Attachment adopted in other Colonies shall be enacted with regard to defendants resident in either of the adjoining Colonies of Virginia or South Carolina.

I shall be very happy if this explanation of the King's gracious intentions may have the effect to restore peace and harmony to the Colony and may induce the representatives of the people no longer to withhold those Establishments so essential to the welfare of their constituents or to persist in that limitation of the Jurisdiction of the Superior Court which it will be your duty firmly to withstand, pursuant to the instructions you have already received.

The endeavours of the Assembly to throw doubt upon the validity of the proceedings of the Courts of Criminal Jurisdiction established by you in consequence of the powers vested in you by His Majesty's commission is a further evidence of their presumption and the want of candour that has so much distinguished their late proceedings. I agree with you, however, in the opinion that whilst they continue in this spirit of obstinacy and ill humour it may be advisable to desist

from the establishing any Courts of Civil Jurisdiction unless such establishment shall become absolutely necessary.

Whenever that ease occurs it will be your duty to obey your Instructions, for it is not possible without a violation of every principle of Government to withhold from the King's Subjects a due Administration of Justice in what relates to their civil rights, merely because the Assembly from an obstinate adherence to a regulation inconsistent with the practice and spirit of the Laws of England, refuse to make any Provision for that purpose.

The new charter proposed to be granted to the Town of Wilmington appears to be unexceptionable and consequently there can be no objection to your giving your Fiat to it.

The resolution of the Assembly of the 9th of December respecting the Taxes and duties that were established as a fund for sinking the Paper currency seems to me if not unwarrantable in the form, at least highly improper in the object of it, and therefore it was extremely necessary that you should put your negative upon any Bill that should be founded on such a resolution and your conduct on that occasion is very much approved by the King.

The Election Law of the year 1715 evidently establishes a disqualification in any Town to send a representative that has not the number of Freeholders therein described, and therefore it was prudent in you to avoid entering into any controversy with the Assembly upon their rejection of the Member elected for Tarborough in consequence of the charter you granted to that Place.

I am &c.,

DARTMOUTH.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from Governor Martin to the Earl of Dartmouth.

N^o CAROLINA NEW BERN, May 5th 1774.

MY LORD,

I have had the honor to receive in due course, your Lordship's Dispatches numbered 7, 8, & 9, the last accompanying your Lordship's Letter, and the King's Instructions, relating to the future disposal of His Majesty's lands in this Province, to which your Lordship may depend, I will pay the most exact obedience; and to the end, that I may not on any construction of my own, exceed, or fall

short of His Majesty's Royal instructions in the execution of them, I have sent to take the opinion of His Majesty's Attorney General here, whether entries of lands, made prior to the receipt of the King's Order in Council last year, restraining me from granting more lands, are, or are not to be considered such antecedent steps, as will, in equity, give Titles to Grants of such lands, that I may give notice to the Entrants thereof, to receive back their money paid on their Entries into the Secretary's Office, if they are precluded from perfecting their Titles, or take order for completing them, if they are deemed to come within your Lordship's rule of exception. The entry of land is certainly an antecedent necessary step to obtain a Grant, according to former regulations, and the people who forbore to withdraw their money so paid, after my Public notification, that they might do so, in consequence of His Majesty's Orders restraining the passing any more Warrants of Survey or Grants of Land, in the belief that such previous steps might establish priority of claim to the Lands they had entered, in after time, will be much disappointed if they find it otherwise. My conduct in the case, however, my Lord, will be governed by the most direct construction of the King's designs, whatsoever that shall be, in the opinion of His Majesty's Attorney General, & the Council.

The plan His Majesty has been pleased to ordain for the future disposal of His Lands, I am apprehensive my Lord has been adopted too late in the day, with respect to this Province, where almost all the Lands of any value, in the King's District, are already granted, and where such as remain ungranted, are scattered about in small parcells. I suppose, at this day it will be difficult to find a thousand acres of land lying together, unless it be here and there a dismal or Pocoson, (terms used among the Inhabitants of this Country to signify swampy grounds) that may be objects possibly, at some time or other to moneyed people, but can never be improved by little settlers, as they will require great expense to clear and drain. If I may presume humbly to offer my own opinion of it to your Lordship, I confess, when I consider the purchase money to be paid, and the advanced Quit Rent, together with the novelty of the scheme & the poverty of the People, with whom the Lands ungranted will be in request, I think it will have all the effect of an absolute Interdict to grant the King's Lands here, at least for some years, until the circumstances of things shall undergo great change, but experience only can evince the rectitude or error of this opinion.

For myself I can only say, my Lord, that at present, by my computation, that part of the revenue of the Governor of this Province, that has arisen from granting the Crown Lands, which has been worth a thousand pounds per annum, is at an end, and that I do not, under these new regulations, expect to derive Five Pounds from it. But I wish not to be understood, my Lord, that I consider this circumstance, as any just ground of objection to the Plan that I am satisfied, has been adopted upon the best principles, for it surely deserves no consideration of Government, in making a general regulation in matters of so great consequence, and I rely with the greatest resignation & confidence, on His Majesty's Grace to grant some other adequate support to His Governor of this Province, if the present mode prescribed for the disposal of the Crown lands should prove profitless. As in that case, I do assure your Lordship, the appointment of the Governor of this Country, will not nearly maintain him with decency, as Governor Tryon, now in England, can inform your Lordship from long experience.

I am extremely glad to hear that the draught of a Quit rent Law, that I have had the honor to submit to your Lordship's consideration, has met with your approbation. On further contemplation of it my Lord, and of the dexterity of the little Lawyers in this Country, in explaining away & perverting the Laws; of the necessity of the greatest precision, in a law whose object is of so great importance to His Majesty's Interest, and the expediency of making in it the most effectual provision for its due execution, and the possible ill consequences of leaving anything appertaining thereto, in doubt, and uncertainty, I have drawn up some additional Clauses, that I think of great utility and importance, Copies of which I now lay before your Lordship, numbered as they appear to me, to come most properly into the Bill before transmitted; and if they shall meet with your Lordship's approbation, I hope you will think it proper to put them in any further train of consideration that may be necessary, that as little time as possible may be lost in procuring a Law of so great moment and consequence.

In the meantime my Lord, I beg leave most earnestly to recommend to your Lordship's consideration, the expediency of His Majesty's ratification of a Law, passed in this Province in the year 1754, with a suspending Clause, 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," that has very lately, and by mere accident fallen under my observation, not having

been printed at large in any compilation of the Laws of this Country that I have seen. It appears, by a note in the late edition that I transmitted to your Lordship, opposite to its Title, at the bottom of page 167, that the King's pleasure was never signified upon this Act, and it is certain there is not any trace of its disallowance to be found here. I have also by chance my Lord, met with a representation of Sir Matthew Lamb upon this Act, to the Board of Trade, with animadversions thereon by M^r Jones, late his Majesty's Attorney General of this Province, a copy of which, and of the Act to which they refer, I have now the honor to transmit to your Lordship, and I flatter myself M^r Jones's reasons will give great support to the measure I presume humbly to recommend.

Although this Act my Lord, is certainly not all I could wish for, nor free from objections, yet as it makes all the Arrears of Quit rents recoverable, the confirmation of it, if it can be had, will put it absolutely in His Majesty's power, by holding forth the remission of a considerable part of that debt, to induce the Assembly to pass the more effectual Law, now under consideration, by which that may be repealed, if thought proper. M^r Rutherford His Majesty's Receiver General informed me, that the Act of 1754 above mentioned, never passed from the Treasury Board, where it lay for consideration in the year 1759, when he was in England, and joined M^r Jones in soliciting its acceptance there.

It is my duty to observe to y^r Lordship that the Provincial appointment made for the support of His Majesty's Chief Justice, continues only to the next month, when he will be reduced to the pittance of seventy pounds sterling per annum, charged upon the revenue of quit rents, that is now in arrears no less than five years; and as it seems a fixed principle with the Assembly to allot to that officer only a temporary salary, subject to alteration from time to time, until His Majesty shall be pleased to make his appointment during good behaviour, which will place him in a state of utter dependance upon the caprice of that Branch of the Legislature, and is a plan no less impolitic than it is inconsistent with the dignity of that character; I beg leave, my Lord, to recommend his case in the warmest manner to your Lordship's attention, and to express my hopes that you will see it expedient to move His Majesty to grant him a salary adequate to the dignity and importance of his station, out of some certain fund. The duty of the Chief Justice here, my Lord, is attended with infinitely greater toil and expense than in any other

of the Colonies. His circuits all round this Province are of far greater extent, and he is exposed in them to numberless difficulties, inconveniences and charges, unknown elsewhere. I do not apprehend, my Lord, that a less appointment than seven or eight hundred pounds sterling per annum will enable him to support the dignity of his Office with decency; and I can assure your Lordship His Majesty has not a more faithful servant than M^r Howard, who now fills that important Post; and that I have the fullest persuasion, he will deserve every mark of his Royal favour that shall be conferred on him.

The late Assembly, my Lord, resolved to continue the Establishment of Fort Johnston only to the next Session, which I fear is partly owing to the command of that place being held at present by an Officer of His Majesty's nomination instead of M^r Howe, a native of this Country, who enjoyed the emoluments of it, under favor of Captain Collet ever since his appointment to that command, which he obtained through the interest of the Earl of Shelburne, who had been taught to consider it a thing of consequence, as well in point of honor, as profit. Captain Collet on his arrival here, however, unfortunately found Lord Shelburne had been deceived in his information, and that it was a little pitiful establishment depending on the humor of the Assembly, and in all respects utterly unworthy of his attention, which his delicacy I believe prevented his ever making known to his noble Patron. After a stay of two years in this Province he returned to England in hopes of something turning up more to his advantage. He arrived from thence only last year, since which he has displayed in this little command every talent of an active and good officer that could be exhibited in so small a sphere; his zeal for his Majesty's service, and public spirit indeed has carried him beyond the bounds of prudence, for he has laid out upwards of fifteen hundred pounds on repairs of the Fort, the greater part of which the Assembly has refused to reimburse him, as will appear to your Lordship from the Journals of the last Session of the Assembly. I cannot help grieving exceedingly, my Lord, at the fate of this amiable and deserving young Gentleman, and as the maintenance of that Fort is of great importance to the security of Cape Fear River, the great channel of the commerce of this Country, I think it proper to submit to your L^d^{ns} consideration the expediency of supporting His Majesty's Governor of it out of the revenue of Quit Rents when that fund shall become sufficient.

Five hundred pounds sterling £ annum I should think competent for that purpose; and in such case I imagine the Assembly might be engaged to pay a little garrison, the very appearance of which would have many good effects.

I shall not fail, my Lord, to take the proper steps in consequence of His Majesty's Grace to Ronald M^cDugal, and I will take the greatest care to exercise with the utmost delicacy the power of respiting Criminals in cases of murder conformable to your Lordship's Instructions.

I have lately at the request of His Majesty's Commissioners of the Customs for America, suspended M^r Picree, the Collector of Port Currituck, from his Office, for which indeed I believe the man was even less qualified, and his monstrously absurd conduct, repeated misdemeanors, and total neglect and disobedience of all the Commissioners and my orders for more than a year past, would have induced me to take this measure long ago, if your Lordship had not admonished me not to interfere with Officers of the Customs until your Lordship should determine the extent of my powers with regard to them, in answer to my report of the suspension of M^r Malcolm, Comptroller of the Customs at the same Port, since which time I have not been honored with your Lordships commands in relation to this point, that it would seem necessary should be settled in some way or other to prevent the inconveniences that may arise to His Majesty's service.

I have the honor to be &c.,
JO. MARTIN.

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

Letter from Alexander Elmsly to Samuel Johnston.

LONDON 9th May 1774.

DEAR SIR,

This serves to introduce to you M^r Knight who is appointed to succeed your Brother in Law as Controler of your Port; his friends tell me he is at present in S^c Carolina and he must necessarily pass through Newbern, where I presume the Governor will be, I have, in order to save him a very disagreeable Journey back to that place, wrote to M^r Berry to assist him in giving the security which is required to entitle him to his Commission at Boston. Should this

Expedient miscarry, of which I think there is little Danger, you will be so good & send him Back to Newbern with Letters to some of your friends there, in order to save him a Trip to New England.

I am D^r Sir

Your Aff^{te},

ALEX^r ELMSLY.

[REPRINTED FROM JONES' DEFENCE OF NORTH CAROLINA, P. 112.]

Letter from Alexander Elmsly to Samuel Johnston.

LONDON 17th May 1774.

DEAR SIR,

"I have your several favors covering your order on Bridgen & Waller, and ordering a suit of law [lace] for a friend of Mrs Johnston's. With respect to the first, all the purpose it has answered is, a new order to Mrs Strudwick to pay you that money. This manœuvre you can easily see through; it is not so easily reconciled, however, to the principles which these gentlemen make profession of, and for want of which your neighbor C. Pollock has, in my hearing, been so often the subject of their abuse. The fact is, they acknowledge the receipt of the money, and are ready to account for it; but Strudwick is largely in their debt, and they think this a good opportunity to reduce the amount. If this expedient miscarries, you must write to them to pay peremptorily, and I doubt not the money will be forthcoming, as the Scotts say. By this ship the lace is sent to Mrs Aitcheson's care, who will contrive it to you instead of £7 7s.; however, Mr Palmer, Mrs Do., and my Rib, after consultation, are of opinion unanimously that Miss Catchcart has a right to wear a suit of lace worth at least one half a guinea a yard, and so the whole together, *i. e.*, the lace and something else, the name of which I have forgot, costs you £10 1s.; £9 to Bridgen & Waller, lace merchants, for the materials, and £1 1s. to a milliner for putting them together.

"I think your Assembly to blame and your Governor also, and am sure I'm not mistaken; these are my reasons; Governor Dobbs in his last will gave a legacy of £2,000 to his wife, and *inter alias* appointed his sons, Conway and Richard, executors. Conway I verily believe received moneys belonging to the testator, both here and in Ireland. Richard I sincerely believe never received a shill-

ing here, there, or anywhere else; but having, as well as the other, effects in your Province, an attachment was issued against them at the suit of Mr. Nash, and, before defence could be made, the plaintiffs had judgment; the defendant soon after, however, procured an injunction, which your Court of Chancery thought proper to make perpetual. From this decree Mr. Nash appealed, and last Thursday the decree was reversed by the Privy Council, because of your attachment law, which they said they could not get over, although Sir Jonathan Welmot, late Chief Justice of the Common Pleas, thought it so hard a case upon young Dobbs, that he gave it as his opinion, no act of Assembly ought to have the force of a law till revised and ratified in England.

"My next reason is within your own recollection. P. Larkin of London became bankrupt, having effects in North Carolina; Alderman Rossiter and a Mr. Pritchard of this place attached, as did a Captain Richardson of your Province, but who was of Jamaica at the time of bankruptcy, although an inhabitant of England when the debt was contracted; the attachments of the two Englishmen were defeated, the American had his money, and this expressly agreeable to the determinations of the judges here.

"My other reason affects myself. When Bogle and Scot stopt payment, their creditors were called together to fix upon a plan for liquidating their affairs. The single question was, whether the commission of bankrupt should be sued out against them, or whether trustees should be named, to take the management of their affairs into their hands.

"Every creditor present except myself, was for appointing trustees, because by that means the expense of a commission would be avoided in the first place, the disgrace of it in the next; and in the third place which was of more importance, many of their creditors were possessed with bills and bonds with security, and were also creditors on open account, and, in case of a commission taking place, would have a right to receive of the security, and afterwards divide against the bankrupt's estate, as if nothing had been received on the bonds and bills, till they should have received their whole debt; by which means their simple contract debts without security would be in fact covered by the security on the specialty debts. This reason had determined all the creditors present not to sue out a commission of bankrupt; but six weeks having elapsed from the time of their stopping payment, and it appearing that the

greatest part of their effects were abroad in America, and consequently subject to your attachment laws, which would take place of an assignment to trustees, and which we had no other way of avoiding but by faking out a commission, we were obliged to come to a calculation, whether the open account creditors would lose more by letting such as were creditors both by bonds with security, and open account also, have their full debts paid, or by running the risk of such creditors as were not present having during the six weeks, ordered attachments in America; and upon finding that all the Scotch and many considerable English creditors had not attended the meeting, although advertised, and suspecting the reason of it, upon my proposal it was unanimously agreed to make bankrupts of Bogle & Scot, although by that means sundry creditors are certain of having their full dividend, who otherwise would not have received above 17 or 18s. in the pound; but as their debts were not near so considerable as those of the absent creditors, whom we supposed absent because they had taken steps to secure their debts otherwise, of two evils we chose the least.

“With respect to attachments in England, I am able perfectly to inform you of the nature of them, having since my arrival in London, defended no less than seven of them, not as an attorney, but as the agent of a gentleman in Scotland, *pro hac vice*. 1st It is only in the city (not one half) of London, in Bristol, and I believe York, or some other old town, that attachments lie by custom. I know not the custom of the two last places; but in London the practice is, that no attachment takes place except where the cause of action arises within the city; that if affidavit of the debt is not made by the plaintiff upon suing out the attachment, it may be set aside on entering common bail in the office; and in no case can the garnishee be compelled to answer, unless he voluntarily, to oblige the plaintiff as his friend, comes into Court and discloses the amount of the effects in his hands; but if the plaintiff can prove that, at the time of laying the attachment, the garnishee was either indebted to the defendant or had effects of his in his possession, he is admitted to do it, and such proof is as good as the garnishee’s confession.

“These are the principles of the attachments in London, you may depend on it, and it was upon them that the last instruction to your Governor was founded; of this I am certain, because old Mr McCulloh in the absence of his son called upon me as soon as he received his dispatches respecting this matter, and requested my advice on

the subject. I readily took a slip of paper and drew up a sketch of an instruction which he showed to Mr Jackson, Counsel to the Board of Trade, and which he afterwards told was perfectly approved of; and we never doubted that it would be sent out to the Governor, *in statu quo*, nor knew I anything to the contrary, till I read your Journals, and found that Jackson, as I suppose of his own head, had added that the plaintiff should swear that the defendant's absconding was in order to avoid payment of the debt. This he now confesses and justifies, upon the rule of the Court of Chancery in England, which has adopted that form in certain proceedings against absentees; but he says, as I do, that it was sufficient for your Governor to have attended to the substance of his instruction, in which case he ought to have dispensed with these words, for which the Board would have been obliged to him.

"As to the Assembly, I think them wrong in contending for an attachment law in the same extent as before. What we want here is principally that we and you should be on a footing, that if one of our merchants fails, his English and American creditors should receive the same dividend; whereas, as things stood under the late law, the American creditor who could find effects in that country, had his whole debt, when the English creditor often got little or nothing. We also want that even an European creditor should not have power to attach in America, because by this means, unless the debtor is made bankrupt, it often happens that the creditors who are merchants and have correspondents abroad, have greatly the advantage of other people; and it was to avoid this inconvenience that the expedient of obliging the plaintiff to swear that the cause of action arose in the province was thought of.

"H. McCulloh tells me that there is a new instruction gone out or made out. From what he mentions, it differs only from the last in admitting an attachment where the cause of action may happen to arise in Virginia or South Carolina, and striking out the clause that obliged the plaintiff to swear that the defendant had absconded in order to avoid payment of his debt. If this is the case, I think it a foolish affair, and that it may be of some more service to Virginia than before, and that is all the difference; for as to the other circumstance it is nothing, had your Governor rightly understood the matter, being mere form only, and which he surely ought to have dispensed with.

“Before I finish the business, give me leave to mention to you, that it was my idea when I came to Carolina, that there was nothing in your laws to warrant an attachment against the estate of a person who had not some time or other been resident amongst you; an original attachment certainly could not lie against him, because he neither conceals, absconds nor absents himself, which the form of your attachment makes a *sine qua non*. An attachment on *mesne* process, I think ought not to affect such a debtor, because your Sheriffs are on all returns to set forth the truth of the case, which is here that the defendant is no inhabitant, in which case no attachment can issue. What inclined me to think in this manner was the practice in Virginia where the laws were the same with yours in respect to attachments, but where there is a particular Act of Assembly respecting persons never resident in the Colony, which, if I have not forgot, puts all creditors on a footing. This law you have not, nor anything like it, the construction you put on the Court Acts supplying the place of it.

“I am told, your agent wrote out, that your Governor would receive an authority to consent to an enlargement to the jurisdiction of the County Courts. I know not what foundation he had for writing so, because it was easy to see at the office what instruction had gone out; and I am well assured that, had it not been for your being in possession of a larger jurisdiction for some years past, the County Courts would have been put on the same footing as in England. I believe the truth is, no inquiry was ever made by the young gentleman after his return to England, trusting to the exertions of his father in his absence, who had labored this point with Mr. Jackson, and not having in express terms a denial, took it, I believe for granted that he would recommend the matter to the Board, and advised his son accordingly. This inclined him to hazard the flattering letter wrote to the committee, and which I am told was one reason, amongst others, for suffering this Act of Assembly to expire. Betwixt you and me, the old man is the best agent of the two. As this office is now vacant, and it is impossible that your Province in its infant, unsettled state, can be without an agent in England, I would have you sincerely think of your old friend here. The grand difficulty will lie with the Council, but if ways and means could be fallen upon to interest the Governor, I have no doubt a majority of that board might be easily secured to vote as he might direct them. The grand objection that

lay in our way formerly is now no more, (the opposition from the Southern men;) as the seat of government is out of the question, it is become indifferent to them whether the agents are from the South or the North. If you think this business practicable, perhaps it may contribute somewhat to the carrying it into execution should Mr Barker write to the Chief Justice Cornell, and some other principal or popular characters, which shall be done if on reconnoitering the ground you think well of it. American affairs have engrossed all the serious part of the attention of Parliament this session; the result of which is, that four Acts of Parliament have passed respecting that part of the world. I had almost said of the British dominions. By the first the harbour of Boston is shut up till a compensation is made to their Indian Company for their tea, and till the inhabitants discover an inclination to submit to the revenue laws, after which the King, by and with the advice of the Privy Council, is empowered to suspend the effect of the Act.

"This law, we imagine, will save the Bostonians the trouble of entering into new agreements against importing goods, as being out of their power while the Act continues in force. But we are not certain that it will be followed by the same effect in the other principal ports, they being left open, though not less criminal, except in point of overt acts, than Boston. But I suppose the administration thought the whole too much to encounter at one time.

"The next Act is for taking away the charter of the Massachusetts Bay; hereafter the Council are to be appointed by the King, as in the Southern Provinces, and in certain cases the Governor is to act without their consent and concurrence. The town meetings, except for the purpose of elections, are declared unlawful, and some other new regulations established.

"The third act enables the governors in case of an indictment preferred against any officer of the Crown, either civil or military for anything by him done in the execution of his office, to suspend the proceedings against him in America, and to send him home for trial in England. This law, I am told, the officers of the army insisted on for fear of being prosecuted by the civil power, either as principals or accessories to the death of any person killed in the field of battle, in case things should come to that extremity.

"The fourth and last law respects quartering the soldiery. I have not seen it, but suppose it is calculated to obviate in future the construction put upon the old one, by the people of Boston, in

their town meeting, viz. that Castle William, situated three miles out of town, should be taken to be barracks in the town, and of course excluded the pretensions of the army to quarters in the town, even though the purpose of sending soldiers should be merely on account of the commotions and disturbances in the town. Lord Chatham has never appeared in his place in the House of Lords during this winter. Camden and Rockingham assisted by the Duke of Richmond and some others out of place, form the present opposition, and of course voted against these measures. The Duke of Richmond, in particular, I am told, spoke against them with great acrimony, wishing that the Americans might rebel openly; but they were always out voted five to one in the lower House. Lord North is as absolute as ever Pitt was, and most people think as deservedly; even Barre voted against the Americans on the Boston Port Bill, and made a long speech on the occasion; as did Lord George Sackville on all of them; and yet these are two of our staunchest patriots, in other words, strongest opponents of the ministry. With respect to the sentiments of the public in general, they are not favorable to the Americans; most people think it unreasonable, that they should be taxed without their consent; but they think it also dangerous to allow the sovereign to have more parliaments than one, at least independent of that one, and think as I always did, and said, that the king of England, as King, can have no subjects that are not under the control of the Parliament of Great Britain; but then on the other hand, nineteen in twenty of all the sensible people in the kingdom think, and think very seriously, that as the inhabitants of the Colonies are no longer an assemblage of needy vagrants, but are become a numerous body, respectable for their importance in the State, and bidding fair in a little time to equal in point of numbers those of the mother Country, which decline in proportion as they increase, the ministry ought either to waive all pretensions to taxing them, or to admit a reasonable number of the Representatives for the Americans. Were the people on your side of the water to put matters on this issue, they would find many more friends in England; but as things stand at present, when this is urged for you, the ready answer is, that you declare you will not be represented, *ad quod non potest responderi*.

"Saxby, the Receiver of South Carolina, has resigned, and Irwine, who gave him some trouble about your office, is appointed in his

room. James Murray, would you think it? has accepted of Irwine's place in the Customs of Boston; it is that of an inspector, worth very little to a young man, and still less to an old one, who has filled the most respectable place in a Province. I fancy the old man is in necessity, else he would not have encountered so much drudgery at his time of day. I saw Col. Lawrence lately; he talks of returning soon, but says he shall first pay me two or three hundred pounds for you.

"Having now, my dear friend, pretty fully gratified your curiosity respecting everything that may either concern yourself or the public, you will give me leave to add a few lines concerning myself.

"When I left my power of attachment with you, I told you that Andrew Millar and I had agreed that all money you or he might receive of mine should lie in his hands for three years, he paying me interest at the rate of five per cent. for two years and a half only. I had a letter from him lately, in which he appears perfectly to recollect this, but seems to have forgot that the money was to be remitted at the Virginia exchange, making an allowance of twenty-five per cent. to bring the product into Virginia money; he charges thirty-three and a half. When you see him I shall be obliged to you to put him in mind of this matter. I do not want the money, but the sooner his mistake is pointed out to him, the more probable it is that he will recollect himself and correct it; perhaps if it is hinted to him that as he was to have the money six months for nothing, and was afterwards to pay but five per cent. instead of six, it is to be supposed some equivalent or other must have been stipulated in return he may call to mind our agreement; but I would not have any bickering about the business.

"The other thing respecting myself is only a repetition of part of one of my late letters. Mr McCulloh has often been talking to me of buying the 1,000 acres of land he got for his vote in Council from Pugh & Williams. I have never listened to him, but if I thought it good land, and that 2,000 or 3,000 acres more could be had contiguous to it at an easy rate, I believe I should be tempted to treat with him. Will you then inform yourself what sort of land his is, and at what price the above addition may be made to it, and advise me accordingly. I have now three boys to provide for; one of them shall take one of your girls off your hands, if she cannot

dispose of herself better. I am with compliments, for self and company, to all your family,

Dear Sir, your affectionate
ALEXANDER ELMSLY.

The King of France died last week of the small-pox, aged 64.

[N. C. LETTER BOOK. S. P. G.]

Extract of letter from Rev. M^r Taylor to the Secretary.

ST. GEORGE'S PARISH,
Northampton County, N. C., May 17th, 1774.

REVEREND SIR,

I presume you have heard of the calamitous situation this Country has been long involved in for the want of civil Law, of which it has been deprived by the difference of his Majesty's instructions to the sentiments of our Assembly, which has put an entire stagnation to all public business, and falls particularly heavy upon the Clergy who have had no money collected for them for the year past.

We have been much perplexed of late with the sectarists, who some time ago called themselves Anabaptists, but of late have assumed many different denominations, and have great influence over the weak part of the world, by persuading them that they possess a more extraordinary share of divine grace and favor than the rest of mankind accompanied by extraordinary influence of the holy Spirit, and pretend to a familiar intercourse with the Son of God.

Never was the body of the blessed Jesus more torn by the cruelty of the Jews, than his Church is now rent by these people, who take judgment out of his hands, and anathematize every one who conforms to the doctrine of the Church of England, but at last they cannot erase nor break a pillar of that Church against which the Gates of Hell shall not prevail.

We have a certain M^r Devereux Jarrat Minister in Dinwiddie County Virginia, who travels about into every parish he thinks proper, in Carolina as well as Virginia, laying aside the service of the Church and making use of extempore prayers and discourses, preaching up free grace, faith without works and other doctrines, very detrimental to a great many weak but well disposed people.

He has not yet been in my parish neither would I suffer him to preach in it, could I hinder him which I understand he says cannot be done, and that he has authority to preach where he pleases of which I should be glad to be made acquainted.

I have the pleasure to acquaint the Society, that under all these disadvantages there are yet a large number in my parish who despise these Innovators, and continue steadfast in their faith. The number of my communicants are greatly increased to whom I administer the Sacrament twice a year at each Chapel. We have two more churches lately finished and have repaired and enlarged the two others at a considerable expence.

I am yours &c,

C. E. TAYLOR.

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

Letter from Andrew Miller to Thomas Burke.

HALIFAX May 19th 1774.

DEAR SIR,

I received yours of the 11th Inst: The Governor has been here 10 days, tomorrow I accompany him and M^r Neilson to Bute. The Office will not be opened till Nov^r or December next and then in Bute — he says he has appointed some time in July for a Court of Chancery, but when I hear more certainly about it shall write you. A Brother of Mr. Millners is Just arrived. I have told him of our Bargain and as I wish his Legacy to be paid in preference to any other have proposed that he should make the Deed, and take your Bond, but he has some Scruples, and thinks he could purchase his Uncles right for a small sum. I shall talk further with him and write you again.

I am Dear Sir

Your Hum^e Serv^t

AND^w MILLER.

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

Official Bond of George Barrow as Clerk of the Court.

NORTH CAROLINA }
Hyde County } Ss.

Know all men by these Presents, that we George Barrow, Enoch Barrow & Thomas Leath Gentlemen are held and Firmly Bound

unto Burridge Hutching Selby Frederick Barrow and William Russell Esquires, his Majesty's Justices of the Peace for the County of Hyde, Now Constituting the Inferior Court of said County, in the sum of One Thousand Pounds, Proclamation Money. For the Payment of Which we Bind ourselves our Heirs Executors & Adm^{ors} Firmly by these presents. Sealed with our Seals and Dated this 7th Day of June Anno Domini 1774.

The Condition of the above Obligation is such that, Whereas the above Bounden George Barrow is Constituted and appointed Deputy Clerk of the Pleas for the said County of Hyde by Commission From the Honourable Samuel Strudwick Esq^r his Majesty's Clerk of the Pleas for the Province of North Carolina Bearing Date the Sixteenth Day of May 1772 — During good behaviour according to the Act of Assembly. Now if the said George Barrow shall Safely keep the Records and Papers of the said Inferior Court of said County whereof he is Clerk and shall Faithfully Discharge his Duty in his said office that then the above Obligation to be Void and of no effect otherwise to be and Remain in full Force and Virtue.

GEO. BARROW [Seal]

ENOCH BARROW [Seal]

THOMAS LEATH [Seal]

Sealed and Delivered in the presence of

BENJ^a STEDMAN

ROGER ORMOND

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

Official Bond of Christopher Neale as Clerk of the Court.

Know all men by these Presents that we, Christopher Neale, Jacob Blount & Timothy Clear, all of Craven County in the Province of North Carolina are held and firmly bound unto John Clitherall, Joseph Luck and James Davis, Esquires, Justices of the Inferior Court of Pleas and Quarter Sessions of the said County, and the rest of the Justices of said County now sitting in Court, in the just Sum of one Thousand pounds proclamation money, to be paid to the said Justices and their Successors for which payment well and truly to be made we hereby bind ourselves and each of us our and each of our Heirs Executors and Administrators jointly and severally firmly by these presents. Sealed with our Seals and dated the

fourteenth day of June one thousand seven hundred and seventy four in the fourteenth Year of His Majesty's Reign.

The Condition of the above Obligation is such that whereas the above bound Christopher Neale is appointed Clerk of the said Court, now if the said Christopher Neale shall well and safely keep the records of the same Court, and faithfully discharge the duty of his Office as Clerk thereof, then this Obligation to be void otherwise to remain in full force and Effect.

CHRIS^r NEALE [Seal]

JACOB BLOUNT [Seal]

TIM^o CLEAR [Seal]

Scaled and delivered in the Presence of

SAM. SMYTH

JOHN JONES.

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

Letter from Andrew Miller to Thomas Burke.

HALIFAX June 20th 1774

DEAR SIR,

I have but just now Received yours of the 30th ult. The Governor and M^r Findley I fancy fixed on Bute, as being the nearest place to Newbern that is reputed healthy, however neither have made any purchase yet and you'll see the Governor in Ju'y at the Court of Chancery. M^r Millners brother is still here. I have found him so Obstinate determined to follow his own opinion and that of Co^l Montfort, that I have dropt giving him any advice at all—he has wrote to his Uncle to get a power or a Deed from him, by which I'm afraid he will lose the whole—as however willing the Legatees may be to give up their claims in his favour, they may not be so generous to the Uncle—however I leave him now to his own will—I'm much obliged to you for the Invitation to M^{rs} Miller & self, but am afraid it will be out of our power to accept of it. I expect a good deal of the Governors Company this Summer at Halifax, and to have something to do for him and M^r Finlay as preparation for their Settlement in Bute—Indeed I am not sure but that some others of the Governors family may be here—make our most Respectful Compliments to M^{rs} Burke and believe me to be

Dear Sir, Your Humbl^l Serv^t

AND^w MILLER.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from the Earl of Dartmouth to Governor Martin.

WHITEHALL, 6th July 1774.

SIR,

I have received your dispatches N^{os}. 22, 23 and 24, and have laid them before the King.

The first of which states at large the Proceedings of the last Session of Assembly, with your reasons for having dissolved them, and your resolution not to suffer a new Assembly to meet, until you have received His Majesty's further pleasure upon what has passed, relative to the Establishment of the Courts of Justice.

The resolution of the House of Assembly, entered upon their Journals of the 24th of March, are certainly of a very extraordinary nature, and combined with the obstinacy of their conduct respecting the Courts of Justice afforded a reasonable ground for the step you took of dissolving them.

The account you give of the nature and provision of such Laws as have been passed, relative to the Courts of Justice (for the Laws themselves have not been received) makes it essentially necessary to the well being of the Colony that the new Assembly should meet as soon as possible, and as I have already, in my letter to you of the 4th May, signified to you His Majesty's final resolution, in regard to the Laws of Attachment, I hope that letter will arrive in time, to prevent any inconvenience that might arise from the meeting of the Assembly being postponed. It is upon the effect of the Instructions contained in that letter and upon the conduct of the new Assembly in respect thereto, that the future welfare of the Province will in a great measure depend; and although I think the behaviour of a part of the Council, as stated by you in your letter No. 23, has been very unjustifiable, yet I am unwilling to advise the King to adopt the measure you recommend, before I am apprized of what may have been the issue of the Instructions I have given, and of the part which the Council may take in respect thereto.

As I have not yet received from the Treasury Board their sentiments upon the Quit Rent Bill, you formerly transmitted to me, there will be full time for a consideration of the Clauses you propose to be added; and I will not fail to press their Lordships for an attention to the Act of 1754, and, if they have no objection will take the

proper steps for its confirmation. If the Assembly shall not think fit, upon the expiration of the Salary allowed for the support of the Chief Justice, to re-enact that provision, the propriety of giving him an adequate salary in some other shape, will certainly become a proper object of consideration, but at present it seems to be premature.

I am fully apprized of the merit and amiable character of Captain Collet, and lament exceedingly the disappointment he has met with, by the refusal of the Assembly to make a proper provision for the Establishment of Fort Johnston, but I cannot take upon me to recommend that the Crown should take upon itself the expense of the Establishment of a Fort that, according to your own state of it, seems calculated merely for the security and convenience of the commerce of the Colony.

You certainly did right in suspending the Collector of the Customs at Port Currituck, at the request of the Commissions of the Customs; but, I do not see anything in this case, that makes it necessary for me to give you at this time, particular instructions respecting your conduct in general to Officers in that Branch of the Kings's service.

I am &c.

DARTMOUTH.

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

Letter from Governor Martin to James Iredell.

NEWBERN, April 6th, 1774.

SIR,

I am favored with your letter, enclosing a Petition signed by many of the Principal Inhabitants of Edenton, recommending to mercy, a certain John Foscue, now lying under sentence of Death at that place, and as it will be inconsistent with the deference due to the Judges of the Court where he was tried, to grant a pardon without their recommendation, and without consulting them on the circumstances of the Law, I have sent a Warrant to the Sheriff to respite his execution for one month, to the end that I may in the mean time, inform myself of the Judge's sentiments and the particular circumstances that appear in favor of the Delinquent. This I owe to justice, as well as decorum, entertaining at the same time the greatest respect for the signers of the Petition you have trans-

mitted to me, and feeling every disposition to show mercy wherein it may be done consistently with a due regard to Justice.

I am with great respect &c.,

JO. MARTIN.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from Governor Martin to the Earl of Dartmouth.

NORTH CAROLINA, NEW BERN,

July 13th 1774.

MY LORD,

I have now the honor to transmit to your Lordship the Acts passed at the late session of the General Assembly of this Province, which I should have dispatched near a month ago, when I received the first transcripts of them if a severe fit of illness had not rendered me incapable of business.

The 1st of these Acts intituled "An Act for establishing Inferior Courts of Pleas and Quarter sessions in the several Counties of this Province and for regulating the proceedings therein" is formed much upon the plan of the Act of the same Title first passed in the year 1762, & continued and amended by several Acts of the year 1768, with these alterations, that appeals lie by this Act from such Courts to Courts of Oyer and Terminer and of Appeals erected by virtue of another Act of the late Session instead of the Superior Courts that were formerly established; that the Appellant is also required to pay down in Court the sum for which judgment is obtained against him, before the Appeal be admitted and that the authority of the Clerk of the Pleas is not recognized.

This Act for the Constitution of Courts so incompetent to the due Administration of Justice as well from their very limited Jurisdiction, which admits of no relief, where the matters in question exceed £20 amount, as from the incapacity of the Judges in them, I was induced to pass, purely on account of the dependence of the Courts of Oyer and Terminer thereon, which are certainly of a most absurd and extraordinary constitution, but the only plan for the administration of Justice in Criminal cases the Assembly could be engaged to adopt, after having wantonly brought into question and resolved illegal the commissions of Oyer and Terminer issued by me last year, pursuant to the Powers vested in me by His Majesty's Royal

Commission, whereby if I had refused my assent to this strange and new fangled Law the country must have been given up a prey to disorder, and in that case no jurisdiction could be established whose legal authority would be recognized or submitted to. This consideration my Lord, and this alone, together with their short duration, obtained my assent to this Act, and that for erecting Courts of Oyer and Terminer, which form a system for the Administration of Justice the most extraordinary I apprehend that was ever conceived by the understanding of man, and I build my hopes only on the absolute necessity of the case to plead my excuse to His Majesty for giving my assent to these Acts, which I did with the utmost shame and reluctance.

The 2^d, Entituled "An Act to establish a Militia for the security and defence of this Province," is precisely the former Militia Law re-enacted not without opposition, for one year, notwithstanding my representation to the Assembly of the hostile designs of the neighboring nations of Indians.

The 3^d, entituled "An Act to establish Courts of Oyer and Terminer and General Gaol delivery and for vesting in the several Inferior Courts of Pleas and Quarter Sessions the power of appointing jurymen for the said Courts of Oyer & Terminer & regulating the proceedings therein, and also for constituting the Judges thereof a Court for hearing and determining appeals and writs of Error," upon which very extraordinary Act I have already made my observations in treating of the first Act and assigned my reasons for giving it my Assent.

The 4th, Entituled "An Act to amend the staple of Tobacco, and prevent frauds in His Majesty's Customs" this Act seems well calculated to answer the ends designed.

The 5th, Entituled "An Act to regulate & ascertain the Fees of the Clerks of the Inferior Courts," this is taken altogether from the Act of 1773, Chap. 3^d.

The 6th, Intituled "An Act to oblige Vessels having infectious distempers on board to perform Quarantine," which is necessary and will I hope prove of great utility.

The 7th, Intituled "An Act to amend and further continue An Act intituled An Act concerning Vestries." The Act of this Title passed in the year 1764, and is liable to great objections inasmuch as that the qualification of Vestrymen is of a negative nature and that the Vestry is subject to be totally changed every three

years whereby the parochial affairs are always in disorder, the establishment of the Clergy impeded and the Parishes are kept in perpetual strife by contentions of candidates for the Offices of Vestrymen; but the Act now under consideration has an addition relative to the management of the poor, copied verbatim from An Act of the General Assembly of Virginia of the 28th year of His late Majesty's reign Chap. 1st, to which as it appears to me to be by no means sufficiently guarded against oppression I should have refused my Assent to this Act at another time. When I passed it, it was in consideration of its general expediency with regard to Vestries and of the certainty that I might by timely representations prevent the possible ill consequences that might arise out of it to the Poor; if it be disallowed, and His Majesty is pleased to recommend that the Vestry Law be distinct as in Virginia and upon the same plan, which makes the Vestries perpetual, I think my Lord, at this time it would be highly useful, & that it might be carried in the Assembly.

The 8th, intituled "An Act to prevent the pernicious practice of hunting with a gun in the night by firelight." The great destruction of cattle that has been made under pretence of hunting Deer at this season has made this Act highly necessary.

The 9th, intituled "An Act for erecting parts of the Counties of Halifax and Tyrrell into one district County and Parish," which I passed in conformity to your Lordships sentiments communicated to me in your dispatch N.

The 10th, intituled "An Act for enlarging the time of saving lots in the Town of Windsor, and for erecting a Court House Prison and Stocks." This Act is calculated to afford indulgence to the Landholders in this little Town which has been usual in all such new establishments. It is well situated is likely to thrive much and is the proper seat of the Public buildings of the County.

The 11th, intituled "An Act for vesting in certain Persons therein named two Acres of Land at Belville in Currituck County as Trustees for erecting a Chapel thereon and for inclosing a Burying Ground." A copy of this Bill I transmitted for your Lordship's consideration last year; and I assented to it at the last Session in consequence of your Lordship's approbation of it signified to me. I should observe however that the name of the place is changed from the Indian Town to Belville.

The 12th, Intituled "An Act for establishing the Court House in the town of Charlotte in Mecklenburg County and for regulating the said Town." This Act is well calculated for the purposes its Title professes, and will obviate much dispute and contention in the County.

The 13th, Intituled "An Act for dividing the Parish of S^t Mary's in the County of Edgecomb into two distinct Parishes." This is an act I think of good design, the parish as it stood, including the whole County, was much too large for one cure, and it is very well able to support two ministers.

The 14th, intituled "An Act for dividing the Parish of Edgecomb in the County of Halifax into two distinct Parishes." My observations on the former Act apply equally to this.

The 15th, Intituled "An Act for appointing Commissioners for building a Court House, Prison and Stocks for the County of Tryon and for establishing a Boundary Line between the Counties of Tryon and Mecklenburg." This Act is framed upon the same plan of others of the like tenor, and will answer good purposes.

The 16th, Intituled "An Act for the more effectually obtaining an exact list of Taxables for the town of New Bern, for compelling the Inhabitants of the said Town to pay their Taxes and for other purposes therein mentioned." This Act seems well calculated to answer the ends designed, and there is the greatest need of some such Law, for the better regulation of this Town.

The 17th, Intituled "An Act to prevent counterfeiting the paper money of this and the other British Colonies; and to prevent counterfeiting the gold and silver coin circulating in this Province." By this Act the counterfeiting the paper money of any of the Colonies as well as counterfeiting the gold and silver coin is made capital, and I conceive great hopes that it will be attended with the best effects.

The 18th, Intituled "An Act directing the duty of Sheriffs with respect to insolvent Taxables." This Act is calculated to prevent great abuses committed by the Sheriffs as Collectors of the Public Taxes.

The 19th, Intituled "An Act to amend an Act for the laying out a Town on the Land of Richard Evans in Pitt County by the name of Martinborough and for removing the Court House, Prison and Stocks into the said Town." This Act is calculated to supply the accidental failure of a Provision of the first Act relative to this Town passed in

November 1771, and to make other necessary arrangements in the said Town.

The 20th, Intituled "An Act to empower the Justices of Anson County to establish free ferries and to lay a tax for defraying the charges thereof." This Act is well calculated to answer the purposes set forth in its Title.

The 21st, Intituled "An Act to amend an Act for dividing the northern part of Rowan County and erecting a new County by the name of Surry County and S^t Judes Parish." The design of this Act is only to appoint Commissioners instead of those appointed by the Act recited in the Title hereof passed in December 1770.

The 22^d, Intituled "An Act to empower the Justices of Bladen County to hold the Inferior Court of Pleas and Quarter Sessions in the Town of Elizabeth in the said County." The design of this Act is merely to remove the seat of the Inferior Court to the County Town.

The 23^d, Intituled "An Act to facilitate the navigation of Neuse River," which provides against the causing those obstructions to the navigation of that river, that the Inhabitants upon it have heretofore made for the purpose of stopping fish.

The 24th, Intituled "An Act to continue an Act intituled an Act to amend an Act intituled an Act for the regulation of the Town of Wilmington." By this Act the Act whereof the Title is here recited is continued two years longer.

The 25th, Intituled "An Act to explain an Act for erecting a Parish in Chatham County by the name of S^t Bartholomews." The intention of this Act is to explain some uncertainty in the Act of which the Title is here recited relative to the election of a Vestry in the same Parish.

The 26th, Intituled "An Act to prevent the wilful and malicious killing of slaves." Altho' I conceive that the laws of humanity require more rigorous punishment than is allotted by this Act to the first offence, it is nevertheless an Act of salutary and humane tendency, and will operate, I hope, to the restraint of the inhuman Masters of Slaves, and is a manifest improvement of the Laws of this Country, the Courts of Justice having heretofore doubted of the propriety of punishing this offence capitally.

The 27th, Intituled "An Act to enforce an Act intituled an Act to encourage the destroying of Vermin in the several Counties therein mentioned, passed in the year 1773." The design of this Act is to

extend the provisions of the Act whose Title is here recited to the Counties of this Province not therein mentioned.

The 28th, Intituled "An Act to amend an Act entituled an Act for repairing the Gaol for the District of Halifax in the Town of Halifax." This Act is designed to give further time to the Commissioners appointed under the former Act to execute the work designed, which the short limitation of the said Act did not admit of.

The 29th, Intituled "An Act for further continuing an Act for appointing a Printer to this Province." This is of the common tenor of the Act of the same Title passed at every Session.

The 30th, Intituled "An Act to amend an Act entituled an Act for building a Court House in the Town of Salisbury for the district of Salisbury." This Act appoints new Commissioners for executing the purposes of the former one, the late Commissioners having totally neglected their duty.

The 31st, Intituled "An Act to enforce an Act entituled an Act for preventing the frequent abuses in taking up and secreting stray horses, in the Counties of Orange, Granville, Bute, Rowan, Anson, Mecklenburg, Johnston, Dobbs, Halifax, Edgecomb, Northampton, Hertford, Tyrrell, Craven, Pitt and Chatham," the design of which is sufficiently set forth in its Title.

The 32^d, Intituled "An Act for appointing Commissioners to erect a Court House, Prison and Stocks in the County of Guilford," which is upon the usual plan of Acts of this purport.

The discontent manifested and declared by a great part of the Inhabitants of this Country at the Proceedings of the Assembly with regard to the Court-Laws, at the three last Sessions incline me to hope that as soon as answers are received to the representations made by the late Assembly, a better system for the administration of Justice will be adopted. In the meantime I apprehend it will be fruitless to make further attempts to induce that House to it.

I have the honor to be &c^a

JO. MARTIN.

[N. C. LETTER BOOK. S. P. G.]

Letter from Rev. Mr. Reed to the Secretary.

NORTH CAROLINA,
NEWBERN July 19th 1774.

REVEREND SIR,

The Assembly met the 2^d of last March and passed an Act to

amend and further continue an Act, intituled an Act concerning Vestries. This amendment is entirely relative to the poor, empowering Vestries to build workhouses for their reception and the keepers of such house to inflict corporal punishment on such poor under their care as shall behave refractorily. So that the Vestry Act, as it affects the Establishment of the church of England, stands just as before and liable to the same evasions, which I pointed out in my Letter the 17th of March 1773. I wish the amendment had been entirely omitted.

The very thought of whipping the aged and infirm, though a little refractory, is shocking, and such authority ought certainly to be vested in persons of more humanity than is generally to be found in the keepers of Workhouses.

The continuance of the Act is for Ten years, the longest existence that ever was allowed to any vestry act in this province and I sincerely wish the period had been either shorter or indefinite for there is the greatest probability that in ten years the dissenting interest will be strong enough to carry everything in the Assembly, and that the Vestry Act will then receive its quietus. But whether it would be proper to get this act repealed immediately or at some time hereafter on account of the amendment which carries too cruel an aspect towards the poor must be left to the prudence of the venerable Society. Our worthy Governor has frequently condescended to converse with me about it; but what to do or advise at this critical juncture, he seems much at a loss. For I need not inform you that all America is in a most violent flame and every good man would forbear as much as possible adding the least Fuel to the Fire.

I have sent my notitia parochiales as usual and am with the utmost regard Sir, yours &c

JAMES REED.

Notitia Parochialis from Dec^r 21st 1773 to June 21st 1774—

N ^o of white children & Infants baptized	153
N ^o of black children & Infants baptized	7
N ^o of white Adults baptized	3
N ^o of Communicants	168

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

The Call for the First Provincial Congress.

At a General Meeting of the Inhabitants of the district of Wilmington in the Province of North Carolina held at the Town of Wilmington, July 21st 1774

William Hooper, Esq^r Chairman.

Resolved that Col. James Moore, John Ancrum, Fred Jones, Samuel Ashe, Robert Howe, Robert Hogg, Francis Clayton and Archibald Maclaine Esq^r be a Committee to prepare a circular Letter to the several Counties of this Province expressive of the sense of the Inhabitants of this district with respect to the several acts of Parliament lately made for the oppression of our Sister Colony of the Massachusetts Bay for having exerted itself in defence of the constitutional Rights of America.

Resolved, That it will be highly expedient that the several Counties of this Province should send deputies to attend a General Meeting at Johnston Court House on the 20th day of August next then and there to debate upon the present alarming State of British America and in concert with the other Colonies to adopt and prosecute such measures as will most effectually tend to avert the miseries which threaten us.

Resolved, That we are of opinion in order to effect an uniform Plan for the conduct of all North America that it will be necessary that a General Congress be held and that Deputies should there be present from the several Colonies fully informed of the sentiments of those in whose behalf they appear that such regulations may then be made as will tend most effectually to produce an alteration in the British Policy and to bring about a change honourable and beneficial to all America.

Resolved, That we have the most grateful sence of the spirited conduct of Maryland Virginia and all other the Northern Provinces and also the Province of South Carolina upon this interesting occasion and will with our Purses and Persons concur with them in all legal measures that may be conceived by the Colonies in general as most expedient in order to bring about the end which we all so earnestly wish for.

Resolved, That it is the opinion of this meeting that Philadelphia will be the most proper place for holding the American Congress and

the 20th of September the most suitable time: but in this we submit our own to the general convenience of the other Colonies.

Resolved, That we consider the cause of the Town of Boston as the common cause of British America and as suffering in defence of the Rights of the Colonies in general; and that therefore we have in proportion to our abilities sent a supply of Provisions for the indigent Inhabitants of that place, thereby to express our sympathy in their Distress and as an earnest of our sincere Intentions to contribute by every means in our power to alleviate their distress and to induce them to maintain, with Prudence and firmness the glorious cause in which they at present suffer.

TO THE FREEHOLDERS OF CRAVEN COUNTY,
GENTLEMEN,

At this conjuncture of the British Politics when the Liberty and Property of North America subjects are at stake; when the schemes of a designing Minister are so far matured to action that the Port of Boston is shut up, that the charter of the Massachusetts Bay is cruelly infringed and its Government converted into one nearly Military, To be silent would be insidious. To avoid such imputations to this part of the Province, we, the Subscribers, appointed a Committee of Correspondence for the Town and District of Wilmington at a most respectable meeting of the Freeholders of this District by their express command, take this earliest opportunity of acquainting you with their resolutions, a copy of which we now inclose you and request that you would send the Members already by you elected, to represent you in the General Assembly, or such other persons whom you shall approve of to appear as your Deputies at the Court House of Johnston County on the 20th day of August next, possessed of the sentiments of those in whose behalf they attend, and with full power to express it as obligatory upon the future conduct of the Inhabitants of this Province, and then and there to consult and determine what may be necessary to the General Welfare of America and of this Province. We at the same time take the liberty to inform you there has been set on foot a subscription for the Relief of the poor Artizans and Labourers of the Town of Boston precluded by one of the forementioned Measures of the British Minister from following their respective Occupations, and we have reason to congratulate ourselves upon the generous contri-

bution of the Inhabitants which has put it in our power to load a vessel with provisions which will sail this week for the Port of Salem.

We rely upon your sending an immediate answer to these our Proposals and wishing you success in all your efforts for the support of the constitutional Liberties of America, permit us to subscribe ourselves, Gentlemen

Your most humble servants, &c,

JA: MOORE,

ROB: HOGG,

FRANCIS CLAYTON,

JOHN ANCRUM.

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

COUNCIL JOURNALS.

At a Council held at New Bern 25th July 1774.

Present

His Excellency the Governor.

The Hon^{ble} { James Hasell Samuel Strudwick } Esquires
 { John Rutherford Samuel Cornell }

The Governor having received information that the legality of a Commission for the qualification of Public Officers issued by him to the Justices of the Peace for the County of Beaufort in virtue of the Powers and authority vested in him by his Majesty's Commission under the great Seal of Great Britain, had been wantonly drawn into question, and treated with great indignity at the last Inferior Court held for that County, required the attendance of the Justices then making the Bench and the Deputy Attorney General attending the said Court to give their testimony before him in Council.

On this day accordingly appeared Mr Barrow and declared that agreeable to the commission of His Excellency five Magistrates met and qualified the Clerk, administering to him the Oath of Government and Office. That some Writs were then issued, one against Mr. Palmer (and some others). When the Court came the Clerk qualified over again, and took security. This action being called which was for false imprisonment, it was pleaded in abatement,

that the Clerk could not issue any precept till he had qualified in open Court. Being asked, whether the Governors Commission was treated with any indignity? He did not remember that it was.

Mr Moses Hare: that he remembered a Commission of His Excellency for qualifying public Officers being mentioned; the way it came about there was one McKinnie brought a suit against Mr Palmer, Mr Edwards pleaded in abatement that the Clerk was not qualified according to Law; and it was the opinion of the Court that he was not: being asked if the Governors Commission was treated with any indignity? he does not remember that it was.

Mr Thomas Bonner: that he did not know anything was said about the Commission except on trying a cause between Mr Palmer and Mr McKinnie, Mr Edwards who was Mr Palmers Lawyer made use of some words signifying that the Clerk was not properly qualified under that Commission and the Action should abate and that he did not remember that His Excellencys Commission was treated with any indignity.

Mr Henry Bonner: that there was a Commission he understood and four or five Magistrates assembled and the Clerk qualified; at next Court it was said the proceedings were not agreeable to Law.

Mr John Patton: that there was a suit brought by one McKinnie against Mr Palmer who employed Mr Edwards. The method he took to clear Mr Palmer was by asserting the Clerks qualification under that Commission was unconstitutional. Being asked whether the Governors Commission was treated with any indignity? answered that he did not remember that it was.

Mr. Ormond Deputy Attorney General: That some time before the sitting of the Court one McKinnie applied to him to bring suit against Mr. Palmer, he told Mr. Fowler he must qualify before he issued the Writ, which he did under His Excellency's Commission— That on the tryal Mr. Edwards who was concerned for Mr. Palmer pleaded in abatement "that the Writ was issued by Mr. Fowler who at that time was not qualified so to do. That a Commission of the like nature, or similar to that of His Excellency's (mentioning that of Oyer and Terminer) had been disputed and disallowed of by the General Assembly of this Province; And by the direction of the Law the Justices were to be Qualified before they entered on the execution of their Office." That he observed to the Court that was not a place to dispute the authority of the Governor's Commission, that they were Justices appointed by the King and ought to obey the

Mandate if they acted at all. But Mr. Edwards addressing himself to the Court said—"Suppose the Governor should issue a Commission to some persons forbidding them a Tar-kiln, whether should that Commission be obeyed or not? surely not."

His Excellency communicated to the Receiver General and Surveyor General His Majesty's Instructions relative to the future mode of granting Lands in this Province dated at St. James the third of February 1774, and desired they would report to him what vacant Land might be found the Settlement and improvement whereof would tend to the public Interest and welfare.

It was the opinion of this Board that John Tillman's name be added to the Commission of the Peace for the County of Craven.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 292.]

Letter from William Palmer to Governor Martin.

NORTH CAROLINA NEW BERN,
26th July 1774.

SIR,

Agreeable to your Excellency's Order in Council I have perused the Royal Instructions of the 3rd of February last, relative to Lands.

I have made all possible enquiries of the Deputy Surveyors for the different Counties in his Majesty's district in this Province who have assured me that it is their belief there is not to be found in one body a Tract in that district three hundred acres of real good land, most of the lands lately patented being very indifferent, having been taken up mostly with the view to make Tar or for Pine Timber for their Saw mills, but the greatest part by very poor people for Range for their black cattle.

It is my humble opinion that the Royal Instruction with respect to such lands will operate as a prohibition and in all probability the vacant poor Lands will be Pillaged by the destruction of the Timber and Lightwood and the Range destroyed without any benefit to the Crown and but little to the Province by Transient People who are continually passing from one Province to another.

I am &c
W^m PALMER,
Dep^{ty} Surv^r.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

Letter from William Rutherford to Governor Martin.

NORTH CAROLINA, July 26th 1774.

SIR,

Agreeable to your Excellency's Order in Council of the 25th Instant I have perused the Royal Instructions of the 3rd of February last relative to Lands, which it is my humble opinion is quite too late in the day to be of the least service to the Crown, agreeable to what appears to me to be the Royal Intention.

As I have had the honor to serve the Crown many years in this Province and am well acquainted therewith, having been appointed by his Excellency Governor Tryon, one of the Commissioners for running the Boundary Line with the Cherokee Indians, and afterwards by your Excellency to run the Boundary Line with South Carolina, having had many other opportunities of viewing the Crown Lands in the different parts of his Majesty's District in this province, having also made enquiries of the Deputy Surveyors for the different Counties, it is upon the whole my sincere belief that there is not in all that part of the Country belonging to the Crown, in one body or tract three hundred Acres of real good Land—Greatest part of the Lands lately patented are little better than barrens, taken up for the sake of Pine Timber trees for saw mills or for lightwood to make Tar, but the far greatest part by very poor people for Range for Black cattle.

I humbly submit it to your Excellency as my real opinion that the Royal Instruction above mentioned will operate in this Province as a prohibition, and not only in that respect will be of great prejudice to the Crown Revenue, but occasion a great deal of confusion and disturbance in the Country by many people seating themselves on vacant Lands, destroying Timber, Lightwood &c., such having no real title to Lands but ready to fly from one Province to another to shelter themselves from prosecutions, as was the case with many Regulators in the year 1770, could not be looked upon otherwise than as Disturbers of the Public Peace of the Colony.

I am &c
W^m RUTHERFORD,
Rec^r Gen^l.

[N. C. LETTER BOOK. S. P. G.]

Letter from the Rev. Mr. Christian to the Society. (Extract.)

BRUNSWICK, July 27th, 1774.

MY LORDS AND MEMBERS OF THE SOCIETY FOR PROPAGATING THE
GOSPEL,

At five different places in the county I perform divine service (viz) in Brunswick Church, at the Norwest at Lockwood's folly, at the Boundary between the North and South province and at a place called Waccamaw: the two former places are near thirty miles from the Town of Brunswick where I reside and the latter places are upwards of forty miles, the roads exceeding bad especially to Waccamaw there being upwards of twelve swamps to cross some of which are so deep that horses are frequently up to the Saddle in crossing them. In this place common prayer had never before been read nor the Gospel preached, so that the people are rather ignorant, but very desirous of being instructed which, according to the utmost of my ability, I shall endeavor to do. In this remote wild place there are above thirty families, but very scattered. In my last visit I baptized many of their children some of them seven or eight years old having had no opportunity before of bringing their little ones to the Christian baptism. This place is situated on Waccamaw river near the green swamp entirely out of the way of all Society. I have baptized in all since my arrival which was on the fifteenth December last about 50 white children and 1 adult 70 years old, married 4 couples, buried 8 corpses, had at Whitsuntide 14 communicants and at Easter about 18, and on Sundays I examine the youths and lecture them on the Church Catechism which I find is very pleasing and agreeable to many in the congregation. This parish is really a very poor parish, especially for the Minister, the Surplice fees being so trifling and no laws to empower the vestry to levy the usual taxes which goes very hard with a young person just setting out in life and little of his own to support him in these troublesome times. Now as this incorporated Society are a number of Gentlemen of sound judgment and acute penetration I shall submit the matter to their judicious consideration whether or no the duties of so large a parish and so many places to perform divine service at can be done without some expence and much fatigue, especially as horses are so monstrous

extravagant in this province. As for my part I shall use every effort in my power to propagate the true Gospel of Christ, to the glory of my creator and the honor of so worthy a society but where my circumstances are so narrow I can only wish well to so good a cause, and am with all due deference, the societies most devoted &c,

NICH^s CHRISTIAN.

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

Letter from Andrew Miller to Thomas Burke.

HALIFAX, July 29th, 1774.

DEAR SIR,

The Bearer M^r Arthur Milner brother to M^r Milner of this place, deceased, is now on his way to see the lands that were his brother's. I have advised him to call on you for information as to the value of the Little River Tract.

Should be glad to hear of your and M^{rs} Burke's welfare by his return, perhaps you can give some Account of the affairs at the Capitale. I have heard of some little broil there in which M^r I. Edwards is concerned. If the Governor is wrong, I'm sure Its without Intention. I'm more apt to suspect I. E. has been blameable.

I am with Compliments of M^{rs} Miller & self to you and M^{rs} Burke

Dear Doct^r

Yours Sincerely

AND^w MILLER.

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

Letter from Archibald Neilson.

HERRIESBURGH, 4th August, 1774.

DEAR SIR,

Since I had the pleasure of seeing you, I had no opportunity of writing you:—indeed I have been traveling, from one place to another almost continually.

I knew not of my being to come here again on the present court, until a few days before its appointed meeting, and imagined, indeed, that from my representations, founded, in great part, on your opinion, that it might have been judged unnecessary. But from a more

intimate view of the matter Mr Strudwick judged that my attendance would be proper.

The affair in which you did me the favor of your services has been again re-heard, and has gone against me by one voice. Mr Pen appeared as my Council: I know not that anything new was urged on one side or the other, excepting only that Mr Henderson urged the plea against Mr Strudwick's right to appointing;—the answer to which was such as naturally occurs to a man of ingenuity on the immediate consideration of the question. This, you will perceive throws a new obstacle in the way to composing the matter; and, if not settled, Mr S. and the Governor must, to be sure, of a necessity, support what they consider as the Crown prerogative, by every constitutional, Legal and honorable method within their power; the most prudential mode can be the only election left them.

I postpone saying anything more on this matter, as I intend to see you at Hillsborough sometime the beginning of next month.

The Governor's family intended going to the Northward a few days hence; it was a dubious point whether his Excellency went with them or not—I incline to think he will not.

If I see not Mr S. as I expect before he arrives at Hillsborough, you'll be good enough to mention how the affair has been determined.

I wish you well with all my heart.

I am with sincerity & regard &c,
ARCH^d NEILSON.

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

Proceedings of the Freeholders in Rowan County.

AUGUST 8th 1774.

At a meeting August 8th 1774, The following resolves were unanimously agreed to.

Resolved, That we will at all times, when ever we are called upon for that purpose, maintain and defend at the Expense of our Lives and Fortunes, his Majesty's Right and Title to the Crown of Great Britain, and his Dominions in America to whose royal Person and Government we profess all due Obedience & Fidelity.

Resolved, That the Right to impose Taxes or Duties to be paid by the Inhabitants within this Province for any purpose whatsoever is peculiar and essential to the General Assembly in whom the legislative Authority of the Colony is vested.

Resolved, That any attempt to impose such Taxes or Duties by any other Authority is an Arbitrary Exertion of Power, and an Infringement of the Constitutional Rights and Liberties of the Colonies.

Resolved, That to impose a Tax or Duty upon Tea by the British Parliament in which the North American Colonies can have no Representation to be paid upon Importation by the inhabitants of the said Colonies, is an Act of Power without Right, it is subversive to the Liberties of the said Colonies, deprives them of their Property without their own Consent, and thereby reduces them to a State of Slavery.

Resolved, That the late cruel and Sanguinary Acts of Parliament to be executed by military force and Ships of War upon our Sister Colony of the Massachusetts Bay and Town of Boston, is a strong Evidence of the corrupt Enfluence obtained by the British Ministry in Parliament and a convincing Proof of their fixed Intention to deprive the Colonies of their Constitutional Rights and Liberties.

Resolved, That the Cause of the Town of Boston is the common Cause of the American Colonies.

Resolved, That it is the Duty and Interest of all the American Colonies, firmly to unite in an indissoluble Union and Association to oppose by every Just and proper means the Infringement of their common Rights and Privileges.

Resolved, That a general Association between all the American Colonies, not to import from Great Britain any Commodity whatsoever (except such things as shall be hereafter excepted by the general Congress of this Province) ought to be entered into and not dissolved till the just Rights of the said Colonies are restored to them, and the cruel Acts of the British Parliament against the Massachusetts Bay and Town of Boston are repealed.

Resolved, That no friend to the Rights and Liberties of America ought to purchase any Commodity whatsoever, except such as shall be excepted, which shall be imported from Great Britain after the general Association shall be agreed upon.

Resolved, That every kind of Luxury, Dissipation and Extravagance, ought to be banished from among us.

Resolved, That manufactures ought to be encouraged by opening Subscriptions for that purpose, or by any other proper means.

Resolved, That the African Trade is injurious to this Colony, obstructs the Population of it by freemen, prevents manufacturers, and other Useful Emigrants from Europe from settling among us, and occasions an annual increase of the Balance of Trade against the Colonies.

Resolved, That the raising of Sheep, Hemp and flax ought to be encouraged.

Resolved, That to be clothed in manufactures fabricated in the Colonies ought to be considered as a Badge and Distinction of Respect and true Patriotism.

Resolved, That Messrs Samuel Young and Moses Winslow for the County of Rowan, and for the Town of Salisbury William Kennon Esq^r be and they are hereby nominated and appointed Deputies, upon the Part of the Inhabitants and Freeholders of this County and Town of Salisbury, to meet such Deputies as shall be appointed by the other Counties and Corporations within this Colony at Johnston Court-House the 20th of this Instant.

Resolved, That at this important and alarming Crisis it be earnestly recommended to the said Deputies at their general Convention that they nominate and appoint one proper Person out of each District of this Province, to meet such Deputies in a general Congress, as shall be appointed upon the Part of the other Continental Colonies in America, to consult and agree upon a firm and indissoluble Union and Association for preserving by the best and most proper means their Common Rights and Liberties.

Resolved, That this Colony ought not to trade with any Colony which shall refuse to join in any Union and Association that shall be agreed upon by the greater Part of the other Colonies on this Continent, for preserving their common Rights and Liberties.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222]

A Call for a Meeting of the Friends of American Liberty in Craven County.

NEW BERN, August 9th, 1774.

TO THE FREEHOLDERS OF CRAVEN COUNTY,
GENTLEMEN,

This day a considerable number of the Inhabitants of Newbern met at the Court House and appointed Abner Nash and Isaac

Edwards, Esq^r, Deputies, to act for them in the General Meeting to be held here on the 25th Instant for the purpose of taking into consideration the present alarming state of British America and the late Acts of Parliament relating to the Port of Boston and Province of Massachusetts Bay. They then entered into several resolves which will be made public, proceeded to appoint a Committee and directed them to request the Inhabitants of the County of Craven to meet and instruct their Members of Assembly or such other persons as they may choose to represent them in the said General meeting. It is therefore expected and desired that the Friends of American Liberty in this County will meet at Newbern, on Saturday the 20th day of this month for the purposes aforesaid.

We are, Gentlemen, your obedient servants,

JAMES DAVIS

RICHARD ELLIS

ABNER NASH

JAMES COOR

ISAAC EDWARDS

D. BARRON

JOSEPH LEECH

JOHN GREEN

R. COGDELL

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

COUNCIL JOURNALS.

At a Council held at New Bern 12th August 1774.

Present

His Excellency the Governor

The Honble {	James Hasell	William Dry	} Esquires
	Lewis DeRosset	and	
	John Sampson	Samuel Cornell	

Ordered that a new Commission of the Peace issue for the County of Chatham that Mathew Jones, James McCarrol, Mial Seurlock, Alexander Clark, John Pile Sen^r, Samuel Stewert, John Birdsong, James Kendrick and John Thompson be added to the three Magistrates who qualified to the late Commission.

Ordered that the name of Isaac Marion which had been erroneously spelt in the last Commission of the Peace for Brunswick County be inserted properly in order that he may be Qualified.

Ordered a new Commission of the Peace issue for Dobbs County and that Thomas Edwards, Stephen Blackman, Benjamin Caswell

and William Hooker be omitted, and Benjamin Shepard and Joseph Pipkin be added to the Commission.

At a Privy Council held at New Bern 12th August 1774

Present

His Excellency the Governor

The Honble {	James Hasell	William Dry	} Esquires
	Lewis DeRosset	and	
	John Sampson	Samuel Cornell	

His Excellency the Governor addressed the Honorable members of this Board as follows.

GENTLEMEN OF HIS MAJESTY'S COUNCIL,

I have heard with the greatest concern, and I have read in public Newspapers, and hand Bills of invitation to the People, in the Several Counties and Towns of this Province, to meet together, to express their sentiments, on Acts lately passed by the Parliament of Great Britain: and to appoint Deputies, to attend on their behalf, (with Powers obligatory on the future conduct of the Inhabitants of this Province) at a meeting that I understand is to be held here on the 25th Instant. I also find that meetings of the Freeholders, and Inhabitants, have accordingly been already held in some places, at which Resolves have been entered into derogatory to the dignity of His Majesty, and His Parliament, and tending to excite Clamour, and discontent among the Kings Subjects in this Province. Under these Circumstances, Gentlemen, I consider it my indispensable duty to His Majesty, and this Country, to advise with you the measures most proper to be taken, to discourage or prevent these Assemblies of the People, which are so inconsistent with the Peace, and good order of this Government, whose professed purposes will appear at least highly indecent and have an evident tendency to draw His Majestys displeasure on this Province, already labouring under the most grievous and disgraceful circumstances for want of a just and effectual civil Polity.

The Council desired to take time maturely to consider the Subject of the above address till tomorrow morning.

The Governor finding that during the absence of Mr Howard the circumstances of things rendered the temporary appointment of a Chief Justice necessary, recommended the Hon Mr. Hasell for such appointment who was unanimously approved.

At a Privy Council held at New Bern 13th August 1774.

Present

His Excellency the Governor

The Honble {	James Hasell	William Dry	} Esquires.
	Lewis DeRosset	and	
	John Sampson	Samuel Cornell	

The Members of the Council having maturely considered the matters laid before them yesterday by the Governor unanimously concurred to His Excellency to issue a proclamation forthwith to discourage and prevent the meetings and Assemblies of the People of this Province mentioned in the Governor's address of yesterday and that they do not discern that any other measures can be properly taken on the occasion at present.

NORTH CAROLINA — Ss.

By his Excellency Josiah Martin Esquire, Captain General, Governor and Commander in Chief in and over the said Province

A Proclamation.

Whereas it appears to me that meetings and Assemblies of the Inhabitants of this Province have been in some of the Counties and Towns thereof already held, and are in others appointed to be held without any legal authority: and that resolves have been entered into and plans concerted (in such meetings as are passed), derogatory to his Majesty and the Parliament of Great Britain; and that there is reason to apprehend the same inflammatory, disloyal and indecent answers, may be adopted in such future assemblies, inconsistent with the peace and good order of this Government and tending to excite clamour and discontent among his Majesty's Subjects in this Province; I have thought fit with the advice and consent of His Majesty's Council, to issue this Proclamation, to discourage as much as possible proceedings so illegal and unwarrantable in their nature, and in their effect so obviously injurious to the welfare of this Country; And to this end I do hereby strictly require and enjoin, on their allegiance all and every His Majesty's Subjects, to forbear to attend at any such illegal meetings and that they do discourage and prevent the same by all and every means in their power, and more particularly that they do forbear to attend, and do prevent as far as in them lies, the meeting of certain Deputies, said to be appointed to be held at New Bern on the 25th Instant. And I do more especially charge, require and com-

mand, all and every his Majesty's Justices of the Peace, Sheriffs and other officers, to be aiding and assisting herein to the utmost of their power.

Given under my hand and the Great Seal of the said Province at New Bern the 13th day of August 1774 and in the fourteenth Year of His Majestys Reign. JO. MARTIN.

God save the King.

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

Proceedings of the Freeholders in Pitt County.

NORTH CAROLINA, PITT COUNTY,
August 15th, 1774.

At a General Meeting of the Freeholders of the County aforesaid at the Town of Martinborough,

John Hardee in the chair.

Resolved, that as the Constitutional Assembly of this Colony are prevented from exercising their rights of providing for the security of the liberties of the people, that right again reverts to the people as the foundation from whence all power and legislation flow.

Resolved, that John Simpson and Edward Salter, Esq^{rs}, do attend at the Town of New Bern on the 25th instant in General Convention of this Province and there to exert their utmost abilities preventing the growing system of ministerial Despotism which now threatens the destruction of American Liberties, and that you our deputies may be acquainted with the sentiments of the people of this County, it is their opinion, that you proceed to choose proper persons to represent this Province in a General Congress of America to meet at such time and place as may be hereafter agreed on. That these delegates be instructed to a declaration of American rights setting forth that British America and all its inhabitants shall be and remain in due subjection to the Crown of England, and to the illustrious family of the throne, Submitting by their own voluntary act, and enjoying all their free chartered rights and libertys as British free subjects. That it is the first law of Legislation and of the British Constitution that no man be taxed but by his own consent, Expressed by himself or by his legal Representatives.

On motion the said meeting was then dissolved.

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[B. P. R. O. AM. & W. IND. VOL. 222.]

PROCEEDINGS OF PUBLIC MEETINGS IN VARIOUS
COUNTIES AS PRINTED IN THE NORTH CARO-
LINA GAZETTE OF SEPTEMBER 2d, 1774.

Proceedings of Freeholders in Johnston County, 12th August, 1774.

At a Meeting of the Freeholders of the County of Johnston in the Province of North Carolina, at the Court House of said County, on the 12th day of August 1774.

Samuel Smith Ju^r, Esq^{re}, in the chair.

1. Resolved, That His Majesty's Subjects in North America owe the same allegiance to the Crown of Great Britain, that is due from his subjects born in that Kingdom or elsewhere.

2. Resolved, That His Majesty's Subjects in America are intitled to the same rights and liberties, that his subjects within the Kingdom of Great Britain are.

3. Resolved, That it is repugnant to the rights of the People that any Taxes should be imposed on them without their consent, or the consent of those who properly represent them.

4. Resolved, That it is a fundamental Right which His Majesty's Subjects are intitled to, that no one of them shall suffer in his Person or Property without a fair trial and judgment given by his Peers, or by the Laws of the Land.

5. Resolved, That all Trials of Treason, Misprision of Treasons, or for any Felony or crimes whatsoever, committed in this His Majesty's Colony, by any Person being a free-born subject, ought of right to be tried in and before His Majesty's Courts held within this Colony; and that the seizing of any Person or Persons suspected of any crimes whatsoever, and sending them to Great Britain or any place beyond the sea to be tried, is oppressive, illegal and highly derogatory to the rights of British Subjects, as thereby the inestimable privilege of being tried by a Jury from the Vicinage, as well as the benefit of procuring witnesses on such Trial, will be taken away from the Party accused.

6. Resolved, That Samuel Smith, Sen^r, Needham Bryan, Sen^r, William Bryan and Benjamin Williams Esq^{res} be appointed to

appear in our behalf at such times and places as shall be judged most proper, to meet the deputies of the other Counties, to consult the welfare of America on this alarming crisis which seems to threaten our liberties and Constitution, and to elect Persons to represent this Province at a General Continental Congress to be held at such time and place as shall be by them agreed to.

7. Resolved, That we will strictly adhere to and abide by such regulations and restrictions as the Members of said General Congress shall agree to, and judge most convenient, for avoiding the calamities and procuring the benefits intended by these resolves.

8. Resolved, That Samuel Smith, senior, William Bryan, John Smith, Samuel Smith, jun^r, Needham Bryan, jun^r, Henry Rains and William Ward, Esq^{res}, be appointed a Committee to correspond with the Committees of the other Counties in this Province, when, and as often as they shall think convenient, relative to the matter contained in the foregoing Resolves.

Proceedings of Freeholders in Anson County, 18th August 1774.

At a meeting of the Freeholders of the County of Anson, in the Province of North Carolina, held at the Court House of the said County, on the 15th day of August 1774, Thomas Wade Esq^{re} Chairman,

Resolved, That it is the opinion of this Meeting, that the late arbitrary and cruel Acts of the British Parliament, and other unconstitutional and oppressive measures of the British Ministry, against the Town and Port of Boston, and province of Massachusetts Bay, are no other than the most alarming prelude to that yoke of slavery already manufactured by the said Ministry, and by them intended to be laid on all the Inhabitants of British America, and their Posterity for ever.

Resolved, That in order to disappoint the machinations of the said Ministry, and to secure the Rights of British Subjects in America, the Members of this Meeting are fully sensible of the expediency of sending Deputies to represent them at a General Convention of Deputies from the several Counties of this Colony to be held at Johnston Court House on the 25th inst., and likewise of sending Delegates from thence to act for and represent the Inhabitants of this Colony at a General Congress of Delegates from all the Colonies on this Con-

to be held at Philadelphia on the 20th of September next, or at such time and place as shall be generally agreed upon.

Resolved, That Samuel Spencer & William Thomas Esq^{res} be and they are hereby appointed Deputies on behalf of this County, to act for and represent the Inhabitants thereof at the said general Convention of Deputies, from the several Counties of this Colony to be held at Johnston Court House aforesaid, on the 20th of this instant August or at such other time and place as shall be generally agreed upon, then and there to consult on the great and important Subject of American Freedom, and thence to appoint Delegates to act on behalf of this Colony at the said general Congress, to be held as aforesaid, and to pursue such measures, in union with the rest of the Colonies, as may be thought most conducive to the preservation of the Rights and Liberties of this Colony and those of America in general. And that the conduct of the Deputies hereby appointed on behalf of this County, in conjunction with that of the Deputies appointed to represent the several Counties of this Colony in full convention, as aforesaid, shall be taken and deemed to be obligatory on us the Freeholders and Inhabitants of this County.

Resolved, That Thomas Dockery, Thomas Wade, Samuel Spencer, William Thomas, Charles Robinson, Charles Medlock, William Pickett and James Auld be, and they are hereby appointed a Committee for this County to correspond with any Committee of Correspondence in this Colony, and to appoint meetings of the Freeholders in this County as often as they, or a majority of them, shall conceive the exigency of the times may require.

Resolved, That as in the opinion of this meeting the cause wherein the Inhabitants of Boston and Massachusetts Bay are now suffering, in consequence of the aforesaid arbitrary and cruel Acts, is the common cause of all North America, the Committee hereby appointed be instructed to open and promote a subscription for contributing towards the relief of those indigent Inhabitants of the Town of Boston, whom the operation of one of the aforesaid Acts has deprived of the means of subsisting themselves, and that the money or other Articles collected by such subscription be transmitted by the above Committee to the said Committee of Correspondence appointed for this Colony, to be laid out and disposed of in such manner as the said last mentioned Committee shall conceive to be best adapted to answer the design thereof.

Resolved, That it be an Instruction to the Deputies above appointed on behalf of this County, that it is the opinion of this meeting, that the speediest, most constitutional and effectual way to obtain redress of the grievances above mentioned will be for the several American Colonies on this Continent to stop all trade and commerce with Great Britain, and every part of America that shall continue any trade or commerce with the same (except in some necessary articles such as salt) until the above said Acts be repealed, and other unconstitutional measures of the British Ministry be discarded, and that it is the opinion of this meeting that such stoppage of commerce will indispensibly involve the necessity of stopping the commencement and prosecution of suits for the recovery of the greatest part of such debts as are now due from persons residing in the said Colonies, and that it is the desire of this Meeting, that a line may be properly drawn and ascertained between such suits as ought and such as ought not to be commenced and prosecuted for the recovery of debts in said Colonies, upon the Principles of such stoppage of commerce, as aforesaid.

Proceedings of Freeholders in Granville County, 15th August, 1774.

At a General Meeting of the Freeholders in the County of Granville, on the 15th day of August 1774.

Resolved, That those absolute rights we are entitled to as men, by the immutable Laws of Nature, are antecedent to all social and relative duties whatsoever.

Resolved, That by the civil compact subsisting between our King and His People, Allegiance is the right of the first Magistrate, and protection the right of the People; that a violation of this Compact would rescind the civil Institution binding both King and People together.

Resolved, That altho we are oppressed, we will still adhere to the civil Obligation exacting our allegiance to the best of Kings, as we entertain a most cordial affection to His Majesty's Person and can never wish to see the executive authority in other hands. Blessed with freedom, we will chearfully knee the throne erected by our Fathers and kiss the sceptre they taught us to reverence.

Resolved, That His Majesty's Subjects residing in America, have either by inheritance or purchase, all and singular, the rights, liberties and immunities, claimed by their British Ancestors, and

moreover are entitled to the Privileges granted to them by their respective Provincial Charters.

Resolved, That the sole right of imposing Taxes upon the People of America, is constitutionally vested in the respective Provincial Assemblies. That the King may demand aids of his American Subjects and that duty and inclination will ever prompt them to comply with the Royal Requisitions, to the utmost of our abilities.

Resolved, That the King at the head of his American Assemblies, constitutes a supreme Legislature in the respective Colonies, and that as Free men we can be bound by no law, but such as we assent to, either by ourselves, or our Representatives. That we derive a right from our Charters to enact Laws for the regulation of our internal Policy of Government, which reason and justice confirm to us, as we must know what civil Institutions are best suited to our state and circumstances.

Resolved, That the executive power, constitutionally vested in the Crown and which presides equally over Great Britain and America, is a sufficient security for the due subordination of the Colonies without the Parliament's assuming powers of Legislation and Taxation which we enjoy distinct from, and in equal degree with them.

Resolved therefore, That all such Acts of the British Parliament as either express or imply the Parliament's right to tax America, that abrogate our legislative or judicial Powers, that tend to deprive us of our property without a Trial by Jury, or that point out to the executive Magistrate a form of proceeding excluding the civil institutions of our Country, have a tendency to subvert our Liberties, and reduce us to a state of slavery.

Resolved, That we know not how far our Brethren in Boston, who destroyed certain Teas, the Property of the East India Company, may be justified by necessity, for such a breach of Civil order; nevertheless, as the Constitution pointed out a mode of Proceeding by which the said Company might have obtained redress, we must deem a late Act of the British Parliament, which arms the executive Magistrate with the Naval and Military powers of the Nation, to assess damages upon a few Trespassers in the town of Boston, an open attack upon the common liberties of the subject, and a plain avowal that recourse to arms is better suited to the temper of ministerial vengeance than any Retributions that might have flowed from an application to the Civil Power.

Resolved, That the Blockade of the City of Boston, the extrajudicial demand of Restitution for a Civil Injury, the deprivation of Private Property, the suppression of the usual criminal Proceedings, and the Suspension of their legislative powers, is a subversion of Civil Jurisprudence, and a violation of liberty and Property, unexampled but by Eastern despotism.

Resolved, That we will concur in every justifiable measure to procure a Repeal of this oppressive Act, and all such Acts of the British Parliament as tend to the subversion of our civil rights.

Resolved, That our political interests are inseparably united to those of Great Britain, and that our union and friendly intercourse with her, can alone secure our independence, and make us a free and happy People.

Resolved, That the suspension of our commercial intercourse with Great Britain, is a measure not to be entered into with precipitation. Let justice licence what Policy may dictate, and the Ruler of Princes will in mercy look down upon our Cause, and make Converts of our Oppressors.

Resolved, That a Suspension of the Proceedings at Law is equally dangerous; for where there is no Law, there is no Freedom, and that species of Liberty, which leaves the People unguarded by the judicial Power, and their Civil Institutions, is not worth contending for.

Resolved, That the plan proposed by our worthy and patriotic friends, the People of the District of Wilmington, in their Meeting on the 21st July last, is wisely adapted to the purpose of collecting the sentiments of the People of this Province, with respect to the important matters that now demand the consideration of every American; we therefore unanimously appoint and delegate Thomas Person and Memucan Hunt Esquires, to act on our behalf at the Meeting appointed to be had at Johnston Court House on the 25th inst., or when and where the Deputies for the several Counties, shall think proper to convene themselves for the purpose aforesaid, and appoint Deputies to meet, in General Congress, the Deputies of the respective Colonies in Philadelphia, on the first Monday in September next.

Ordered, That these Resolves be published.

Proceedings of Freeholders in Chowan County, 22nd August, 1774.

At a very respectable and numerous Meeting of the Freeholders of the County of Chowan and Town of Edenton, and other Inhabitants of the said County and Town, at the Court House in Edenton on the 22nd day of August in the year of our Lord 1774 the Rev^d Mr Daniel Earl in the chair.

We profess and testify our allegiance to his most sacred Majesty King George the third, our most gracious Sovereign whom we will at all times support in the just & legal exercise of the powers vested in him by the British Constitution, for the good of his people to the utmost of our Power.

Resolved, That it is the natural right of mankind to enjoy and possess the property acquired by their labour and industry, until they consent to part from it, that this right is amply secured to every British Subject by the Fundamental Laws and Constitution of Great Britain; and that the Inhabitants of this Province are intitled to all Liberties, Franchises and Privileges of his Majesty's British Subjects.

Resolved, That all Acts of the British Parliament imposing Taxes or Duties, for the purpose of raising a revenue, to be paid by the Inhabitants of this, or any other of His Majesty's Colonies in America, are arbitrary and unjust, tending to create unhappy jealousies between his Majesty's British and American Subjects, and to destroy our natural rights and privileges, confirmed and guaranteed, by Royal Charter to our Ancestors and their Posterity.

Resolved, That the Act for stopping up the Port of Boston is highly unjust, oppressive and unworthy the British Legislature in as much as it must have been obtained from misinformation, and from suggestions, if not altogether groundless, highly exaggerated. That the act for the better regulating the government of the Province of the Massachusetts Bay in North America, is an attempt to dissolve a Contract most solemnly entered into by the present Ancestors of the Massachusetts Bay with their Sovereign; a contract wth ought to be held inviolable, without the mutual consent of King and People; That if the King and Parliament continue to exercise this power, none of the Colonies may expect to enjoy their rights and Privileges longer than they approve themselves obsequious to the Dependants on Administration. That the Act for the impartial Administration of justice in the cases of Persons questioned for any Acts done by

them in their execution of the Laws, or for the suppression of Riots and Tumults in the Province of the Massachusetts Bay, in New England, puts it in the power of a cruel and despotic Governor, wantonly to sport with the lives of His Majesty's subjects in that Province with impunity.

Resolved, That the above Acts are a dreadful presage of what we have to apprehend from a Legislature which claims a power of making Statutes to bind the Inhabitants of the Colonies in all cases whatsoever.

Resolved, That the most probable means of defeating the baneful purposes intended to be carried into execution under the above Acts is, to promote and encourage the Manufactures of this Country by wearing them ourselves and using them in our families, and to avoid, as much as possible, the purchase of any British or India Wares or Manufactures.

Resolved, That Samuel Johnston, Thomas Oldham, Thomas Jones, Thomas Benbury, Thomas Hunter and Joseph Hewes Esq^{rs} be appointed to represent this County and Town at the meeting of the Delegates from the several Counties in this Province at Newbern the 25th instant to deliberate on the most effectual means of providing against the evils which threaten our Constitution, and to appoint Delegates to represent this Province at a General Congress of Deputies from all the American Colonies at Philadelphia.

Resolved, That we will faithfully observe and endeavor to carry into execution, all Orders and Resolutions entered into by the Delegates, both in the Provincial and General Congress (saving our allegiance to his Majesty).

Proceedings of Freeholders in the Town of Halifax, 22^d August, 1774.

At a General Meeting of the Freeholders and Inhabitants of the Town of Halifax on Monday the 22nd day of August, 1774, John Webb, Esq^{re} being chosen Moderator, the following Resolves were unanimously agreed to, viz,

1. Resolved, That we will bear true and faithful allegiance to His Majesty King George the third, and that we will ever at the expence of our lives and fortunes, defend and protect his sacred person, and the succession of the Crown to his Royal Issue.

2. Resolved, That the Bill for altering the Administration of Justice in certain criminal cases within the Province of Massachusetts

Bay, if passed into an Act of Parliament, is subversive of the end and design of good Government, unconstitutional and oppressive as a Law, big with the greatest injustice, productive of the most dangerous consequences, and has the greatest tendency to ill in respect to the British Subjects in America, as the execution of that Law would deprive them of their ancient and established Privilege of Trial by their Peers, and the indigent circumstances of the Americans could not support, at so great a distance, those persons who might attest their innocence or justify their conduct, therefore the accused party would innocently fall a victim to the greatest rigour and injustice.

3. Resolved, That the Boston Port Act is an illegal exertion of arbitrary Power, that it is destructive of our happiness, therefore contrary to the law of nature, which Law being coeval with mankind, and dictated by God himself, is of course superior in obligation to any other; that it is an encroachment on private Property, a proceeding highly derogatory of the mildness of the British Government which no law, usage or custom can justify, warrant or defend.

4. Resolved, That the Bill for changing the Constitution of Massachusetts Bay, now founded on Charter, is greatly injurious to the Liberties of the People in that Province in particular, and to America in general.

5. Resolved, That the Americans can be taxed only by those persons who legally represent them; that the distance between Great Britain and America is so considerable that it would be impracticable for our Representatives to sit in Parliament, therefore the power assumed by the British Parliament over the Colonies, is an invasion of those rights, which, as free People, we have enjoyed Time immemorial, and that it tends only to oppress & enslave us.

6. Resolved, That Principles of Justice, Honour and gratitude, as well as interest, ought to direct our conduct on this important occasion.

7. Resolved, That all dissipation, luxury and extravagance be discouraged, that industry, frugality and economy, are the only means to enable us to discharge those debts we owe in Britain; that the breed of sheep and manufacture of wool be encouraged, and that every person apply himself with assiduity to his Art in labour or occupation in life.

8. Resolved, That we continue our exports to Great Britain until the debts due from America are fully discharged, and hereby recommend it most heartily to the several Counties in this Province, as the most eligible plan to secure to us the affections of our Mother Country, in as much as by that we shall convince her of the uprightness and honesty of our intentions, most warmly recommend ourselves to those who have trusted us on the common faith and Credit of the Country, and will magnify our firmness, patriotic virtue and Public spirit.

9 Resolved, That the trade to the British West Indies be continued, for tho' they are not a part of the Continent of America, still as British Colonies are liable to the same impositions, & without our useless commodities, would be reduced to the greatest necessity and want; in return we may receive the several productions of their climate, which long habit has made almost necessary to sustain life, and by their riches strengthen the sinews of our Constitution; for 'tis freedom of Trade that adds to the happiness of the People, and without it indolence and ignorance will accompany our abject State.

10. Resolved, That after the twentieth day of September next ensuing we import no Article directly or indirectly, from Great Britain, nor purchase any Commodity from those who do import, until the duty on tea be taken off, except those Articles for which Orders are already sent and those now mentioned, viz: Artificers and workmen's tools of all sorts, Kendal or Negro Cotton, medicines, nails of all sorts, for the purpose of building, woolen and cotton cards; nor will we import or buy any of those articles, if a duty should hereafter be laid on them by the British Parliament, for the Purpose of raising a Revenue in America.

11. Resolved, That the East India Company has greatly insulted the Americans, by acting as tools of Administration, and sending over to this Continent a quantity of that detested article tea, contrary to the avowed inclinations of the American-; therefore we resolve never to purchase directly or indirectly or use in any of our families (except what we now have) any East India commodity whatever, until the duty on tea be suspended.

12. Resolved, That for the common good, every difference, division, party or faction and the cause thereof subside; that peace, unanimity and concord, should subsist throughout this Province.

13. Resolved, That the several Courts of Law and Justice within

this Province do still continue to exercise their Jurisdiction, as their declining would appear to proceed from a principle of dishonesty.

14. Resolved, That as Joseph Montfort Esq^r our worthy Representative, from his present indisposition cannot possibly attend the General Meeting at Newbern on the 25th of this instant, we hereby constitute and appoint John Geddy Esq^{re} as our Representative in his stead, then and there to act as to him for our welfare, shall seem expedient.

15. Resolved, That a copy of these resolves be inserted in the Newbern *Gazette*.

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

COUNCIL JOURNALS.

At a Council held at New Bern 25th August 1774.

Present

His Excellency the Governor.

The Honble	{	James Hasell	John Sampson	} Esquires.
		John Rutherford	William Dry &	
		Lewis H. DeRosset	Samuel Cornell.	

The Governor signified to the Board that this was the day appointed for the meeting of certain persons called Deputies from the Several Counties and Towns of the Province, at this place and that many of them were accordingly come to Town, and he desired the advice of the Council whether he could take any further measures than those he had taken pursuant to their advice on the 13th instant when it was the unanimous opinion that no other steps could be properly taken at this juncture.

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

THE JOURNAL OF THE PROCEEDINGS OF THE FIRST PROVINCIAL CONVENTION OR CONGRESS OF NORTH CAROLINA, HELD AT NEWBERN ON THE TWENTY-FIFTH DAY OF AUGUST, A. D. 1774.

NORTH CAROLINA — Ss.

At a General meeting of Deputies of the Inhabitants of this province at Newbern the twenty fifth day of August in the year of our Lord one thousand seven hundred and seventy four

Appeared for

- Anson County — Samuel Spencer, William Thomas.
Beaufort — Roger Ormond, Thomas Respass.
Bladen — William Salter, Walter Gibson.
Bute — William Person, Green Hill.
Brunswick — Robert Howe.
Bertie — John Campbell.
Craven — Lemuel Hatch, Joseph Leech, Richard Cogdell.
Carteret — William Thomson, Solomon Perkins
Currituck — Nathan Joyner, Samuel Jarvis.
Chowan — Samuel Johnston, Thomas Oldham, Thomas Benbury,
Thomas Jones, Thomas Hunter.
Cumberland — Ferquard Campbell, Thomas Rutherford.
Chatham — Richard Caswell, William McKinnie.
Dobbs — George Miller, Simon Bright, Thomas Gray, Thomas Hix.
Duplin — James Kenan, William Dickson.
Edgecombe —
Granville — Thomas Person, Memucan Hunt.
Guilford —
Hyde — Rothias Latham, Samuel Smith.
Hertford —
Halifax — Nicholas Long, Willie Jones.
Johnston — Needham Bryan, Benjamin Williams.
Mecklenburg — Benjamin Patten.
Martin — Edmund Smythwick.
New Hanover — John Ashe, William Hooper.
Northampton — Allen Jones.
Orange — Thomas Hart.
Onslow — William Cray, John Harvey, Benjamin Harvey.
Perquimons — Andrew Knox, Thomas Harvey, John Whedbee,
jr., Joseph Jones.
Pasquotank — Edward Everigin, Joseph Reading.
Pitt — John Simpson, Edward Salter, William Kenon.
Rowan — Moses Winslow, Samuel Young.
Surry —
Tryon — David Jenkins, Robert Alexander.
Tyrrel — Joseph Spruill, Jeremiah Fraiser.
Wake —
Newbern — Abner Nash, Isaac Edwards.
Edenton — Joseph Hewes.

Wilmington — Francis Clayton.

For the Town of Bath — Mr William Brown.

For the Town of Halifax — Mr John Geddy.

For the Town of Hillsborough —

For the Town of Salisbury — William Kennon.

For the Town of Brunswick —

For the Town of Campbellton —

The deputies then proceeded to make choice of a moderator, when Col^o John Harvey was unanimously chosen and Mr Andrew Knox appointed clerk.

The meeting adjourned till 8 o'clock tomorrow morning.

Friday August 26th 1774.

The meeting met according to adjournment.

Mr Hewes one of the members of the Committee of Correspondence presented several letters from the Committees of Correspondence of the other Colonies in America, and the several answers thereto, which on motion were ordered to be read, and after the most mature deliberations had thereon,

Resolved that three delegates be appointed to attend the General Congress to be held at Philadelphia sometime in September next.

The meeting adjourned till 8 o'clock tomorrow morning.

Saturday August 27th 1774

The meeting met according to Adjournment and came to the following resolutions, to wit,

We his Majesty's most dutiful and Loyal Subjects, the deputies from the several Counties and Towns, of the Province of North Carolina, impressed with the most sacred respect for the British Constitution, and resolved to maintain the succession of the House of Hanover, as by law Established, and avowing our inviolable and unshaken Fidelity to our sovereign, and entertaining a sincere regard for our fellow subjects in Great Britain viewing with the utmost abhorrence every attempt which may tend to disturb the peace and good order of this Colony, or to shake the fidelity of his Majesty's subjects resident here, but at the same time conceiving it a duty which we owe to ourselves and to posterity, in the present alarming state of British America, when our most essential rights are invaded by powers unwarrantably assumed by the Parliament of Great Britain to declare our sentiments in the most public

manner, lest silence should be construed as acquiescence, and that we patiently submit to the Burdens which they have thought fit to impose upon us.

Resolved, That His Majesty George the third is lawful and rightful King of Great Britain, and the dominions thereunto belonging, and of this province as part thereof, and that we do bear faithful and true allegiance unto him as our lawful sovereign, that we will to the utmost of our power, maintain and defend the succession of the House of Hanover as by law established against the open or private attempts of any person or persons whatsoever.

Resolved, That we claim no more than the rights of Englishmen, without diminution or abridgement, that it is our indispensable duty and will be our constant endeavour, to maintain those rights to the utmost of our power consistently with the loyalty which we owe our sovereign, and sacred regard for the British Constitution.

Resolved, That it is the very essence of the British Constitution that no subject should be taxed but by his own consent, freely given by himself in person or by his legal representatives, and that any other than such a taxation is highly derogatory to the rights of a subject and a gross violation of the grand charter of our liberties.

Resolved, That as the British subjects resident in North America, have nor can have any representation in the Parliament of Great Britain, Therefore any act of Parliament imposing a tax is illegal and unconstitutional, That our Provincial Assemblies, the King by his governors constituting one branch thereof, solely and exclusively possess that right.

Resolved, That the duties imposed by several acts of the British Parliament, upon Tea and other articles consumed in America for the purpose of raising a revenue, are highly illegal and oppressive, and that the late Exportation of tea by the East India Company to different parts of America was intended to give effect to one of the said Acts and thereby establish a precedent highly dishonorable to America and to obtain an implied assent to the powers which Great Britain had unwarrantably assumed of levying a tax upon us without our consent.

Resolved, That the inhabitants of the Massachusetts province have distinguished themselves in a manly support of the rights of America in general and that the cause in which they suffer is the Cause of every honest American who deserves the Blessings which the Constitution holds forth to them. That the Grievances under

which the town of Boston labours at present are the effect of a resentment levelled at them for having stood foremost in an opposition to measures which must eventually involve all British America in a state of abject dependence and servitude.

The act of Parliament commonly called the Boston Port Act, as it tends to shut up the Port of Boston and thereby effectually destroy its Trade and deprive the Merchants and Manufacturers of a subsistence which they have hitherto procured by an honest industry, as it takes away the Wharves, Quays and other property of many individuals, by rendering it useless to them, and as the duration of this Act depends upon Circumstances founded merely in opinion, and in their nature indeterminate, and thereby may make the miseries it carries with it even perpetual,

Resolved therefore that it is the most cruel infringement of the rights and privileges of the people of Boston, both as men, and members of the British Government.

Resolved, That the late Act of Parliament for regulating the Police of that province is an infringement of the Charter right granted them by their Majesties, King William and Queen Mary, and tends to lessen that sacred confidence which ought to be placed in the Acts of Kings.

Resolved, That trial by Juries of the vicinity is the only lawful inquest that can pass upon the life of a British subject and that it is a right handed down to us from the earliest stages confirmed and sanctified by Magna Charta itself that no freeman shall be taken and imprisoned or dispossessed of his free tenement and Liberties or outlawed or banished or otherwise hurt or injured unless by the legal judgment of his peers or by the law of the Land, and therefore all who suffer otherwise are not victims to public justice but fall a sacrifice to the powers of Tyranny and highhanded oppression.

Resolved, That the Bill for altering the administration of justice in certain criminal cases, within the province of Massachusetts Bay as it empowers the Governors thereof to send to Great Britain for trial all persons who in aid of his Majestys officers shall commit any capital offence is fraught with the highest injustice and partiality and will tend to produce frequent bloodshed of its inhabitants, as this act furnishes an opportunity to commit the most atrocious Crimes with the Greatest probability of impunity.

Resolved, That we will not directly or indirectly after the first day of January 1775 import from Great Britain any East India Goods,

or any merchandize whatever, medicines excepted, nor will we after that day import from the West Indies or elsewhere any East India or British Goods or Manufactures, nor will we purchase any such articles so imported of any person or persons whatsoever, except such as are now in the Country or may arrive on or before the first day of January 1775.

Resolved, That unless American Grievances are redressed before the first day of October 1775, We will not after that day directly or indirectly export Tobacco, Pitch, Tar, Turpentine, or any other article whatsoever, to Great Britain, nor will we sell any such articles as we think can be exported to Great Britain, with a prospect of Gain to any Person or Persons whatever with a design of putting it in his or their power to export the same to Great Britain either on our own, his, or their account.

Resolved, That we will not import any slave or slaves, nor purchase any slave or slaves imported or brought into this province by others from any part of the world after the first day of November next.

Resolved, That we will not use nor suffer East India Tea to be used in our Families after the tenth day of September next, and that we will consider all persons in this province not complying with this resolve to be enemies to their Country.

Resolved, That the Venders of Merchandize within this province ought not to take advantage of the Resolves relating to non importation in this province or elsewhere but ought to sell their Goods or Merchandize which they have or may hereafter import, at the same rates they have been accustomed to sell them within three months last past.

Resolved, That the people of this province will break off all trade, Commerce, and dealings, and will not maintain any, the least trade, dealing or Commercial intercourse, with any Colony on this Continent, or with any city or town, or with any individual in such Colony, City or town, which shall refuse, decline, or neglect to adopt and carry into execution such General plan, as shall be agreed to in the Continental Congress.

Resolved, That we approve of the proposal of a General Congress to be held in the City of Philadelphia, on the 20th of September next, then and there to deliberate upon the present state of British America and to take such measures as they may deem prudent to effect the purpose of describing with certainty the Rights of Ameri-

cans, repairing the breaches made in those rights and for guarding them for the future from any such violations done under the sanction of public authority.

Resolved, That William Hooper, Joseph Hewes and Richard Caswell Esquires, and every of them be Deputies to attend such Congress, and they are hereby invested with such powers as may make any Act done by them or consent given in behalf of this province Obligatory in honor upon every inhabitant thereof who is not an alien to his Country's good and an apostate to the liberties of America.

Resolved, That they view the attempt made by the ministers upon the Town of Boston, as a prelude to a general attack upon the rights of the other Colonies, and that upon the success of this depends in a great measure the Happiness of America, in its present race and in posterity and that therefore it becomes our duty to Contribute in proportion to our abilities to ease the burthen imposed upon that town for their Virtuous Opposition to the Revenue Acts that they may be enabled to persist in a prudent and Manly opposition to the schemes of Parliament and render its dangerous design abortive.

Resolved, That Liberty is the Spirit of the British Constitution, and that it is the duty, and will be the Endeavour of us as British Americans to transmit this happy Constitution to our posterity in a state if possible better than we found it, and to suffer it to undergo a change which may impair that invaluable Blessing would be to disgrace those ancestors who at the Expence of their blood purchased those privileges which their degenerate posterity are too weak or too wicked to maintain inviolate.

Resolved, That every future provincial meeting when any division shall happen the method to be observed shall be to vote by the Counties and Towns (having a right to send members to Assembly) that shall be represented at every such meeting; and it is recommended to the deputies of the several Counties, That a Committee of five persons be chosen in each County by such persons as accede to this association to take effectual care that these Resolves be properly observed and to correspond occasionally with the Provincial Committee of Correspondence of this province.

Resolved, That each and every County in this Province raise as speedily as possible the sum of twenty pounds Proclamation money and pay the same into the hands of Richard Caswell Esquire to be by him equally divided among the Deputies appointed to attend the

General Congress at Philadelphia as a recompense for their trouble and expense in attending the said Congress.

Resolved, That the moderator of this meeting and in case of his death Samuel Johnston Esquire be impowered on any future occasion that may in his opinion require it to convene the several deputies of this province which now are or hereafter shall be chosen, at such time and place as he shall think proper, or in case of the death or absence of any deputy it is recommended that another be chosen in his stead.

Resolved, That the following instructions for the deputies appointed to meet in General Congress on the part of this Colony to wit: That they express their most sincere attachment to our most gracious sovereign King George the third, and our determined resolution to support his Lawful authority in this Province, at the same time we cannot depart from a steady adherence to the first law of Nature, a firm and resolute defence of our persons and properties against all unconstitutional encroachments whatever.

That they assert our rights to all the privileges of British subjects particularly that of paying no taxes or duties but with our own consent, and that the Legislature of this province, have the exclusive power of making laws to regulate our internal Polity subject to his Majesty's disallowance.

That should the British Parliament continue to exercise the power of levying taxes and duties on the Colonies, and making laws to bind them in all cases whatsoever; such laws must be highly unconstitutional, and oppressive to the inhabitants of British America, who have not, and from their local circumstances cannot have a fair and equal representation in the British Parliament, and that these disadvantages must be greatly enhanced by the misrepresentation of designing Men inimical to the Colonies, the influence of whose reports cannot be guarded against, by reason of the distance of America from them or as has been unhappily experienced in the case of the Town of Boston, when the ears of the administration have been shut, against every attempt to vindicate a people, who claimed only the right of being heard in their own defence.

That therefore until we obtain an explicit declaration and acknowledgment of our rights, we agree to stop all imports, from Great Britain after the first day of January 1775, and that we will not export any of our Commodities to Great Britain after the first day of October 1775.

That they concur with the Deputies or Delegates from the other Colonies, in such regulation, address or remonstrance, as may be deemed most probable to restore a lasting harmony, and good understanding with Great Britain, a circumstance we most sincerely and ardently desire and that they agree with a majority of them in all necessary measures, for promoting a redress of such grievances as may come under their consideration.

Resolved, That the thanks of this meeting be given to the Hon. John Harvey Esquire Moderator for his faithful exercise of that office and the services he has thereby rendered to this Province and the Friends of America in General.

JOHN HARVEY, Moderator.

Richard Cogdell	Sam Spencer	Lemuel Hatch
W ^m Thomson	W ^m Thomas	Thomas Rutherford
Solomon Perkins	Roger Ormond	R. Caswell
Nathan Joyner	Thos. Respass, Jr	W ^m McKinnie
Sam. Jarvis	W ^m Salter	Geo. Miller
Sam. Johnston	Walter Gibson	Simon Bright
Thos. Benbury	W ^m Person	Tho ^s Gray
Thos. Jones	Green Hill	Tho ^s Hicks
Thos. Oldham	R. Howe	James Kenan
Thos. Hunter	John Campbell	William Dickson
Ferq ^d Campbell	James Coor	Thos. Person
M. Hunt	Sam. Smith	Rothias Latham
Nick Long	Willie Jones	Needham Bryan
Benj. Williams	Benj. Patten	John Ashe
William Hooper	Allen Jones	Thomas Hart
W ^m Cray	Benj. Harvey	Andrew Knox
Thos. Harvey	J. Whedbee	Joseph Jones
Edward Everigin	Joseph Reading	John Simpson
Edward Salter	W ^m Kennon	Moses Winslow
Sam. Young	David Jenkins	Robert Alexander
Joseph Spruil	Abner Nash	I. Edwards
Joseph Hewes	Francis Clayton	William Brown
John Geddy	Edward Smythwick	Jeremiah Frasier

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

A Field Return for Hyde County, August 23^d 1774.

COMMISSIONED OFFICERS.	Sergeants	Corporals	Drummers	Soldiers	Absentees	Officers Wanted.
L ^t Col., Sam ^l Smith. Major, W ^m Russell.						
No. 1.						
Cap ^t , Tho ^s Jordan-----	3	3	1	62	-----	-----
L ^t , Ezech ^t Barron-----						
Ensign, Benj ⁿ Stedman-----						
No. 2.						
Cap ^t , Benj ⁿ Parmala-----	3	3	1	125	-----	-----
L ^t , Will ^m Porter-----						
Ensign, W ^m Jasper-----						
No. 3.						
Cap ^t , Tho ^s Jones-----	3	3	1	129	-----	-----
L ^t , Joseph Gibbs-----						
Ensign, —,-----						
No. 4.						
Cap ^t , Tho ^s Gaylard-----	3	3	1	60	-----	-----
L ^t , Fran ^s Galloway-----						
Ensign, —,-----						
				376		

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

Letter from Governor Martin to the Earl of Dartmouth.

NORTH CAROLINA, NEW BERN, September 1st 1774.

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's dispatch N^o 10 in which your Lordship is pleased to signify his Majesty's gracious approbation of my conduct under the difficulties I have met with from the Assembly's unwarrantable denial of the

most just, essential, necessary and acknowledged powers of the Crown and its resistance of the most salutary proposition of Government, and this mark of his Majesty's Goodness and condescension is at once my Lord the highest consolation and satisfaction I can enjoy and the most powerful incentive to me to persevere in the performance of my duty in the manner that may best and most effectually recommend me to the future approbation of my Royal Master.

It is now out of doubt, my Lord, and therefore I am warranted to assure your Lordship that all the opposition to the measures of Government which has appeared in the Assembly of this Province since the first communication of his Majesty's instruction relative to attachments hath arisen from the interested views of a few individuals who have had the baseness to aim at the defeat of the powers of Government most conducive to the interest, peace and happiness of the community in order to serve their selfish purposes, and I am sorry to say they have needed no better address to gain abettors to their pernicious designs than to persuade the uninformed majority of the House of Assembly that the measure they found it convenient to oppose was illegal, an undue extension of the Crown's prerogative or injurious to the liberty of the subject, which assertions unsupported by the shadow of reason or argument owing to that fatal jealousy and proneness to ill suspicion of Government manifested upon all occasions throughout this continent are implicitly swallowed, and like the magical wires to the figures in a Puppet Show, move the people according to the will of those who are mean enough to practice upon their ignorance and credulity, and in as much, my Lord, as the people of this Country surpass the rest of the Americans in these respects they are so much the more exposed and liable to be wrought upon and misguided by the artifices of designing men.

The alterations of the law of attachment proposed by Government, my Lord, have been more a specious than real ground of the opposition that has been so observable in the Assembly, from the time that subject was broached it served for a colour and pretence, but the genuine cause of it was the disappointment of two candidates for the Treasurers office which happened at that period. It is enough to elamour against Government as I have before observed, my Lord, to acquire an interest in the Assembly and among the people of this Country in general, and as that branch of the Legislature has, long fatally to the policy of this Country, usurped the

nomination of those Officers, it became the only game of the disappointed Candidates to establish an Interest there against a new election to be made there at the end of two years when the Law passed for the appointment of Treasurers would expire, to effect which, no device or expedient has been left untried. The proposed amendments in the law of attachment they first made subservient to their sinister purposes, and next they monstrously employed every engine to render obnoxious the Courts of Criminal Jurisdiction established under the authority of the King's commission to me, (although they have confessedly kept the Country in a state of peace and tranquility, and done the most eminent services) not on the principle of their being illegal, for I have reason to believe, my Lord, that some of the promoters of those measures never thought them so, notwithstanding that was the avowed ground of their opposition, but to draw odium and reproach upon Mr Caswell, one of the late appointed Treasurers and a man of the fairest and most unblemished character in the whole country, who had acted as a Commissioner of Oyer and Terminer under my appointment, to the universal satisfaction and contentment of all people whose interest they apprehended would be strengthened in the Assembly by his services in the character of a Judge, which were so highly applauded and might avail him to their detriment at the next appointment of Treasurers. Mr Caswell therefore was to be sacrificed upon the very ground where popular applause was erecting monuments to his honor, and this was only to be effected by impeaching the legality of the Powers under which he had acted with reputation to himself and so great advantage to the community. The common artifice of clamouring against prerogatives was played off accordingly with the usual effect. The leaders of the faction hurried for the time the current of popularity against Mr Caswell, and by the same means in the same moment, prescribed justice for the Country. This, I most firmly believe, my Lord, was the true ground of opposition to these measures, and that the Courts of Oyer and Terminer would never have been brought into question, if, by chance, Mr Caswell, the fittest man in the Country, had not acted as Judge in them and been one of the Treasurers at this very conjuncture. The success, however, of this last most wicked achievement, my Lord, has been short lived. I have at length, I think, not only had the happiness to defeat it, but I have brought conviction upon the under-

standings of men in general here upon this subject in spite of the dangerous machinations of opposition.

Nevertheless My Lord I am unwilling to undertake that sober reason will govern the Assembly hereafter upon this point since I have known that body led to sacrifice everything to the intrigues of faction and that I am convinced they aim at the retrenchments of the prerogative by all means notwithstanding their own interest and security is concerned in the due support of it; it is a matter also My Lord very doubtful to me whether the interest of this confederacy in the Assembly may not be sufficient to embarrass the measures of Government so long as the leaders of it find an interest in hanging together. It is true it is composed of parts that have been evermore heterogeneous and discordant to the last degree in their Politics which in the Northern and Southern districts of this Country have been immemorially and uniformly adverse as your Lordship will find as their local situations are opposite, and they are now connected only by the accidental competition of a leader in each for the Treasurerships: perhaps success arising out of their union on this point may confirm it or it is possible that this contention being over former jealousies and animosities may take place among them. Their conjunction however is extremely formidable to the interests of this Country for the weight of seven Counties in the Northern district four of which namely Currituck, Perquimans, Pasquotank and Chowan send five Members each to the Assembly and the remaining three Tyrell Bertie and Martin send eight among them making in the whole twenty eight votes in the Assembly besides one for the Town of Edenton which constantly draw together and will preponderate whatsoever scale it is thrown into and are always led by a man or two; they are now under the absolute guidance of a Mr Johnston who is Deputy Naval Officer and was one of the Clerks of the Superior Courts while they existed in this Province but who, under the prejudices of a New England education as I suppose, is by no means the friend of Government he ought to be having taken a foremost part in all the late oppositions in which it is probable if not certain he has been influenced also by his aims to the Treasurership for which he was a candidate at the last appointment without success. This weight in the Representative body I say My Lord joined with the Southern Interest which at present supports a Mr Ashe as a candidate for the Treasurership of that district whereof he was deprived his friends say very

unjustly by the Assembly at the late election I think bids fair to answer the purposes of their combination at this time, and I should be happy if I could persuade myself it would not be productive of further and worse consequences, but considering how prevailing a passion the love of power is in man abstracted of all reasons for the suspicion of particulars and how probable it is that success attending this accidental union of interests may bind them together on future occasions, every embarrassment I think is to be apprehended from the powerful inequality of representation that has been hitherto allowed to the Northern counties above named, I confess my Lord it appears to me a capital and radical error and misfortune in the polity of this Country the ill tendency of which is obvious and whose ill consequences it may be feared will be felt more and more as long as it lasts. It is become very apparent to the Inhabitants of the Western Country who must be ever governed by the conjunction of the Northern and Southern interests although that district is often times their extent and four times more populous; for all these reasons My Lord and many other considerations that certainly grow out of them I think it my indispensable duty to his Majesty and this Colony to recommend to your Lordship's consideration the expediency of reducing the representation of the Northern Counties to the level of the other Counties of this Province which send but two members each to the General Assembly except where there are Towns. I am not ignorant my Lord that this very point was in discussion before the Lords of Trade in the year 1754, when no alteration was made upon it as I have been informed owing to the misrepresentations from hence, but however that may be my Lord it is in my humble judgment an amendment in the Policy of this Province so fundamentally and essentially necessary to its welfare and happiness that I cannot help urging it in the most earnest manner to review and reconsideration.

From the foregoing state of things here your Lordship will observe that the power long assumed by the Assembly over the Public Treasurers is the first Spring and source of the present cabal and opposition which is cherished, supported and made powerful by the influence of a competitor for office over the representatives of the northern Counties, and I submit to your Lordship whether it will not be as expedient if it can be done with propriety to vest in his Majesty's Governor the appointment of Treasurers here as to retrench the unequal representation as I have humbly proposed; I will take upon me to

say it will be next to that an improvement the most conducive to the real interests of the Country and of Government.

Your Lordship will not I daresay be surprised to hear that the People of this Colony have followed the example of the rest of the continent in caballing and forming resolutions upon the late measures of Government with regard to the divisions in the Colony of the Massachusetts Bay the readiness with which the intemperate declarations of the Virginia Assembly were adopted re-echoed here will have shewn your Lordship that this people are but of too congenial disposition; what system the other Continental Assemblies have formed by their committees of correspondence which your Lordship must know have been appointed I cannot tell, having never understood that their proceedings have transpired more than those of the Committee here of which nothing appears upon the Assembly's Journal but the resolves entered into on the first establishment of that Committee and that letters had been received from the Committees in the other Colonies the contents of which are held secret. Whatever measures may have been taken the combination is assuredly at least indecent and mysterious.

The first intimation that I received except from vague rumour of the measures lately taken here was from the enclosed printed letter of a Committee at Wilmington to the Freeholders of Craven County where my residence is fixed, whereupon I immediately ordered the Council to be summoned that I might advise with them on the measures proper to be taken to discourage and prevent such unlawful and indecent proceedings. Your Lordship will see by the minutes of that Board herewith transmitted that on the 12th of last month I laid the matter before them and that I issued with their advice a Proclamation the next day, apprehending however that under the total inability of Government to enforce even what common decorum required, The proposed meeting of Deputies at New Bern the Seat of Government that was ultimately agreed to be the place of rendezvous would be accordingly held, and considering it would be my duty to be at hand to discourage their proceedings as much as lay in my power and to take such measures as circumstances should require for the maintenance of order and Government I resolved there to wait until the time of meeting was past although the very impaired state of my health made it highly expedient to remove at that season from so unwholesome a situation whence at the very time I was compelled to send my family to New York as the only chance of preserv-

ing it from destruction. I thought it proper also My Lord to require at this crisis the attendance of the Council that I might want no advice upon the occasion that it should be my duty to take. The minutes will show your Lordship that M^r President Hasell M^r Rutherford M^r DeRosset M^r Sampson M^r Dry and M^r Cornell only attended, M^r McCulloch and M^r Strudwick being prevented by sickness and M^r Howard absent with my leave at Rhode Island on his private business. Your Lordship will find that on the 25th of last month I apprised the Council of the actual meeting of the Deputies at New Bern pursuant to appointment and that I advised with the Board on the conduct I should pursue on the occasion which recommended no further measures. I rest satisfied indeed my Lord that under the important circumstances of Government none effectual could be taken and so far concur with the Council, but I am sorry at the same time to be obliged in duty to report to your Lordship that although the Board had professed before me the highest disapprobation of this meeting of the people that consisted for the most part of the representatives in the General Assembly for the purposes that were declared and had unanimously advised me to discourage it by proclamation issued on the 13th of August, yet the Members although repeatedly invited and persuaded by me to reside at my house and to hold themselves abstracted from the Deputies, met upon such unlawful business (which I certainly did more out respect to their offices than their own merits) they were so far from keeping up even the appearance of supporting the King's Government by this meeting so flagrantly insulted and set at naught that they mixed with the Members of this Cabal and by their whole deportment void of decency and decorum virtually contradicted the advice they had given me as counsellors and rather abetted and encouraged the measures they had to me condemned. This is a conduct My Lord which I own I can never reconcile to their duty to his Majesty and which appears to me utterly inconsistent with every idea of honor and of principle. In this relation however My Lord I must except M^r President Hasell who lived with me and acquitted himself as upon all other occasions like a truly good and worthy man and faithful servant of Government.

M^r Isaac Edwards the Deputy Auditor who at his first appearance on the political Theatre took the factious part against Government and discovered the most monstrous and unparalleled ingratitude to me as I have before mentioned to your Lordship has been the most

zealous and forward in promoting the indecent Cabals that have been formed here. He was appointed as your Lordship will observe by the enclosed hand Bill one of the Committee for the Town of New Bern for which he made interest as I understand he did most strenuously at the general meeting there to be a Deputy at the congress to be held at Philadelphia but without success although he took a probable course to ensure it by urging singly and alone that the Cabal should pass heavy censures upon my proclamations before alluded to upon which he bestowed very illiberal reflections but his proposition was on all hands rejected. He lets no opportunity escape in short to shew his spleen and enmity to Government one instance of which that was reported to me not long ago I thought it proper to make the subject of enquiry in Council and I beg leave to refer your Lordship to the minutes of the 25th day of July for the particulars of it; but the Magistrates whom I called upon to give testimony upon the occasion as little respectable or cordial towards Government as the Deputy Auditor or restrained by apprehensions of betraying their own want of regard to decorum in their Court affected total ignorance of M^r Edwards' misbehaviour; but I think it appears upon the whole from the Testimony of M^r Ormond the Deputy Attorney General whose assertions however are no less curious than absurd that M^r Edwards treated the commission to which the enquiry relates indecently and that he studiously brought it into question in a case to which it did not apply as also that he perswaded the Magistrates to condemn it because the Assembly had most unwarrantably and absurdly determined Commissions of a nature totally different to be illegal; the very allusion to which carries his malignant and insidious design to undermine the authorities of Government as well as the littleness of his mind and understanding beyond anything I can offer to your Lordship; better evidence however is not wanting of his misbehaviour in this instance, the Clerk of the Court from whom my first information came as well as M^r Palmer collector of the Customs at Port Bath being ready to make oath to the particulars of it. The Commission in question My Lord was to empower the Magistrates of Beaufort County to qualify the Coroner to enable him to take the Poll at the ensuing election which he is impowered to do by Law in case of the absence or default of the Sheriff, and it happened at this time it was contended by the Assembly that according to the Sheriffs Law of this Country there was no such legal officer then in the Province as by the suspension of the

County Courts no persons had been recommended agreeable to the provisions of that Law for the last year; this Act as I humbly conceive is certainly authorized by his Majesty's Commission militates against no Law of the Colony as none prescribed any particular mode of qualifying the Coroner who is appointed by the Governor and it was calculated for the ease of the Country for an indispensable public purpose and could possibly do no injury, but that your Lordship may judge of its merits and demerits I enclose herewith a copy of the Commission so idly attacked by M^r Edwards. I have already represented to M^r Cholmondeley the Auditor General the misbehaviour of his Deputy and recommended a proper person to succeed him, indeed I should have thought it my duty to supersede him on his first outrageous resistance of the measures of Government if he had not mixed in his opposition personality to myself which consideration restrained me lest such an act should be imputed to private resentment of a [character] that never excited in me any other feeling than contempt rather than to the true motive of my regard to the true interests and honor of Government. It is however my Lord so great a discouragement to the few firm friends of Government here to see its own servants fly in its face with impunity that I shall think it necessary since he has taken openly and warmly a part in the late Cabals here to shew that mark of just indignation at his conduct as soon as he has finished the business of the Auditors office for which he is already paid and I think your Lordship will approve of such a step considering the extreme weakness of Government here and the ill tendency of winking at such a behaviour in one of its officers both with respect to its friends and opponents.

I most heartily return your Lordship's congratulations on the birth of the last Prince, and sincerely rejoice in an event so truly joyful to His Majesty's Royal Family and all his faithful subjects.

I much fear it will be long before I shall have it in my power to answer fully and satisfactorily as I wish the enquiries accompanying your Lordship's circular letter of last year. I have not yet been able to procure the necessary information relative to the Trade and exports and imports of this Province from all the several custom houses, and I almost despair of getting at the number of the people, the measures I have taken upon that head being by some opposed under the dread of bringing down judgment upon the Country, by others under apprehensions of its being intended for a ground of taxation and by many I believe only because it is required by Gov-

ernment. However I shall spare no pains to obtain all the information I can on the several subjects of your Lordship's enquiry.

I will not take upon me to say, my Lord, how far the form of the oath to be taken by Plaintiffs in cases of attachment and other regulations allowed by your Lordship's letter N^o 10 may obviate the difficulties that have apparently obstructed the passing a Superior Court Law, but I am inclined to think the Assembly will not easily recede from their demands until they know the result of their own application to the Lords of Trade upon the subject and perhaps not until a new appointment of Treasurers, that cannot happen before March next, shall have answered or defeated the views of the present opposition. I can see upon reflection, my Lord, a thousand reasons for asserting in the meantime the rights and for exercising the powers of the Crown relative to the establishment of Courts of Justice vested in me by his Majesty's commission if they are so unimpeachable as I conceive them to be in point of legality, for in the first place the Assembly may infer a defeat in the powers of Government and not only triumph in the conceit of victory at present but be tempted to draw those essential powers again into question at any future time as it shall serve the purposes of faction when by the expiration of their temporary establishment of Courts the Province is reduced to the same deplorable situation it was in lately and still labours under in great measure and in the event the forbearance of it is to suffer Government for the time to be disarmed of that power which is the most essential to its only support, the only security of the civil rights of the subject and the only constitutional means under the circumstances here described of restraining public and private violences. This, my Lord, appears to me to be the season of all others fittest for the assertion of all the rights and powers of the Crown here where they are almost all called in question and disputed for it is plainly that forbearance, indulgence, relaxation and concessions serve only to encourage usurpations and to beget new and unreasonable demands. The only objection even specious that I have heard to Courts constituted by the King's authority is with respect to Jurors and their qualifications in which I think there is nothing at all solid. It is asserted here that as it has been found expedient in England to alter the description and qualification of Jurors by laws made since the settlement of this Colony which are not in force here according to the common and received doctrine that when the municipal law appointing Jurors expires there can be

no legal Jury here according to the Laws now prevailing in England, that therefore admitting the power of constituting Courts here and in the Colonies in general to be in the Crown it must be ineffectual as it cannot of itself fix the qualification of Jurors to be otherwise than was ordained by the Laws of England at the time of the settlement of this or any other Colony which is necessary to the legal and effectual exercise of that prerogative that must be subject to the same restraint and modifications everywhere unless others are adopted by the municipal Laws of Countries without the realm of England, but the answer to this objection I think is obvious and conclusive that the royal prerogative in the Colonies was never abridged in this respect by the Laws of England establishing the qualification of Jurors since their settlement and that the qualification of Jurors in England at that period is very suitable to the circumstances of the people of this Country and will be so for an age to come, although the state, condition and opulence of the people in that Kingdom has made an alteration of it necessary there. The more, my Lord, I consider of this power of the Crown the more I am convinced of the necessity of exercising it here, for if the Assembly shall once be persuaded that Courts so constituted will be impotent without the aid of a jury Law of the Country they may be misled to avoid passing any law of that nature of longer duration than the temporary Court laws purely to prevent the exercise of the power of the Crown although it be for their own benefit. Indeed I shall ever think, my Lord, that the present and late Laws directing Jurors to be appointed by the County Courts instead of summoning them by virtue of *venire facias* directed to the Sheriff is liable to great objection as it makes the whole Country acquainted with the Jurors long before the sitting of the Courts and opens a door to prejudice and prepossession which may operate to the perversion of Justice that ought certainly to be guarded against by all possible precautions.

I consider, my Lord, every day with more contempt and indignation the pityful system for the administration of Justice in which I concurred at the late session, as I told the Assembly with shame and reluctance it was an expedient that I thought might save the country from absolute anarchy and confusion and I promised myself that more conviction would result from a short experiment of its futility and insufficiency than from any speculative arguments against it. In this expectation, my Lord, I am not disappointed; every man who speaks of it is sensible of its incompetency, and good will I hope so far come of evil that if his Majesty shall

be pleased to disallow the Acts for establishing Courts of Oyer and Terminer and County Courts passed at the last Session as I cannot doubt, and to direct me to constitute Courts of civil and criminal jurisdiction according to the Laws of England pursuant to the Royal commission and Instructions many will voluntarily and the rest of the people will of necessity and for their own sakes resort to them. A little use I apprehend will convince them that they can contrive no constitution of Courts so eligible as those in England, which will at once establish that power of the Crown here and will be a grand step to the improvement of the Policy of this Country.

I beg leave to refer your Lordship to a newspaper enclosed for a detail of the proceedings of the meeting of the deputies at New Bern, the result of which was to appoint three persons, Mr Caswell, Mr Hewes and Mr Hooper, to be deputies at the congress at Philadelphia on the part of this Province. The former of these Gentlemen, I am persuaded, disapproves these measures in his heart and undertakes this office purely for the sake of maintaining his popularity, on which he depends for his continuance in the Treasuryship and which he has ever shewn the best disposition to employ for the service and advantage of Government; the other two are professed champions of all popular measures.

Having now, my Lord, seen an end of the cabals here and discovering not the least probability of foreign or domestic annoyance or disquiet until the Congress of deputies at Philadelphia shall be over, being assured by the superintendant of Indian Affairs and the people on our frontiers of the pacific dispositions of the neighbouring Indians, which a report of my Lord Dunmore to me had taught me some little time ago to suspect, I am preparing to take advantage of this interval of calm to go to New York for a short time to advise with a Physician (of whom we have not any of reputation in this Country) with regard to my health that has been much declining all the summer, and by a late severe return of illness is exceedingly impaired. I shall leave the Government in the hands of Mr Hasell, president of the Council, until my return, which will be as soon as possible and before anything material can happen, as I have nothing in view but to seek remedy for my much injured health, which I trust will excuse me to his Majesty and your Lordship for the short absence I intend from my station at a time of such perfect leisure and vacation.

I have the honor to be &c^s

JO. MARTIN.

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

Official Bond of Josiah Nicholson, Sheriff Currituck County.

NORTH CAROLINA—Ss.

Know all Men by these Presents, that we Josiah Nicholson, Sam^l Jarves, Hillary Simmons and Edward Taylor, all of the County of Currituck in the Province afores^d, Gentlemen are Held & firmly bound unto His Excellency Josiah Martin Esq^r Governor & Commander in Chief in and over the said Province & to His Successors in the full and Just sum of one thousand Pounds lawfull Money of Great Britain, to be Paid unto the said Governor or His Successors. To which Payment well & Truly to be made we bind ourselves & Each of us our and Each of our Heirs, Executors & Administrators Jointly & Severally firmly by these Presents. Sealed with our Seals and dated this the Eighth day of September in the 14th Year of our Reign and in the year of our Lord one thousand seven hundred and seventy Four.

The Condition of the above Obligation is such that whereas the above said bounden Josiah Nicholson is now constituted & appointed Sheriff of the County of Currituck aforesaid, During Pleasure by a Commission from His said Excellency the Governor under the Seal of this Province dated the Twenty Sixth Day of March last Past. Therefore the said Josiah Nicholson shall well and Truly Collect & receive all such Publick Taxes and duties as are, or which shall be appointed by Act of Assembly to be Paid by the Taxable Persons within His Bailwick during His Continuing Sheriff thereof and duly account for and Pay the same to such Person or Persons and at such time as by the law are or shall be Limited, & Directed, then the above Obligation to be Void and of no Effect. Otherwise to be and Remain in full force and virtue.

JO. NICHOLSON, [Ls.]
 SAM. JARVES, [Ls.]
 HILLARY SIMMONS, [Ls.]
 EDWARD TAYLOR, [Ls.]

Signed and Delivered in the presence of

CALEB BARNARD
 PETER PEDDRICK

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

Letter from Andrew Miller to Thomas Burke.

HALIFAX Sept^r 4 1774.

DEAR SIR,

I recei^d your favor of the 10th ult: by Doct^r Dober. Your opinion of M^r Milner agrees with mine, that he is too diffident to every person to listen to the advise of any. I have heard of no broil at the Capitall, but that of the Governor having brought the Justices of Beaufort before him to Inquire as to the behaviour of M^r Edwards in their Court, In which his Excellency considered himself as concerned, which M^r Strudwick will be able to inform you of— have no doubt that M^r Hamilton had the story from M^r Edwards's friends, who, like him, are not disposed to give the most favourable representations of the Governor's Conduct. I don't know how it happens but I believe no Governor ever deserved a better Character, and yet his enemys, who are more numerous than one could expect, Stop not to utter any falsehood to make him appear Odious to the people in general, but however their Story may gain Credit at present, in the end they themselves must be despised, and I doubt not to see him as generally esteemed, as any Governor on the Continent, tho' untill the present disturbances are settled, I have no hopes of any of them being Treated with the respect that is due to them. I fancy you have seen a copy of the Provincial Resolves. I am told they were drawn by M^r Hooper, for whom their was such Injustice used by the meeting, to get him appointed a Delegate, that I hope the Western Countys will pay no share of their expences, as they had no share in the Nomination, having only one or two members for a County, and the Southern and lower Countys had some of them 6 Votes. It is not in Character, to dispute the power of Parliament when we say we are not represented, and yet quickly Submit to so unequal a Representation in a body formed by ourselves. But I am afraid I am only repeating what you must have before heard from others. M^{rs} Miller and I were glad to hear of M^{rs} Burke and your health; we have been pretty well lately. I was pleased to hear by Doct^r Dober that you have so much Society at Hillsboro, but I am afraid matters are not all right settled among you yet. If the Ladys had two or three Children each they would

find themselves more necessary to one another & by an Interchange of Civilitys, would be more sociable. I hope that will be the case soon.

I am, Dear Sir,

Yours Sincerely,
AND^w MILLER.

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

Richard Caswell's Itinerary from North Carolina to the Continental Congress at Philadelphia.

	Miles.	£	d	s
Set out from the red House Sept ^r the 3 rd 1774 in Company with my Father for Philadelphia; came in Company with Uncles Martin Caswell, Sam ^l Caswell, & several other Gentlemen & in the way met with Cap ^t Simon Bright. Lodged this night at Uncle Benjamin Caswell's. (16 miles) -----	16	--	--	--
Sept ^r 4 th —Set out after Breakfast & met with several Gentlemen in the way, who went with us to Worhuny where we parted with them. Dined at M ^r Cooper's, Contentnea Bridge; paid 10s.; crossed Toisnot at Godwin's Bridge & lodged this night at Duncan Lamons Esq ^r on Tar River, Edgecomb County. (40)-----	40	--	10	--
5 th —Crossed Tar River at M ^r Lamons, Stony creek at Hunter's (1s.); Breakfasted on Bread & Cheese (for want of Tavern); crossed Fishing Creek at the New Bridge. Dined at Enfield, paid 10s. Lodged this night at M ^r Hendie's Halifax County. (45)-----	45	--	11	--
6 th —Went to Halifax Town, crossed Roanoke there, from there to Edmonds * * Virginia, Brunswick County, where * * * Lodged at * * Ordinary Virginia, Sussex County. (40) -----	40	--	20	6
Sept ^r 7 th —Set out early & Breakfasted at Hall's Ordinary; crossed Bolings Bridge; paid at Hall's 9s. 7½d.; from there to Jones's where we had some Sang ^r and Grogg, paid 4s. 6d.; from there to Petersburg where we Dined, paid 11s.; went thro. Prince George & Dinwidde Countys & Lodged at Ozborns Town on James River-----	43	--	25	1½

	Miles.	£	s.	d.
8 th —Crossed James River at the Falls (Richmond Town); paid at Ozborns 9s. 1½d.; Breakfasted at Richmond; paid 8s. 10½d.; crossed Camunkey at Little Pages Bridge 2 miles from Hanover Court House where we Dined; paid 8s. 1½d.; went through Henrico & Hanover Countys; lodged at Burks Ordinary in Caroline County; paid 8s. 10½d.	45	--	35	--
9 th —Set out early; Breakfasted at the Bolinggreen; paid 7s. 3d.; went through Port Royal Town; crossed Rappahanock River, there paid at the Ferry 3s.; from there to the Hills of Dispair, where we Dined on Bisket & Cheese, in King George County; this Day the Horse (Jolly) failed; left George with him at Seyths plantation. Lodged this Night at Hoves Ferry -----	40	--	10	3
10 th —The Wind Blew so High we cou'd not cross the Ferry. Bought a Horse of M ^r Hove; a Lawyer gave £20 Virg ^a Cur ^{cy} ; crossed at 3 o'clock in the afternoon the River Potomack; 4 miles over Lodged at port Tobacco at M ^{rs} Wackersons; paid for crossing the Ferry and * * * Horses &c, £22 11s. 6d.-----	16	22	11	6
Maryland, Sept ^r 11 th 1774—Port Tobacco, paid 18s.; Set out early and Breakfasted at a Town called Piscataway in Prince George County, from there to upper Marlborough in said County where we Dined at M ^r Dukards; Lodged at Queen Anns Town; paid at piscataway 6s. 6d., at Marlborough 12s. 6d., at Queen Anns 19s. 4d.-----	41	--	56	4
12 th —Set out early & Breakfasted at the Widow Ramsy's at the Head of Severn, crossed patapsco at the Lower Ferry, Dined at Baltimore Town at M ^r Grants, Lodged at the red House on Carmichaels; p ^d at head Severn 7s. 8d., patapsco Ferry 7s. 6d., Baltimore 11s. 6d., Red House 13s. 6s.-----	40	--	40	2
13 th —Set out early & Breakfasted at M ^r Cheynes, crossed Gunpowder at the long calm, from there to Harford Town where Dady was Taken Sick, Lodged there this Night, paid there 35s. 6d ----	19	--	35	6

	Miles. £ s. d.		
14 th — Set out after breakfast, crossed Susquehanna at the lower Ferry, went through Charles Town, Dined at the Head of Elk at the Sign of the Elk at Mr Hollingsworths, went through Ogles Town in Pennsylvania, Lodged at a Town at the Head of Christeen Creek, paid the Head of Elk 5s. 6d., Susquehannah Ferry 8s. 6d., at Christeen 16s. 9d -----	40	--	30 9
15 th Sept ^r 1774 — Set out early and Breakfasted at Wilmington at Watkins Crampton, went through Chester, Dined at Darby, crossed Schyl Kill Ferry and arrived at Philadelphia, paid at Wilmington 6s., Derby 7s. 3d., Schylkill 1s. 3d.; took our Board at Mr ^s Kernys in Market Street opposite the Indian King -----	40		14 6
16 th — Had an Invitation to Dine at the State House, a Public Entertainment; had no company therefore did not go.			
17 th — Nothing particular.			
18 th — went to christe church in the forenoon, Mr White preached, in the afternoon Mr Desha; Drank Tea in the afternoon at Mr Knights.			
19 th — Dined with General Lee who Boards in the same House one day.			
20 th — Nothing particular.			
21 st — Nothing particuar.			
22 ^d — Supp'd with a Deanish Major from Santieruse			
23 ^d — Dined at Mr George Fullertons with several Gentlemen of the Congress and Mr Read a Lawyer, Mr Fullerton's wife, a Daughter of Mr. Blair. Mr William Paea was there from Maryland.			
25 th — Went in the forenoon to a Quaker meeting at So. end of the City; Dined at Mr John Howells in comp'y with his mother, wife & Brother in Law & partner; went in the afternoon to Meeting on Market Street.			

Toasts Drank at the State House on Friday the 16th Sept^r 1774 containing 32 Toasts

1st, The King, 2^d the Queen, 3^d the Duke of Gloucester, 4th the Prince of Wales & Royal Family, 5th perpetual union to the Colonies, 6th may the Colonies faithfully execute what the Congress shall wisely resolve, 7th the much Injured Town of Boston and province of Massachusetts Bay, 8th may Great Britain be just and America free, 9th no Unconstitutional Standing Armies, 10th May the Cloud that Hangs over Great Britain & the Colonies burst only on the Heads of the present Ministry, 11th May every American hand Down to posterity, pure & untainted, the Liberty he has Derived from his Ancestors, 12th May no man enjoy freedom that has not the Spirit to defend it, 13th May the persecuted Genius of Liberty find a lasting asylum in America, 14th May British Swords never be Drawn in defence of Tyranny, 15th the arts and manufactures of America, 16th Confusion to the authors of the Canady Bills, 17th the Liberty of the press, 18th the happy reconciliation between Great Britain & her Colonies on a Constitutional Ground, 19th the virtuous few in both Houses of Parliament, 20th the City of London, 21st Lord Chatham, 22^d Lord Cambden, 23^d Bishop of St Asaph, 24th Duke of Richmond, 25th Sir Geo Sackville, 26th the Marquis of Rockingham, 27th M^r Burke, 28th General Conway, 29th M^r Dunning, 30th M^r Tarobridge, 31st Doctor Franklin, 32^d M^r Handcock.

27th Sept^r — Drank Coffee this Evening at M^{rs} Blairs in Comp^y with M^r Fullerton & Miss Blair.

A certain Gentleman of this City being ask'd what number of Inhabitants in this Town — made a reply, that there was Thirty or Thirty five Thousand Inhabitants — a large City. A Gaol Building in this city the cost of Building will am^t to Twenty Five or Thirty thousand Pounds — so says the same Gentleman above, the length 188 feet — 62 yds and 2 feet.

28th — Saw a Gentleman Relation from Maryland M^r William Smith Son to Winstone Smith of Baltimore County now Harford. A Ship in the Suburbs of this Town Building that is one hundred & seventeen feet Keel 37½ feet Beam — 39 yards — with a number of others (I suppose 19)

Oct^r 1st 1774 — Crossed the Delaware river in comp^y with M^r John Lad Howell & M^{rs} Howell Landed at Coopers Ferry in the Jerseys

where M^r John Starks had a Waggon (alias Jersey coach) to receive us in which we travelled to Woodbury went through Gloster Town a Small Town wherein the Court House for Gloster County stands. Called at M^{rs} Lads where we met with M^r & M^{rs} Starks M^{rs} Starks was a Daughter of Jn^o Howell (Tanner) who formerly lived in N^o Carolina. Drank Coffee at M^{rs} Lads went from there to Woodbury & lodged at M^r Starks in Woodbury where Dady was Joyfully rec'd by M^r & M^{rs} Starks.

2^d Oct^r—Went in comp^y with M^r Starks, M^r J. Howell & M^r Shan to the Presbyterian meeting where there was a sermon Deliv^d by M^r Chestnut. Dined at M^r Starks in comp^y with the above Gentlemen. Set out in y^e afternoon for Philadelphia, called at M^{rs} Lads & Drank Coffee, then from there to Cooper's Ferry where we crossed the river & got safe to Town.

3^d—Went to M^{rs} Blairs who Inquired greatly after friends in Carolina. Dined at Home in company with M^r & M^{rs} M^cDonald, M^{rs} Loyd, M^r Lillington & General Lee. Saw M^r M^cCauslin of Newbern N^o Carolina. Drank coffee at Home.

4th—Breakfasted at Home, Dined at M^r Fullerton's in comp^y with several Gentlemen of the Congress & M^r John Lillington. Drank coffee there.

5th—Breakfasted at Home. Dined at M^r Josiah Hewes in comp^y with Gentlemen from Carolina & M^{rs} Drake. Coffee at Home.

6th—Breakfasted at Home. Dined at M^r John Howell's (a family Dining), Took leave of them; in the afternoon took leave of M^{rs} Blair & Family and M^r Fullerton.

7th—Set out for Maryland in comp^y with Cozⁿ William Smith. Dined at Chester, paid 4^s 9^d Paid at Schuylkill ferry 6^d Lodged at Wilmington, pd 13^s 4^d

8th—Set out after Breakfast. Dined at the Head of Elk paid 6^s. Crossed Susquehannah lower Ferry and lodged at M^r Smith's; paid at the Ferry.

9th—Went to M^r Jacob Giles's and dined. Saw M^r Jonas Dallam.

10th—Went to see M^r Smith's mill.

11th—Went from M^r Smith's to Jonas Dallam's where I saw my Grandmother.

From the 10th of Oct^r to the 2^d of Nov^r I stay'd among My Relations.

2^d Nov^r—Set out from Jonas W^m Dallam's in comp^y with Frank Dallam; Dined at M^r Cheynes, paid 6^s; Lodged at Baltimore, paid

23^s 6^d to M^r Grant the Tavern keeper, paid to the Serv^{ts} 10^d; crossed Patapsco Ferry, paid 3^s 6^d; Dined at M^{rs} Ramsey's at the Head of Severn River; Lodged at upper Malborough, paid 18^s 6^d. Miles 58.

4th—Set out early; Breakfasted at Piscataway Town paid 6^s; din^d at Port Tobacco paid 11^s 7^d; crossed Potomac paid 23^s 9^d; lodged at M^r Hove's on the Virg^a shore paid 15^s 8^d Virg^a currency.

5th—Set out & breakfasted on Bisket & Cheese; crossed Rappahannock river paid ---- at port royal; Dined at Bowling Green; Lodged at Burke's Ordinary paid ----. 48 miles.

6th—Set out, breakfasted at Hanover Court House, paid; Dined at Rocky Ridge on Ja^a river Falls, lodged at Osborn's Town.

Set out from Osborn's on the 7th Nov^r breakfasted at Petersburg, Dined on bisket and cheese, Lodged at Stewart's Ordinary, paid ---- Miles 48.

8th—Set out, breakfasted at M^r Rowalls, crossed Fishing Creek at Kerr's ford, dined on bisket & cheese, Lodged at Halifax North Carolina.

Expenses in Philadelphia.

Sept ^r 16 th , 1774.	£	s	d
For a pair of Gloves for R. C. 7s 6d-----		7	6
Sept 17 th			
For 2 pair of Stockings (for Isaac) @ 3s 9d-----		7	6
For 1 pair of Shoes (for W. C.) @ 10s-----		10	0
For 2 p ^r Stockings for R. C. @ 28s each-----		2	16 0
Sept 19 th			
At the play 5s 8 ^d R. C. -----		5	8
Sept 20 th			
$\frac{1}{2}$ yard ribbon @ 1s W. C. -----			6
1 pair Shoe Buckles (for Winstone) 20s-----	1	0	0
2 Rings at 27s 6d each -----	2	15	0
1 pair of Gloves for W. C. @ 3s -----		3	0
To paid the Barber 2s-----		2	0
To do to the Boot Maker 15s -----		15	0
To 2 pair Silk Stockings for R. C. @ 24s-----	2	8	0
To 1 pair of Boot Garters 3s 9d-----		3	9
To a Cane 2s 6d Money lost out of my pock ^t 15s-----		17	6
To 18d paid at Schylkill ferry for punch-----		1	6
To 1s paid for paper -----		1	0
To 15s I lost out of my pocket -----		15	0

	£	s.	d.
To 2 Tooth Brushes @ 16d -----	2	8	
To the Barber one Dollar 7s 6d -----	7	6	
To 2 purges of salts @ 1s -----	2	0	
To Oil Baze 1s -----	1	0	
To 7d paid for a letter -----		7	

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

Letter from Samuel Johnston to Alexander Elmsly.

EDENTON 23^d Sept^r 1774.

DEAR SIR,

I acknowledge the favor of your Letter of the 17th of May a few days ago from Pasquotank, the bearer, M^r Pettigrew, who comes over for a Commission from the Bishop to prepare the Americans for death and a world where they will no longer be liable to be taxed by a British Parliament, gives me an opportunity of writing again, and as his stay will probably be short I shall hope to hear from you by him on his return.

Inclosed is a Peremptory order on Bridgen & Waller for their balance, and as I have been put to some trouble between them and their friend Strudwick, (a very trifling fellow) I expect they will pay you the Interest from the time of stating the Amount, but this I leave you to settle as you think reasonable. The Lace came safe to hand and I dare believe will please wonderfully, as Ladies seldom complain of things of that kind being too good, tho' by the bye, it was not for Peggy.

I am very thankful to you for being so full in your remarks on our attachments. You know as well or better than any one how the Clause on which Nash's Attachment was founded got into our Laws, tho' you may be assured there was no particular hardship in that case against the Dobbs's. Edward Dobbs had an attorney on the Spot who was served with the process of the Court and obtained a sufficient delay for obtaining M^r Dobbs's answer. Governor Dobbs devised his Lands in Carolina to M^r Ed. Dobbs, chargeable with M^{rs} Nash's Legacy and Nash [had] no other method of obtaining a Sale. Conway Dobbs was joined as being the Governor's Heir at Law and lest Ed. should refuse the Legacy.

With regard to the other cases you mention, I never could reconcile my opinion to the determinations of our Judges who condemned property, which appeared to me actually vested in the Assignees, to the payment of the Bankrupt's Debts. But it seems they were right.

I have always thought it equitable that contracts should be enforced under the Laws of the Country where they were entered into, and if the Def^t withdraws his person from that Country, that the Creditor should have it in his Option either to follow the person of his Debtor or have recourse against the property he left behind him. I agree that there may be some cases of hardship and Injustice which cannot be easily provided against, but on the whole, think it is a regulation favorable to Trade, especially in this Country where people are continually rambling.

What our agent wrote concerning the increasing the jurisdiction of the Inferior Court has had a very bad effect. People began to be pretty well satisfied about the Jurisdiction of those Courts but they now again entertain hope of having it increased. I never, as you know, approved of him, and at last joined in crying down the necessity of an agent unless on particular occasions and for special purposes; when the House resolved on remonstrating against the Instruction regarding attachments, M^r Barker and you were named by the Southern Gentlemen and I have no doubt but that should it ever be thought necessary to have a standing agent it may be easily procured for one or both of you, tho' the Cape Fear people can hardly find in their hearts to forgive you for fixing the Governor's House at New Bern.

The Acts of Parliament you mention are like to produce very serious consequences. The Congress of the Colonies met at Philadelphia the 5th and have chosen Peyton Randolph their Chairman, which is all we have yet heard of them. I lately sent M^r Barker a Copy of our proceedings, but for fear it should miscarry I now send you another.

You will not wonder at my being more warmly affected with affairs of America than you seem to be. I came over so early and am now so rivited to it by my connections that I cannot help feeling for it as if it were my *Natale Solum*. The Ministry from the time of passing the Declaratory Act, on the repeal of the Stamp Act, seem to have used every opportunity of teizing and fretting the people here as if on purpose to draw them into Rebellion or some violent opposition to Government; at a time when the Inhabitants of Boston

were every man quietly employed about their own private affairs, The wise Members of your House of Commons on the authority of Ministerial Scribbles, declare they are in a state of open Rebellion. On the strength of this they pass a set of Laws which from their severity and injustice cannot be carried into execution but by a military force, which they have very wisely provided, being conscious that no people who had once tasted the Sweets of freedom would ever submit to them except in the last extremity. They have now brought things to a crisis and God only knows where it will end. It is useless, in disputes between different Countries, to talk about the right which one has to give Laws to the other, as that generally attends the power, tho' where that power is wantonly or cruelly exercised, there are Instances where the weaker state has resisted with Success; for when once the Sword is drawn all nice distinctions fall to the Ground; the difference between internal and external taxation will be little attended to, and it will hereafter be considered of no consequence whether the Act be to regulate Trade or raise a fund to support a majority in the House of Commons. By this desperate push the Ministry will either confirm their power of making Laws to bind the Colonies in all cases whatsoever or give up the right of making Laws to bind them in any Case—a Right which they might have exercised in most cases to the mutual advantage of Great Britain and the Colonies for ages to come, had they exercised it with discretion. I think your own observation and knowledge of the People and Constitution of Britain would suggest to you a number of substantial reasons against our thinking of being represented in the British Parliament, it would therefore be impertinent in one to say any

[The concluding part of this letter is unfortunately lost.—
EDITOR.]

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

Proceedings of the Committee of Safety for Rowan County.

SEPTEMBER 23rd 1774.

At a meeting of the Committee at Salisbury on the 23rd Day of September 1774

William Kennon Esq^r in the Chair.

Adlai Osborne Esq^r Clerk.

The Resolves of the Provincial Congress met at New Bern on the 25th Day of August last, were read and unanimously agreed to—

Resolved, That 25 Persons be appointed a Committee to correspond with the Provincial Congress and to see that the Resolutions of the Continental and Provincial Congress be carried into Execution by the Inhabitants of this county.

Resolved, That in case of the death of any of the said Committee, or refusing to act, the Survivors or Residue have power to elect others to maintain the Number of twenty-five.

Resolved, That the following Persons constitute the said Committee, Viz. James M^cCay, Andrew Neal, George Cathy, Alexander Dobbin, Francis M^cKon, Matthew Locke, Maxwell Chambers, Henry Harmon, Abraham Denton, William Davison, Samuel Young, John Brevard, William Kennon, George Henry Barger, Robert Bell, John Bickerstaff, John Couden, John Lewis Beard, John Nisbet, Charles M^cDowell, Robert Blackburn, Christopher Beckman, William Sharp, John Johnson, Morgan Bryan.

Resolved, That this Committee meet at Salisbury on the Second Day of each County Court, or on the Second Day of the week on which the County Court used to be held.

Resolved, That thirteen of the members of said Committee be a Board to transact Business.

Resolved, William Kennon Esq^r. be Chairman of said Committee, and in his absence Maxwell Chambers, and that the Chairman for the time being have Power to convene the Said Committee occasionally.

Resolved, That the Clerk of the Meeting transmit a copy of the Resolves to each Member of S^d Committee.

Resolved, That the People of this county will break off all Trade, Commerce and Dealing, and will not maintain the least Trade, dealing, or Intercourse with any person or persons resident in this county who shall refuse, decline or neglect to carry into Execution the Resolves made at a general Meeting of Deputies of this Province at New Bern the 25th of August last, and that those who offend herein shall be deemed Enemies to their country, and treated accordingly.

Resolved, That the Thanks of the county be given to the Deputies of said County and the Town of Salisbury for their faithful attendance on the Provincial Congress.

Resolved, That each Company of the Rowan Militia raise £20 proc. to be paid into the hands of M^r. Maxwell Chambers. The

sum of £20 of which Collection is to be transmitted to Col. Richard Caswell, and the Remainder to remain in the hands of M^r Max. Chambers, for defraying future Contingencies—to be disposed of by this Committee.

Resolved, That the Chairman of this Committee as soon as convenient, write to the provincial Committee of Correspondence, informing them that there is a Committee elected for the County, ready to correspond with said Committee, and also a letter to Richard Caswell, Esq^r, requesting an account of the proceedings at the Continental Congress.

Resolved, That Will Davison, John Bickerstaff and Robert Bell wait on the Messrs Jno and Will Kelly to desire their attendance on this Committee in order to answer a charge of having infringed the Provincial Resolves by selling powder at a higher rate than it had been sold at for three months past.

Messrs John and Will Kelly attended accordingly, and being examined with regard to powder which they acknowledged to have sold for ten shillings per lb,

Resolved, That 5s. is a sufficient price for powder at this time.

Resolved, That any person who shall sell or buy powder for more than 5s. shall be deemed an Enemy to his Country, and treated accordingly. Be it remembered that Will Kelly acknowledged that 10s per lb was too great a price for powder, and that his intention was to sell 6d cheaper per lb than any other Merchant in the County. But that John Kelly, to whom the Powder belonged, would not permit him, and the said John Kelly declared that he would not sell his powder for 5s proc.

An advertisement signed by John Dunn and Benjamin Booth Boote being read in this Committee,

Resolved, That the said advertisement contains sundry allegations altogether false, scandalous, wicked and impertinent, and that the authors thereof justly merit the Censure and detestation of their Country.

A Paper being read in the Committee known to be a copy of a Paper called a Protest referred to in the above advertisement composed by the said John Dunn and Benjamin Booth Boote,

Resolved, That the said Paper is in the highest Degree false and contemptible and even bordering upon Blasphemy, and that the authors thereof ought to be treated with the Contempt which the

authors of so infamous a Performance deserve, and as Enemies to their Country.

Resolved, That a copy of the above Resolves respecting the advertisement and paper called a Protest, composed by John Dunn and Ben. B. Boote, be put up against the two posts of the Gallows and the whipping post to demonstrate the contempt in which the Committee hold the authors of so infamous a performance.

Their this Committee adjourned.

WILL KENNON, Chairman.

ADLAI OSBORNE, Clk.

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

Appointment of the Safety Committee in Pitt County.

MARTINEBOROUGH, October the 4th, 1774.

At a meeting of the freeholders of the County of Pitt they made choice of John Hardee, John Simpson, Robert Salter, Edward Salter, William Bryant, Edmond Williams, Benjamin May, George Evans, Amos Atkinson to be a Standing Committee for the County, any five of them to proceed to business.

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

Field Return of the Johnston County Redgmt of Militia Commanded by Col^o Needham Bryan at a General Muster held the 4th Day of October 1774.

N^o. 1.

Commissioned Officers' Names,	{ John Stevens, Capt. Lewis Bryan, Lieut. Joseph Ingram, Ensign.	
Non-Commissioned Officers---	{ Serjeants ----- Corporals ----- Drummer -----	3 2 0
Private Men -----	{ Under Arms ----- Absent ----- Total -----	81 4 —
		85

N^o. 2.

Commissioned Officers' Names,	{ Nathan Williams, Capt. Thomas Lee, Lieutenant. Jacob Stevens, Ensign.		
Non-Commissioned Officers---	{ Serjeants ----- Corporals ----- Drummer -----	2 2 0	
Private Men-----	{ Under Arms ----- Absent ----- Total -----	24 20 —	44

N^o. 3.

Commissioned Officers' Names,	{ James Wootten, Capt. Malachi Hinton, Lieut. Jesse Wootten, Ensign.		
Non-Commissioned Officers---	{ Serjeants ----- Corporals ----- Drummer -----	3 3 1	
Private Men-----	{ Under Arms ----- Absent ----- Total -----	69 7 —	76

N^o. 4.

Commissioned Officers' Names,	{ Henry Rains, Capt. Philip Rayford, Lieut. Oliver Rains, Ensign.		
Non-Commissioned Officers---	{ Serjeants ----- Corporals ----- Drummer -----	3 3 1	
Private Men-----	{ Under Arms ----- Absent ----- Total -----	61 10 —	71

N^o. 5.

Commissioned Officers' Names,	{ Needham Bryan, Capt. John McCullers, Lieut. John Wood, Ensign.		
Non-Commissioned Officers---	{ Serjeants ----- Corporals ----- Drummer -----	3 2 1	
Private Men-----	{ Under Arms ----- Absent ----- Total -----	50 3 —	53

	N ^o . 6.	
Commissioned Officers' Names,	{ Arthur Bryan, Capt. Jonathan Smith, Lieut. Hardy Bryan, Ensign.	
Non-Commissioned Officers ----	{ Serjeants ----- 3 Corporals ----- 3 Drummer ----- 0	
Private Men -----	{ Under Arms ----- 65 Absent ----- 6 Total ----- —	71
Grand total -----		390
	NEEDHAM BRYAN.	

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from the Earl of Dartmouth to Governor Martin.

WHITEHALL, October 5th 1774.

SIR,

I have received and laid before the King your very important Dispatch of 13th July No. 25, and have by His Majesty's command, transmitted it to the Board of Trade with those Acts of the Legislature to which it relates.

Whether you have acted consistent with your Duty to the King in giving your assent to the Acts for establishing Inferior Courts of Common Pleas and Courts of Oyer and Terminer and general gaol delivery will in a great measure depend upon the merit or demerit of those Laws when they come to be examined by the Board of Trade. In general they are stated by you and appear to me to be of so extraordinary a nature that your assent to them is scarcely to be justified under any exigency.

You may be assured Sir, however that the reasons you assign for so extraordinary a step will be considered with the greatest candour and with every indulgence due to a servant of the Crown who has endeavoured with equal firmness and fidelity to support the Constitution and to withstand the many unwarrantable encroachments of a violent and dangerous Faction.

I am &c.,

DARTMOUTH.

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

COUNCIL JOURNALS.

At a Council held at Wilmington 8th October, 1774.

Present

The Hon. James Hasell, Esq., President and Commander-in-Chief,
 The Honble { John Rutherford and
 { Lewis DeRosset William Dry } Esquires

His Excellency the Governor having gone to New York for the benefit of his health, the administration of the Government Devolving upon the Hon. James Hasell Esq^r President of His Majesty's Council, He was pleased to order His Majesty's Royal Commission to be openly read together with His Majesty's 2^d & 110th Instruction, and thereupon Mr President qualified by taking the Oaths appointed by the Royal Instructions to be taken by the Governor or Commander-in-Chief for the time being, Subscribed the Test, and took the Oath appointed by the 7 & 8 William the 3^d, as also an Oath for the due and faithful Execution of his Trust and impartial Administration of Justice in Office, After which His Honour qualified the Gentlemen of the Council present agreeable to the Royal Instruction and administered to each of them the Oath of Office as His Majesty's Council of state in this Province.

His Honour was then pleased to take the advice of the Council relative to the further prorogation of the Assembly, when it was their unanimous opinion that it would be expedient for his Majesty's Service further to prorogue the said Assembly until the 24th of November next, then to meet at Newbern for the dispatch of public business. Ordered a proclamation issue accordingly. A proclamation issued in the usual form.

His Honour was pleased to communicate to the Board His Majesty's order in Council under the Royal Sign Manuel dated the sixth of June last, signifying and declaring the Royal disapprobation and disallowance of the following Acts of Assembly of this Province, Viz^t,

An Act for the Relief of Persons who have or may suffer by their deeds and *mesue* conveyances not being proved and registered within the time heretofore appointed by Law.

An Act to continue an Act for the more speedy recovery of all debts and demands under five pounds proc. money within this Province.

An Act for directing the method of appointing Jurors in all causes civil and criminal.

An Act for the relief of Insolvent Debtors with respect to the imprisonment of their persons, and

An Act to regulate and ascertain the fees of the clerks of the Superior and Inferior Courts in this Colony, directing the method of paying the same, and for taxing law suits.

His Honor was pleased to appoint John London to officiate as Clerk of the Council in the absence of the Hon. Samuel Strudwick, Esq., who took the oaths accordingly.

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

Proceedings of the Safety Committee in Pitt County.

MARTINBOROUGH October 27th 1774,

The committee then met and made choice of Col. John Hardee to be Chairman and Edward Salter Clerk and then adjourned to the first Thursday in November next.

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

Proceedings of the Committee of Safety in Rowan County.

NOVEMBER 2nd 1774.

Being appointed for a meeting of the County Committee, A sufficient Number of the Gentlemen appointed to constitute the County Committee not attending the Meeting it was adjourned till tomorrow at 6 o'clock.

November 3rd — The Committee met this Morning according to adjournment, William Kemion Esq^r Chairman, James Macay Clk.

Information being made to the Committee by Samuel Young, that John Johnson refused to serve as a Member of the Committee,

Resolved, That Adlai Osborne Esq^r be chosen in his stead. Mr. Osborne was accordingly admitted a Member of Committee.

The Members of Committee, finding it extremely inconvenient upon any special Emergency, to assemble thirteen Members

Resolved, That five Members be a sufficient Committee for the time being to act upon extraordinary occasions and that whatsoever shall be done by them shall be considered as the act of that whole Committee.

Resolved, That the Resolution of this Committee entered in the 23rd of September last relative to M^r Dunn and M^r Boote be executed this Day by John Bone Town Constable.

William Spurgin appearing before the Committee to answer a charge against his conduct relative to the protest and advertisement of Dunn and Boote—he denied his having signed them, yet the Committee Judged he had not given entire satisfaction.

Resolved, Therefore, that William Spurgin, Esqr., by disavowing all connection with his county in the present Measures, has as far as in his power relinquished the Rights of the people and opposed them, to be illegally and unconstitutionally taxed by the british Ministry, which has a tendency to spread sedition amongst his Majesty's Loyal Subjects in the County of Rowan. For which he is justly deemed by this Committee an Enemy to his Country, and should be treated as such by all his Majestys loyal subjects in America.

Resolved, That the Chairman with three or more Members of Committee request a Meeting of the people of that Neighborhood at Spraikers as they differ in Opinion from this Committee in the present unhappy dispute between America and the British Parliament, there to confer together for their mutual benefit.

Then this Committee adjourned

W^m KENNON Esq^r Ch^{airm}.

JAMES MACAY, Clk.

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

Proceedings of the Safety Committee in Pitt County.

MARTINBOROUGH NOV 3rd 1774

The committee met pursuant to adjournment.

Present, John Hardee chairman, John Simpson, Robert Salter, W^m Bryant, William Robson, Edmond Williams, and Edward Salter.

On motion the committee, considering the present unhappy situation of the inhabitants of the town of Boston, and the miserable

distress the poor inhabitants of said town are reduced to by the effects of several late acts of Parliament blocking up the port and harbor of the said town of Boston, and the poor of said town cannot exist nor support themselves and families without the assistance of the neighboring collinys, in order to relieve and support said poor of Boston, as far as our situation and circumstances admit, we appoint John Hardee, Esq., W^m Bryant, Robert Salter, John Knowis, Jr., James Gorham, Samuel Calhoun, John Page, John Williams, Henry Ellis, George Evans, George Maye, William Travis, James Armstrong, Robert Salter, James Latham, David Perkins, Godfrey Stansel, John Tison, Allen Sugg, Aaron Tison, Charles Forbes, James Brooks, Jacob Blount and Laz. Paine to assist the gentlemen of the vestry of St. Michael's Parish in collecting for the support of the said sufferers in said town of Boston, from such generous persons of this county as may give by subscription for support of said sufferers, such persons with the vestry to have subscription for that purpose, payable to the committee heretofore mentioned, them or either of them, they and each of them keeping a plain and regular account of what they receive and to give each person a receipt of said donation, and to furnish this committee of this county with a copy or the original of each of their accounts for their inspection and correction, which donations are to be collected from each receiver by the direction of said committee, to be shipped for the benefit of said Poore of Boston to any port on the continent, that the committee may think most Beneficial all the net proceeds thereof to be ordered into the hands of the committee appointed to receive the several donations from the different countys, towns, &c., on the continent in said town of Boston.

Resolved, That this committee will be thankful to any person or persons for any advise that may be of servise to the committee in general.

Resolved, That the proceedings of this committee be open for inspection of any Inhabitants of this county, they he or she being a friend to the freedom of American Liberty.

Ordered that John Hardee, Jno. Simpson, and Edward Salter acquaint the standing committee of this province, that a committee of this county, hath formed themselves, and are ready to communicate and receive advice from them.

The committee then adjourned till this day 2 weeks.

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

Letter from Archibald Neilson.

HALIFAX 3^d Nov^r 1774.

DEAR SIR,

I wrote you a long time ago—but have never had a line in answer from you—in the common course of Ceremony this should prevent me from writing you again till your debt is discharged—but I neither understand nor am inclined to such ceremonious accountantship.

You would hear the issue of my last attendance at Granville—my returning to the charge was unexpected by myself till the day before I set off—which was in consequence of particular immediate instruction—The Pleadings took a new turn from which reason you could have been of no assistance to me—I have heard very little with regard to this affair of late—and to say the truth have not taken much concern in it—but believe the plan of procedure is altered—I have not seen any propriety in attending this Court.

I have not—from various reasons—had it in my power to visit you this summer or fall—and the same with some additional causes have prevented *all* that application we, Intended to my Law preparatory—Without any assistance or society to lighten the way or with whom to communicate ideas—and without opportunity of receiving explanation or instruction from the experienced—New Berne is but a bad place for such studies—I wish things would turn so that I might pass some time with you at Hillsborough.

I am obliged now to return to New Bern where the Governor is soon expected.

A Mr McNeil came here the other day from Virginia—he informed us that at Baltimore a vessel from England having some tea in her cargo the people have burnt both tea and ship—and that the Bostonians have proposed to the Congress to burn their town in order to distress the military—The Congress did not approve but notwithstanding the measure is still intended—and they are now busy in drawing out Estimates of the value of the houses &c—in order to raise a general contribution for the loss at some future time.

I am D^r Sir,

Yours w^h regard

A. NEILSON.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

Letter from Governor Martin to the Earl of Dartmouth. (Private.)

NEW YORK, Novemb^r 4th, 1774.

MY LORD,

I have the honor to acquaint your Lordship that pursuant to my design of coming hither for the repair of my health communicated to your Lordship in my last letter from Carolina, N^o. 26, I embarked at New Bern on the 4th day of September and arrived here on the 18th day following, and although I have been since that time much ailing I find myself restored so far beyond my expectation at this day that I hope by the middle of this month to be on my way to No. Carolina with a constitution renewed by change of climate for two months only.

The Congress of Provincial Deputies at Philadelphia which has for some time past been the object of universal attention broke up late in the last month, having given specimens of its complexion and temper from time to time that presaged no good result; indeed I never expected any from an Assembly in its nature and design so unconstitutional, formed generally of men of the most inflammatory Spirits selected out of the several colonies for their democratical principles, their known averseness and opposition to Government or their forward zeal for the service, and convened professedly to ratify with the greater appearance of solemnity the precipitate and rash resolutions that were, I doubt not, in great measure of their own designation and obtained by their influence in their respective Provinces by which they had previously marked out to themselves a Line of conduct that precluded all calm inquiry and discussion and was the most derogatory to the authority and dignity of Government. After all however I could not have conceived that the issue of this meeting would be such as your Lordship will see it has been by the detail of its proceedings in the Paper I have now the honor to enclose which I think no loyal and dutiful subject of our most gracious sovereign can contemplate without feeling the most indignant revoltings. They seemed to have carried matters so far my Lord and with so high a hand as to challenge the Parent State to a conduct of decision. The crisis my Lord is come in my humble opinion and perhaps in the best time when Britain must assert and establish her just Rights

and authority in the Colonies whatever they may be or give up forever all pretensions to dominion over them. On this great and trying occasion I pray most fervently that the Almighty may endue his Majesty's Councils with such wisdom and firmness that all things may be ordered in the manner most inducive to the honor and strength of the British Empire to the permanent establishment of its happy constitution under his Majesty's Government and to the utmost advancement of the Glory and happiness of that best of Princes which are manifestly in his Royal consideration ever involved in the falsity of his People.

During my short sojourn in this Province in this Season of political disquisition my observation has led me to conclude that the spirit of Loyalty runs higher here than in any other Colony of the Continent and that there are in it more friends to Government from principle if not enough to controul the domineering Spirit of licentiousness provided they had sufficient confidence in each other to come to a fair explanation of their minds, but for want of assurance of their own principles and of mutual support, and I believe too for want of some man of spirit and of weight and consequence in the Country to take the lead, their good dispositions discover themselves only in murmurs of dissatisfaction.

Another cause of their backwardness I apprehend is their uncertainty of the Mob and of their influence over it. The people of consideration feel too late their ill policy in having made it so consequential and omnipotent in the time of the disturbances occasioned by the Stamp Act and fear now to attempt as much as they wish to resume the power with which they then conspired to arm the Multitude, that they now see a Monster of their own creation become formidable to themselves usurping dominion and giving Law instead of submitting to be the instruments of their will and continuing subject to their dominion.

This circumstance I am inclined to think My Lord, will deter them from declaring themselves unless the beginning discontents of the Farmers and the Merchants at the apprehensions of a new exportation agreement which is equally repugnant to both their interest should unite these people and draw friends to their side, in which case and if a Body of Troops could be spared at New York considerable enough to give them countenance and to awe the Mob I do think Loyal well wishers to Government would come forth in number and of influence sufficient to guide the measures of this

Colony in a manner consistent with reason and the duty of good subjects, and it might be expected that the good example of a Province of so high consideration would have a powerful effect on the rest of the continent. I confess My Lord, I am much confirmed in these sentiments since I have understood that the proceedings of the Congress have been received with high marks of disapprobation by many of the principle Inhabitants of New York, but after all My Lord they are only my own Opinion most humbly offered to your Lordship and I should be wanting in candor if I did not freely acknowledge at the same time that well judging people of consideration at New York think differently on these points, not admitting that there is any power in the Mob there, or that any restraint arises from apprehensions of its strength and Influence and who account for the reserve or supineness of the friends of Government upon other principles. They say that the people of this description whose conduct would govern a majority of the Province although attached to the constitution and government of Great Britain and willing and desirous to support it, yet falling in with the common principle in doubting or denying the Power of Parliament with regard to internal taxation (of which the generality affirm the duty upon Tea to have all the essence), they cannot stand forth in defence of the acknowledged rights and authority of Government while that duty remains and that the few who consider it a regulation of Trade that ought to be submitted to, are afraid to profess sentiments so contrary to the prevailing opinion or to form upon them, or to pursue any plan of conduct favorable to Government at the hazard of becoming obnoxious to their Country, and if the tea duty is continued of being deemed and treated as the cause of it and perhaps as promoters of a system of Parliamentary taxation in the Colonies, the duty upon tea therefore My Lord it would seem operates alike upon all men however principled to the disadvantage of Govern^{mt} by creating enemies or repressing the good dispositions of its friends; of the latter denomination there are many who wish this import taken off, not only as a measure that will tend to conciliate the differences submitting between Britain and her Colonies and from conviction that it will never yield any Revenue to the State and must be a perpetual source of division among the friends of Government while it exists, but as it will disappoint the views of the Smuglers of Dutch Tea who have made monstrous advantages of the opposition they have industriously excited and fomented on this subject professing to aim

by these means at the repeal of the Tax Act, which they certainly intended to produce a contrary effect, deprecating in their hearts that course above all things that must inevitably destroy their monopoly of that commodity and all its concomitant benefits.

The expediency of retaining the principle of the right of Parliament to tax trade in the Colonies and of still exercising its power therein and of transferring the duty now charged upon Tea to some other article of commerce, are matters of too high moment and consequence for me to presume to give my humble judgment upon to your Lordship, but I cannot help expressing my wishes that some regular political system was formed for these Colonies.

It is remarkable here, my Lord, I think at this time and I cannot therefore help observing to your Lordship the congeniality of the principles of the Church of England with our form of Government.

To the reproach of the professors of Christianity on both sides, in my humble opinion distinctions and animosities have immemorially prevailed in this Country between the people of the established Church and the Presbyterians on the score of the difference of their unessential modes of Church Government, and the same spirit of division has entered into or been transferred to most other concerns; at present there is no less apparent schism between their Politicks than in matters appertaining to religion, and while Loyalty, Moderation and respect to Government seem to distinguish the generality of the Members of the Church of England, I am sincerely sorry to find they are by no means the characters of the Presbyterians at large, whence and from other observations I have made I am inclined to think the people of this denomination in general throughout the continent are not of the principles of the church of Scotland, but like the people of New England, more of the leaven of the Independants, who according to English Story have been ever unfriendly to Monarchical Government.

If my opinion is right, my Lord, I submit to your Lordship's wisdom the expediency of giving greater encouragement to the establishment of the Church of England in a political view with respect to religion, its grand object, I consider it as conducive to its purposes, and as Liberty to gain ground while it is cultivated with a generous spirit of toleration. I am also convinced that order and good government are nowhere so well maintained as where the duties of religion are carefully observed and inculcated, wherefore I am extremely solicitous to see the Clergy of N^o Carolina upon a better

footing, that its number now vastly short of what is requisite may be augmented with able & good men.

Although I am at present out of the sphere wherein I am admitted to the honor of communicating with your Lordship, I have thought it my duty in the present times to submit to your Lordship my sentiments of them, which will I think plead my excuse for obtruding upon you from hence this long letter.

I have the honor to be &c.,

JO. MARTIN.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 221.]

Letter from Governor Martin. (Private.)

NEW YORK NOV^r 5th 1774.

DEAR SIR,

Taking advantage of an interval of calm in Carolina after the Cabals were over that preceeded, the Congress of Deputies at Philadelphia, and laid down rules and principles for the conduct of that very extraordinary Assembly, there, as in the other Colonies, I made my escape here for a short time to repair the injury that my health had suffered during the intense and insupportable heat of the last summer, and I have profited so much by two month's absence from that climate that I hope to return there in the course of the present month, perfectly restored.

Among all the embarrassments & difficulties I have encountered in the administration of Government there, nothing has so mortified me, or made me so sensible of the weakness of my hands to carry on the Public Service in Carolina, as the undutiful and inconsistent behaviour of the Council, with which you have no doubt become acquainted through my correspondence with the Earl of Dartmouth. I shall not therefore, enlarge upon it here, but I cannot help expressing my hopes that His Majesty will be pleased to take measures upon the occasion that may testify his disapprobation of their undutiful conduct, and at the same time give that strength to His Government there, that is necessary for its support. The sacrifice of duty to popularity is at no time justifiable, but surely most inadmissible when it has a tendency to countenance proceedings inconsistent with good order, and repugnant to the Constitution and to lessen the dignity and authority of His Majesty's Government.

The Congress upon which the eyes of all America have been intently fixed, at length broke up the latter end of the last month, and I take this opportunity to enclose to you a detail of its proceedings, upon which I shall only observe, that matters seem to have been carried with a very high hand, and that Great Britain is loudly called upon to take a part of decision.

Heaven grant the wisdom and unanimity to His Majesty's Councils, that is necessary to govern this important crisis with the greatest Glory, and advantage to His Majesty, and the British Empire.

I understand Lord Granville's powers of Agency to me are arrived, since I left Carolina, and I beg leave to assure you that I shall be happy to employ them, or any others belonging, or that may belong to me, for your service.

I have the honor to be &c.,

JO. MARTIN.

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

Proceedings of the Pitt County Safety Meeting.

MARTINBOROUGH NOV. 17th 1774.

The Committee met pursuant to adjournment. Present John Hardee Chairman, John Simpson Edm^d Williams Amos Atkinson Robert Salter William Bryant George Evans and Edward Salter. An abstract of the proceedings of the Continental Congress was exhibited and read wherein it is recommended that every county &c by the Freeholders make choice of a committee &c.

Resolved that the Freeholders of this County be advertised to appear at the Court House on Fryday the 9th day of December then and there to elect a number of persons as a committee in conformity to the Resolution of the said Congress.

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

Proceedings of the Safety Committee at Wilmington.

WILMINGTON, November 23, 1774.

At a meeting of the Freeholders in the Court House at Wilmington, for the purpose of choosing a Committee for said town, to carry

more effectually into execution the Resolves of the late Congress held at Philadelphia, the following names were proposed and universally assented:

Cornelius Harnet; Jno. Quince; Fr's Clayton; William Hooper; Robert Hogg; Jno. Ancrum; Arch'd McLain; Jno. Robinson; James Walker.

The Committee then adjourned until 6 o'clock that Evening.

WILMINGTON, NOV. 23, 6 o'clock, P. M.

Present: Arch'd McLain; Jno. Quince; Jno. Ancrum; Fr's Clayton; James Walker.

It being then moved that Ancrum, Forster and Brice and others, having imported quantities of Teas in the brig *Sally*, capt. Innes, not knowing how to dispose of them, had by the interposition of capt. Forster informed the Committee thereof, in the Court House, immediately after the election craving their advice: *It was Resolved*—That though this application did not come properly under the cognizance of a Committee chosen to inspect the conduct of the inhabitants of this town, regarding certain Resolves entered into by the Continental Congress—yet as capt. Forster and the other gentlemen concerned, choose to walk hand in hand with their approbation, the following letter, to Mr. Hill was agreed to:

Wilmington, November 23, 1774.

Mr. Hill: Sir: This day, at a very numerous meeting of the Freeholders of this town, for the purpose of appointing a Committee, to carry more effectually into execution the Resolutions of the late Continental Congress, the subscribers to this letter were chosen and compose a majority thereof. The first article presented to our notice being a quantity of Teas imported by yourself and others in your brig *Sally*, capt. Innis: we inquire of you, and beg your immediate answer, whether said tea may not be regularly remitted by the vessel, and whether the Custom-house will in that case have any right to demand the duty or refuse clearing her out.

Signed by all the members present.

The Committee then adjourned to the 25th inst.

WILMINGTON, NOV. 23, 1774.

The Committee met according to adjournment.

Present: Arch'd McLain; Jno. Ancrum; Robert Hogg; James Walker; Jno. Quince; Francis Clayton:

When Mr. Hill's answer being produced was read as follows:

Brunswick, November 24, 1774.

Gentlemen: I cannot take upon me to answer your inquiries concerning the tea brought into this port by the *Sally*. The Collector and Comptroller, I hear, will be at Wilmington to-morrow, or next day. The management of the King's duty is particularly their department, and they will determine whether the tea may regularly be remitted by the vessel, or whether the duty is to be paid; or whether they will clear it out.

The safety of the people is, or ought to be, the Supreme Law: the gentlemen of the Committee will judge whether this Law, or an Act of Parliament, should, at this particular time, operate in North Carolina. I believe every tea importer will cheerfully submit to their determination—I can answer for, gentlemen—your most obedient,

(Signed)

W. HILL.

It was agreed to by a majority, after the point had been maturely reasoned, that the subject was not in the extent of the Committee's inspection, and that it ought to be recommended to those concerned to conduct themselves with discretion and for the good of the country.

The Committee then adjourned to the 26th inst.

WILMINGTON, Nov. 26th, 1774.

The Committee met according to adjournment.

Present: Francis Clayton, Robert Hogg; Jno. Ancrum; John Quince; James Walker, and Archibald McLain.

The Committee finding that several gentlemen intended to start horses, which they have had some time in keeping, for the Wilmington subscription purse, on Monday, the 28th inst., and the general Congress having particularly condemned horse-racing, as an expensive diversion, The committee thought proper to send the following admonitory circular letter to the several gentlemen who had kept horses for the race, to wit:

Wilmington, Nov. 26th, 1774.

Sir: The Continental Congress, lately held at Philadelphia, representing the several American colonies, from Nova Scotia to Georgia,

associated and agreed among other things, for themselves and their constituents, to "discountenance and discourage every species of extravagance and dissipation, especially all horse-racing, and all kinds of gaming, cock-fighting, exhibitions of shows and plays and other expensive diversions and entertainments;" and we being a majority of the committee, chosen by the freeholders of Wilmington to observe the conduct of all persons touching the association of the said Congress, think it our indispensable duty to inform you that in our opinion, the avowed intention of running horses for the subscription purse near this town on the 28th inst. if carried into execution, will be subversive of the said association, and a breach of the resolves of the general Congress; and that if the gentlemen who intended to enter horses for the said purse (of whom we understand you are one) persist in running the race, we shall be under the disagreeable necessity of bearing public testimony against a proceeding which immediately strikes at the ground of the association and resolves, by disuniting the people.

You must be sensible, Sir, that the Americans have not the most distant prospect of being restored to their former rights or of succeeding in their attempts to defeat a venal and corrupt ministry and Parliament, but by an unanimous adherence to the resolutions and advice of their representatives in the late general Congress; and as a friend to your country we have no doubt but you will readily relinquish an amusement that however laudable in other respects, is certainly attended with considerable expense, and even destruction to many individuals; and may very justly be condemned at a time when frugality should be one of our leading virtues.

We shall only add that nothing will so effectually tend to convince the British Parliament that we are in earnest in our opposition to their measures, as a voluntary relinquishment of our favorite amusements. Those who will take the trouble of making observations on mankind, must soon be convinced, that the people who abandon their pleasures for the public good, are not to be biased by any other consideration. Many will cheerfully give up part of their property to secure the remainder. He only is the determined patriot who willingly sacrifices his pleasures on the altar of freedom. We are &c. Which was signed by the committee present.

The committee then adjourned to the 10th of December.

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

Letter from Alexander Elmsly to Samuel Johnston.

LONDON 22^d Dec^r 1774

DEAR SIR,

I have your favor by Capt. Barter, the packet and Dollars are not yet come to hand but we expect them daily to be forward from Pool, M^r Barker bids me tell you that if in future you have Occasion to send any Dollars he wishes them to come by the way of London, and to be previously advised that he may insure them.

I wish we may be able to render the Province service in the affair of your Court Laws, Col^l Tryon who is now here, told me he intended to speak to M^r Jackson on the affair, as soon as we receive your papers I shall wait on the Gov^r to know what passed on the Occasion; I told him that my principal Objection ag^t the attachments would be removed if care was taken that upon the Event of a Bankruptcy in England we should have the same justice as the Creditors in America, and that I believed every body else would be satisfied. His answer was that some Gents in England held large tracts of Land in America which they would wish exempted from attachments.

Our new parliament is just met but we do not yet know what steps are to be taken with respect to America, the Kings speech still breaths resentment and by far the greatest numbers of the new parliament are on the side of administration, the Patriots (except in London and Bristol) being every where unsuccessfull. We had a Contested Election for Westminster. Mr. Wilks set up Lord Mount Morris an Irish peer and Lord Mahon eldest Son of Earl Stanope agnst Earl Percey and Lord Thomas Pelham Clinton, one the son of the Duke of Northumberland the other of the D. of Newcastle. The Election lasted fifteen Days. The Dukes of Portland and Devonshire supported the patriots, But 40 or 50 thousand pounds spent annually in Westminster by the Dukes of Newcastle & Northumberland gave their sons an Interest with the Inhabitants not to be shaken, for on the Close of the poll they had a majority of about 2500 votes.

The patriots also against every Bodys expectation lost Sir Jos. Manley for the County of Surrey, he might have represented the Borough of Southwark as before, but as more honourable, he was proposed for the County and Mr. Lee a Virginian, was to have his

seat for Southwark. The Consequence was they were both disappointed and two ministerial members returned in their Room

But in return they carried three out of four members for the City, and no two men could be found in the three Kingdoms to set up agn^t Wilkes and Glyn for Middlesex so they were returned without opposition much to the mortification of the ministry and the mob, who like to carry their points of opposition. We have not yet heard from your Congress, But doubt not from the immense quantity of Goods lately shipped to America and principally to the Northward, that the members will resolve at least against future Importations, in which Case our Politicians say they will cut off your Trade with all other places, except the West Indies & G. Britain At present no Body yet complains the manufacturers having lately had more Orders than it was possible to supply, but there is now an End to them and if remittances are stopped from America we shall have another 1772 to encounter again.

I wrote you mine and Mr. Barker's sentiments on this subject some time ago, and still think your people in the wrong not on the principal point, but for confounding two Questions not related to each other, whatever may be the Rights of the Colonys, this Country has at least hers also, and one of them is to be treated with Decency by those people whom her arms so lately saved from slavery; for most certainly half a Dozen 70 Gun Ships on your Sea Coast, with a thousand Frenchmen on board of each of them would soon have done the Business of your Towns for you; I would therefore in contending for your rights have had you set out with allowing us ours, and immediately ordered Compensation to be made for the Tea and then pursue all necessary measures for securing your Rights and Libertys in future, which however I think you put on a wrong Foundation also, you acknowledge yourselves subjects of our King, at least for the present, now this King is King only in Virtue of an Act of Parliament, it seems strange to acknowledge the King but deny his Title (For I consider all distinction between Laws to tax and Laws to regulate Trade &c, as absolute chicane) and it is an incontroverted principal in the Constitution that our King Quasi King can and ought to have no subjects that are not bound by Laws made by Parliament; were it otherways, Our Libertys here might be in Danger as well as yours. But the grand argument in favor of America is an argument that could not till lately have an Existence, it is in my Opinion your Numbers and importance that gives

you Consequence and every other argument in your favor teems with absurdity. While you were of no Consequence either to the State or to yourselves we did not improperly Consider you as we do at this time Alderney Jersey and the Isle of Man, but as Circumstances alter you have a right to expect an alteration of Treatment, and it appears obvious to me that there are but two ways of adjusting the Difference Betwixt us

1st To incorporate by an Act similar to the act of Union with a Clause in favour of America in respect to her proportion of future Taxes and her Exemption as to past ones, as had Scotland, which has hitherto been religiously Observed; agnst this you Object that you cannot get members to represent you, to this I answer that there are more Jamaica men alone in England than will be sufficient for all America and if you dont like to trust your concerns in their hands pay your members well and send them from your own Cól-onies and let them be elected for a time of years instead of being bound by Dissolutions &c. Your friends here, (for all the patriots are on your side) say that you would be outnumbered and oppressed by a majority, Scotland said the same thing seventy years ago, but it was without Foundation, and should Experience at any future period of time furnish any Instance of an Infringement on the Terms of Union you are just where you was, or perhaps in a better situation to do what you're doing at present evidently agnst your own Interest and upon principles incompatible with every Idea of propriety.

The 2^d plan of accomodation is to let you remain as you are waiving all right of binding you by our Laws, the Consequence is, you establish, in the Room of one firm Solid compact respectable impenetrable Empire, about four or five & twenty divided disjointed discordant jarring contemptible little States in the nature of a many limbed monster without a Head, or if you please many monsters having only one head amongst them.

If you don't like these my Ideas, you may console yourself with the thought of their being only mine, for I give you my word very few people here were they to be proposed would approve of them, and I dare say they would meet with no Quarter in your Kingdom, though I think were terms similar to them offered on your side and rejected on ours as doubtless they would be, it would give much additional weight and support to your pretensions.

And: Knox sent me an Order but it came too late no Ships will now take in Goods for Virginia, you must therefore give me your Orders if you would have me send them, to Carolina for they continue to ship goods still to your Province.

God bless you and yours.

ALEX^r ELMSLY.

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

Election of the Pitt County Safety Committee.

MARTINEBOROUGH 9th December 1774.

The freeholders of the County of Pitt appeared and agreeable to the Directions of Continental Congress made choice of the following persons to be a Committee for the County Viz^t John Hardee 1, John Simpson 2, James Lockhart 3, James Lanier 4, Benjamin May 5, George Evans 6, William Rains 7, Ichabod Simpson 8, James Armstrong 9, Edward Salter 10, Frederick Gible 11, Peter Revis 12, Amos Atkinson 13, William Bryant 14, William Robson 15, Robert Salter 16, Edw^d Williams 17, David Perkins 18, Jno Knowis Ju^r 19, James Latham 20, James Gorham 21, Joseph Garner 22.

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

Proceedings of the Safety Committee at Wilmington.

WILMINGTON, 10th December 1774.

The Committee met according to adjournment. Mr John Slingsby & Co inform the committee that they have imported in the brig *Diana* Capt Authven, master, from Glasgow since the first instant a cargo of goods for their store in this town, amounting to £1916 7s. 2½d. sterling and another cargo for their store at Cross Creek amounting to £1018 13s. 9½d. sterling and delivered the same with the invoices thereof into the hands of the committee requesting that they may be sold agreeable to the association of the General Congress.

Resolved, therefore that the sale of the said goods be on Wednesday the 14th inst and that public notice thereof be given immediately.

The committee adjourned to the 14th inst.

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

Letter from Andrew Miller to Thomas Burke.

HALIFAX Dec^r 12th 1774.

DEAR SIR,

I Rec^d your fav^r of the 30th ult: by M^r Milner. I have no wish to be concerned in the purchase of any lands, as I have no money to lay out in that way. As M^r Milner has ever gone contrary to my advice, I wish not to Interfere in his business and therefore will not require you to give up the lands, without it should be necessary for the purpose of Selling them to pay debts of M^r Milner's, upon the personal Estate being found Insufficient, which hope will not be the case. The enterprising Geniuses in the Land way are certainly of the Quixote kind. I wonder If we shall have Delegates from their Republick at the next Congress? Will it not Surprize Lord Dartmouth to find in the list of Colonys La Mancha, when they refused to settle a Colony in that place under a Charter from the Crown? Or is not this Settlement in Violation of the power of the Crown who have prohibited any settlement West of the Line Run by order of the King in Council? And will it not be Governor Martin's duty to see that his Majesty's Proclamation is Complied with in this Province?

The story of M^r & M^{rs} Crosbie leaving your house did not Surprize me, as I before thought that both were very Giddy and thoughtless, and averse to every kind of Economy or Restraint on their turn for dissipation. At the same time I think M^{rs} Crosbie would have made a good wife to a Sensible man.

What you mention as to John Maclellan gives me much uneasiness. When I got the debts from M^r McNair, I had some difficulty in getting John to take charge of the Collection, without I would allow him to employ M^r Kinchen. In order to make that matter more easy, I was obliged to agree that M^r Kinchen should take the business at the Courts where you did not Attend. I know of no way of making you satisfaction but by allowing you a fee on these causes, brought in Courts where you attend, where the debt was originally the property of Ralph McNair & C^o. I have Just wrote John that if he does not give all the business to you where you attend, that I shall be obliged in Justice to myself to take the business out of his hands, however the Step may be disagreeable I am deter-

mined on it, and if he does not promise me in his next letter to comply with this I shall order Robert Bogle to take everything under his own management, who I am certain will obey my orders or that of any of the Company. This affair has really given me much disquiet. To be obliged from necessity to submit to the humour of one's Clerk or Agent, is too degrading, but as I can bear it no longer I am resolved to put an end to it.

We have not a word yet here of the Governor, tho' he was ready to Sail from New York Six weeks ago, nor has anybody in Newbern heard from him for some time before that. I wish he may not have been on the Coast in some of these late hard Gales of Wind.

Lord Granville's Commission to the Governor is come in. Two Copys by way of Charleston & New York, both open'd and read by every Storekeeper on the Way. Its the freedom of the times; because I refuse to Sign the Association, I have not a letter from Britain dated later than July, except one of Augst from Co^l Fanning, tho' I am Absolutely certain, of some having come to Virg^a of a later date—and yet God knows no man is more Interested than I am, in wishing the Colonys may be Free—however I may disapprove of the present mode to Obtain it. We are told the Parliament is dissolved, which I wish may be true; we are also told Wilkes is Elected for Middlesex, a matter of not so much Importance. M^r Monro who is gone up, will no doubt have informed you of my Situation, but that you may be easy on that Account, I can tell you Co^l Jones was here to day, paid me £100 Proc: and ordered some goods to be laid by for him—his brother Willie bought some things of me some days ago, Confessing that there was no Resolve in the Association against it tho' I would not Sign. Indeed I have got more money Since the Co^l's Speech to his Constituents than for some time before, and am Sure have not lost one Customer,—by refusing to distress my friends in Britain, merely because they could not Procure a Repeal of the Obnoxious Laws, tho' they may exert their utmost Interest for that purpose. I would not Impeach the Wisdom or the Justice of the Congress, at these times it may be dangerous, as perhaps even this may be opened, I must therefore Conclude by giving M^{rs} Miller's and my own, most Respectful Compliments to M^{rs} Burke & you & Assure you I am with the greatest Esteem,

Dear Sir, Your friend & Hum^{ble} Serv^t

AND^w MILLER.

To Thos. Burke Esq. near Hillsborough.

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

Proceedings of the Safety Committee at Wilmington.

WILMINGTON 14th Dec 1774.

The Cargoes of goods imported by John Slingsby & Co., and put into the hands of the committee on the 10th inst., were put up to public sale at the Court-house pursuant to said notice when the importers became the last and highest bidders for the said goods, that is to say for the several goods imported for their store in Wilmington, the sum of nineteen hundred and twenty-three pounds, (£1923) ster. and for the several goods imported for their store at Cross-creek the sum of one thousand and twenty pounds, (£1020) like money.

Exclusive of the amount of the several goods in the two invoices as mentioned in the proceedings of the 10th inst, there was gunpowder for the Wilmington store to the amount of £11 10s sterling, and for the Cross-creek store to the amount of £6 18s Sterl. which as appears to the committee, never came to the hands of the said John Slingsby & Co., not having been shipped on board the said brigantine.

The Committee met at 6 o'clock P. M. Mr. Hereld Blackmore, informed that he had imported since the first instant, in the Sloop *Mary* and the Brig --, five negro slaves, and craved advice how to proceed, as he had given orders for the purchasing and shipping said slaves, previous to the resolutions of the provincial Congress. The committee desired that Mr. Blackmore, would not sell, or send them out of town, but be accountable for them at the next meeting—then adjourned to December the 17th, 1774.

WILMINGTON, Saturday the 17th Dec. 1774.

The Committee met according to adjournment.

Present: Cornelius Harnett, John Ancrum, Robt Hogg, John Quince, Archibald M'Lain, James Walker and John Robeson.

The committee finding upon enquiry that one of the slaves imported by Hereld Blackmore, was ordered after the publication of the resolves of the provincial convention of this province, and in contradiction thereto, and that he had at that time an opportunity to contradict the orders he had given for the other slaves, and he now confessing that he sent a copy of the provincial resolves to Gran-

ada: It is the opinion of the committee that the said slaves be re-shipped. And the committee do resolve that all slaves, imported since the first day of this instant, or which may be imported, shall be re-shipped from this province. Upon a suggestion to the committee that Mr Arthur Mabson hath imported in his schooner from the West Indies, some slaves which are now at his plantation near this town: It is ordered that the sense of this committee relative thereto be made known to Mr. Mabson, and that Mr. Maclain write to him for that purpose, which he hath done as follows, to wit:

Wilmington, 17th Dec. 1774.

SIR: The committee for the town, chosen to observe the conduct of all persons touching the association of the General Congress, have resolved that all slaves imported into this river since the first day of December, instant, shall be re-shipped to the place from whence they came as soon as possible, and being informed that you have, contrary to the express letter of the said association, imported slaves from the West Indies, which you have now at your plantation, it is expected that you will give a particular account of the number thereof, and take such steps as may satisfy the committee that you intend, on your part, to adhere strictly to the regulations laid down by your representatives.

I am, Sir, your obd't servant,
Signed, ARCHIBALD M'LAIN.

MR. MABSON.

Capt John Dean from Glasgow presented to the committee an invoice of goods amounting to (£15) fifteen pounds sterling, which he requested might be sold agreeable to the association and resolves of the General Congress, and the said goods are accordingly ordered to be sold on Monday the 19th inst.

Upon the complaints of divers persons that the proprietors of the distillery in this town have advanced the price of their Rum from 2s 8d to 3s currency, per gallon: Mr Wilkerson the acting partner was summoned and attended, and having alleged in his justification that Molasses is now at a higher price than formerly, that what he had imported lately, was purchased at an advanced price, and was of an inferior quality, and that the cargoes sent out to purchase it sold lower than usual, it is the opinion of this committee that they cannot interfere, unless the purchasers make it appear, that the pro-

prietors of the distillery sell their spirits for greater profits than they have usually done.

The committee came to the same resolutions with respect to the complaints against some merchants for raising the price of goods, particularly gun-powder, it appearing that that article is extremely scarce, and that a merchant in this town, hath offered 4s per pound for a quantity to supply his country store, and could not procure it at four shillings and sixpence.

The committee adjourned till Monday the 19th inst.

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

Proceedings of the Safety Committee in Pitt County.

MARTINBOROUGH December 17th 1774.

The Committee then met. Present John Simpson Frederick Gible Amos Atkinson George Evans Jas Lockheart Ichabod Simpson James Latham James Armstrong Edm^d Williams David Perkins Jno Knowis Junr W^m Robson Robert Salter Edward Salter.

The Committee made choice of John Simpson Esq to be Chairman of this Committee.

The association of the Continental Congress held at the citty of Philada on 20th Oct. past was exhibited and Read —

Resolved that this committee doth approve of said association.

Whereas there is many complaints that the Trading Vessels and others have raised on the price of Salt, occasioned by the scarcity of that article, which is contrary to the resolution of the Continental Congress that traders are not to take an advantage of the scarcety of Goods — the committee therefore recommend that Salt should not be sold for more than three shillings four pence per bushel at Gorhams landing and above and below that place in proportion with freight and loss; any person acting contrary to the same will be deemed an enemy to his country.

The committee adjourned till 28th day of Jan. next.

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

Proceedings of the Safety Committee at Wilmington.

MONDAY 19th December 1774.

The Committee met according to adjournment.

Present [No names inserted in the Manuscript].

The goods of Capt. John Deane were exposed for sale pursuant to notice, and sold for the sum of £----- sterling.

The Committee adjourned till further notice.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

Proceedings of the Safety Committee in Halifax County.

HALIFAX COUNTY—SS.

At a meeting of the Committee of the said County on the 21st day of December, 1774.

Present: Willie Jones, Chairman; Nicholas Long, John Bradford, James Hogan, Benj^a McCulloch, Jo. John Williams, William Alston, Egbert Haywood, David Summer, Samuel Weldon and Thomas Haynes.

It being represented to the Committee that M^r Andrew Miller, Merchant in Halifax Town, has refused to sign the Association; Ordered therefore that M^r Egbert Haywood and M^r Thomas Haynes wait on him and desire his attendance before this Committee, which being done he attended accordingly, Refused to sign and gave the following reasons,

“To Wit; for that I am largely indebted and have effects in my
“hands belonging to persons residing in Britain, which debts and
“effects I cannot remit for by next September, after which time I
“should be bound by this Association not to export any Merchandise
“or Commodity whatever to that Country without certain Laws are
“repealed, which I think would be unjust as it may be out of the
“Power of my Creditors or Friends to procure the repeal of any Law
“however willing they may be to exert their Interest for that pur-
“pose. And as I think it unjust to withhold from any person even
“at a Country at War with this the property which might belong to
“him in my hands, I must therefore object to signing that part of

"the Association respecting a non importance to Great Britain and "shall continue to do so while I have any property in my hands "belonging to People of this Country."

Since therefore there is nothing peculiar or satisfactory in his reasons, but on the contrary they indicate an intention to export (if he can) after the first day of September next,

Resolved unanimously (to shew our disapprobation of his conduct and to encourage such Merchants who have signed the Association) that we will not from this day purchase any Goods Wares or Merchandise of any kind whatsoever from said Andrew Miller or any person acting for or in partnership with him: and that we will have no commerce or dealing with him after paying our just debts and fulfilling the contracts already entered into for commodities of this years produce. And we also recommend it to the people of this County in particular and to all who wish well to their Country to adopt the same measure.

Signed by order of the Committee.

O. DAVIS, C. C.

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

Letter from Benjamin Franklin, W. Bollan and Arthur Lee to the Speaker of the Assembly of North Carolina.

LONDON Dec. 24, 1774.

SIR,

This is just to inform you, that having received the Petition of the Congress to the King, we immediately communicated it to Lord Dartmouth, Secretary of State for the American Department, as the regular official Method, and that by which only we could have expectation of obtaining an answer. His Lordship this day informed us that he had laid the same before the King, that his Majesty had been pleased to receive it very graciously, and say it was a matter of so great Importance that he should as soon as they met, lay it before his two Houses of Parliament. We can now only add that we are with great Respect,

Sir,

Your most obedient humble Servants,

B. FRANKLIN,
W. BOLLAN,
ARTHUR LEE.

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

Proceedings of the Safety Committee at Wilmington.

Dec. 30th, 1774.

The committee met.

Present: John Quince, James Walker, Archibald McLaine, Fr's Clayton, John Hogg, Wm. Hooper.

Alexander Hostler, & Co., produced invoices of goods amounting to twelve hundred and sixty pounds, seven shillings and ninepence sterling, five hundred and seventy-seven pounds, twelve shillings one and a half pence sterling, sixty-one pounds, nine shillings and ten and three quarters pence, and fifty-two pounds, nine shillings and ten and a half pence sterling; in the whole nineteen hundred and fifty-one pounds, nineteen shillings seven and three quarter pence, imported in the *Thetis* from Glasgow, which they delivered into the hands of the committee and requested that the same might be sold pursuant to the resolves of the general Congress.

Hogg and Campbell, produced invoices of one hundred and thirty tons of salt, imported in the *North Star*, Capt. Saunderson, from Lymington, amounting to two hundred and twenty-five pounds, thirteen shillings and five pence sterling, which he delivered and requested to be sold &c.

Abram Hunter produced invoice of anchors, cables, canvass, rigging, cabin furniture and other articles, imported for a new vessel now on the stocks in this river, amounting to five hundred and sixty-one pounds, seventeen shillings three and a quarter pence sterling, delivered the same, and requested that they be sold &c.

Hanna, McClintock, & Co., produced invoices of goods imported in the *Thetis* from Glasgow, amounting to two thousand six hundred and seventy-one pounds, fourteen shillings eleven and a half pence sterling, delivered the same to the committee, and requested to have them sold &c.

John Cruden & Co., produced invoice of two bales of Osnaburgs, imported in the *Thetis* from Glasgow amounting to fifty-two pounds fifteen shillings sterling, which they delivered to the committee, and requested to have them sold &c.

Resolved, That all the above mentioned goods be sold to-morrow, the 31st inst.

The committee adjourned till to-morrow.

SATURDAY, Dec. 31st, 1774.

Present: The last mentioned members.

The goods of Alexander Hostler, & Co.; Hogg and Campbell, Abraham Hunter, Hanna, McClintock; & Co., and John Cruden & Co., were exposed to sale according to notice, and sold as follows:

	£	s.	d.
130 tons of salt, imported by Hogg & Campbell, at-----	225	13	5
Anchors, canvass, cables, &c., by Abram Hunter,-----	561	0	0
Sundry goods in 4 invoices by Alex. Hostler, & Co.,-----	1952	8	8
2 bales of Osnaburgs, by J. Cruden, & Co.,-----	53	0	0
Sundry goods by H. McClintock, & Co.,-----	2672	0	0

Invoices of goods imported by Thomas Orr, amounting to seven hundred and sixty-three pounds, twelve shillings and two pence, and twenty-two pounds, nineteen shillings and seven pence sterling, were produced and the said goods delivered, and requesting that they be sold, &c.

The committee adjourned to the 3d of January next.

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

The Bute County Association.*

We therefore the Trusty and well beloved Brothers, and friends, to each other, of Bute County North Carolina, being deeply impressed with the sense of our distressed brethren in the Northern provinces, who are now defending the General rights of mankind, against the arbitrary, and despotick power of a Corrupt Ministry, by enforcing Laws on us, where we are not represented, depriving us of the Constitution, which we were born and bred under, as free Subjects, Privileges highly worthy the spilling the hearts blood of every American, doe most seriously, Religiously, Join our hearts and hands in embodying ourselves into an Independent Company of free Men to be in readiness to defend ourselves against any violence that may be exerted against our persons and properties to stand by and Support to the utmost of our Power the Salvation of America. And do most humbly beseech our Lord Jesus Christ of his great Goodness,

[NOTE.—There is no date to this paper, but tradition has always assigned the Bute Association to the year 1774.—EDITOR.]

that he will be pleased to govern and guide us to his glory, and to the good of our distressed Country & with full dependence thereof, we the subscribers do constitute and agree, that this company consist of ninety rank and file, two Drummers, eight serjeants, one Ensign, two Lieutenants and a Captain to Command with full power, to our glory, and our Country's Good. And as the present distressed situation of this province in general, for arms, ammunition &c. we cannot think it prudent to embark ourselves beyond Potomack River in Virg^a, as the provinces northward are much more populous and in all probability better supplied with arms & ammunition &c. than this. But we will coincide with the majority of the Comp^y (sh^{ld} we be ever called for by the Commanding officer of the American army) being now Cheerfully Inlisted in this Independent Comp^y of Brothers, neighbors and friends, do engage to stand by Each other with life and fortune, and through whatever fate should befall either, to Cherish each other in sickness and in Health. And doe furthermore most cordially promise to each other, under all the Tyes of Virtue and humanity, that should either of us survive the dreadful Calamities of War, that we will Religiously Cherish and support to the utmost of our power each other's desolate and loving wife, and tender affectionate Children, being poor orphans, from poverty and want, and for the faithful proformance, of this our Brotherly and friendly Covenant, which we mean to proforme So help us God.

[JOURNALS BOARD TRADE. VOL. 82.]

BOARD OF TRADE JOURNALS.

At a Meeting of His Maj. Com^{rs} for Trade & Plantations.

Monday February 21st 1774.

Present

M^r Jenyns

M^r Gascoyne

M^r Keene

The Earl of Dartmouth one of his Maj principal Secretaries of State attends

[P. 20.]

Representation to His Majesty was signed representing that Thomas McWire and Willie Jones Esquires may be appointed of

the Council of North Carolina in the room of Marmaduke Jones Esq & Sir Nathaniel Duckenfield who have resigned.

[P. 33.]

Thursday March 17th 1774.

Their Lordships read & considered thirty four Acts passed in the Province of North Carolina in Jan^y 1773 together with M^r Jackson's Report thereupon and it was ordered that the Draught of a Representation to His Majesty [five p. 39] should be prepared proposing the disallowance of *several* of the said Laws [p. 38] which was read and approved March 28th and signed March 31st.

1775.

[B. P. R. O. AM. & W. IND. VOL. 279.]

Extract from Letter from John Stuart Superintendant &c to Lord Dartmouth.

CHARLES TOWN 3rd January 1775.

MY LORD,

* * * * *

The practice of getting Titles to Lands from particular Indians for presents or liquor and afterwards settling beyond the established boundary is very common in North Carolina and Virginia from which Provinces great settlements are made by virtue of such Titles. Governor Martin issued a Proclamation ordering all persons so settled to remove, and I have also sent them repeated warnings but without any effect, and I do not learn that there are any Laws of the s^d Province for preventing this evil, and that passed in Georgia, provides for the punishment of such persons as shall purchase Lands from the Indians, but makes no provision, against settling beyond the established Boundary Line. Such purchases and settlements in right of them are perpetually productive of discontents in the Indian Nations and if not put a stop to must infallibly embroil us with them; for they do not distinguish such irregularities of the back Inhabitants from Acts of Government, especially as their repeated complaints do not obtain them redress. I submit to your Lordship an extract of a letter from M^r Cameron by which it appears that a number of persons from North Carolina

were in the Cherokee Nation negotiating some such purchase when said letter was written. The example which I made of some offenders by virtue of a particular Law of this Province has effectually prevented any further attempt of that nature by our back settlers but a Law to remedy an evil common to all the Provinces and which endangers the peace of them all is much wanted, which I humbly submit to your Lordship.

* * * * *

I have the honor &c

JOHN STUART.

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

Proceedings of the Safety Committee at Wilmington.

JANUARY 3rd, 1775.

The Committee met according to adjournment, when Mr. Orr's goods, mentioned in two invoices, were sold for seven hundred and eighty-seven pounds sterling.

Adjourned to the 4th inst.

WEDNESDAY, January 4th, 1775.

The Committee met at the Court House.

Present: Cornelius Harnett, Archibald McLaine, John Ancrum, William Hooper and John Robeson.

At the same time the freeholders of New Hanover County assembled to choose a committee for the county to join and co-operate with the committee of the town, which the members present agreed to; then the freeholders present, having Cornelius Harnett in the chair, unanimously chose George Moore, John Ashe, Samuel Ashe, James Moore, Frederick Jones, Alex Lillington, Sampson Moseley, Samuel Swann, George Merrick, Esquires, and Messrs. John Hollingsworth, Samuel Collier, Samuel Marshal, William Jones, Thomas Bloodworth, James Wright, W^m Jones, John Larkins, Joel Parrish, John Devane, Timothy Bloodworth, Thomas Devane, John Marshall, John Calvin, Bishop Dudley, and W^m Robeson Esq^{rs} were unanimously chosen a committee to join the committee of Wilmington.

The freeholders at the same time nominated John Ashe and William Hooper, Esq^{rs} as delegates for the said county, to attend at Newbern, with the delegates for the other counties and towns in

order to choose representatives to attend the ensuing Congress at Philadelphia.

Then the committee resolved to have monthly stated meetings, and that the first monthly meeting be in Wilmington on the 20th day of every succeeding month.

The committee adjourned till to-morrow.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA, VOL. 279.]

Circular to the Governor of North Carolina and to other Governors.

WHITEHALL, 4th January 1775.

SIR,

Certain Persons, styling themselves delegates of several of His Majesty's Colonies in America, having presumed without His Majesty's authority or consent, to assemble together at Philadelphia, in the months of September and October last, and having thought fit, amongst other unwarrantable proceedings, to resolve that it will be necessary that another Congress should be held, at the same place, on the 10th of May next, unless redress for certain pretended grievances be obtained before that time, & to recommend that all the Colonies in North America should choose Deputies to attend such Congress, I am commanded by the King to signify to you His Majesty's pleasure, that you do use your utmost endeavours to prevent any such appointment of Deputies within the Colony under your Government; and that you do exhort all persons to desist from such an unjustifiable Proceeding, which cannot but be highly displeasing to the King.

I am, &c

DARTMOUTH.

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

Proceedings of the Safety Committee at Wilmington.

THURSDAY, January 5th, 1775.

The Committee met according to adjournment, and chose Cornelius Harnett Esq. Chairman, and Mr. Francis Clayton deputy Chairman.

Present: Cornelius Harnett, Chairman, Francis Clayton, Deputy Chairman.

Sampson Moseley, John Ashe, John Quince, George Moore, William Jones, L. C., William Jones, W. T., John Ancrum, Wm. Robeson, F. Jones, Samuel Swann, Thos. Devane, John Marshall, Samuel Ashe, Wm. Hooper, Archibald M'Laine, Robt. Hogg.

Resolved, That the following notice be sent to the Merchants of Wilmington, by Mr Swann and Mr Robeson, to wit:

To the Merchants of the town of Wilmington, Masters of vessels and traders: The committees of the county of New-Hanover, and of the town of Wilmington, united and met for the important purpose of carrying into execution the resolves of the Continental Congress, earnestly request of you, as well wishers to the common cause of America, in which we are all embarked, to signify to them, by the bearers of this, if you have any gunpowder on hand, and what quantity, that this committee, may in consequence of that information, take the most prudent steps, to guard against the melancholy effects, which may result from this part of the Province, being left in a state totally deficient from the want of ammunition. It is likewise requested that you would cease to make further sales thereof, until informed by the committee.

Signed, CORNELIUS HARNETT, Chairman.

Mr. Owen Kenan, as holder of two notes of hand, of one hundred and fifty pounds each, from Jesse Barfield, to Lechansius Dekeyser, and from the said Dekeyser, to the said Barfield, and of two other notes of hand, for one hundred pounds, Virginia currency, each, from Alexander Outlaw, William Robeson and Wm. Jones, to John Lawson, and from the said Lawson and John Ashe, to Alexander Outlaw, for two races to be run between the several parties, was summoned to appear, and compelled to deliver up the said notes and the agreements made for running the said races, and the committee unanimously resolved to indemnify the said Owen Kenan for all damages he may hereafter sustain by the delivery of the said notes and agreement.

Mr. Swann, and Mr. Robeson, returned an account of the gunpowder, in Wilmington, 143lbs. in the hands of the several merchants applied to.

NOTE.—The following was appended in a small slip, pinned on to the manuscript page, and probably alluded to the quantity of powder in the town of Wilmington, at the periods designated:

January 4, 1775, 100lbs. Gunpowder.

December 14, 1774, 50lbs. Gunpowder.

Mr. Thomas Craike, was requested by the committee, to act as Secretary, which he readily agreed to.

The committee sent the papers of the following tenor, to the persons within named by Mr. Swann, and Mr. Robeson.

Mr. John Burgwin, John Robeson, McTier, Ancrum, Foster and Brice, Thomas Orr, George and Thomas Hooper, Hogg and Campbell, George Doherty, and Charles Jecokes.

The King's proclamation prohibiting the further exportation of gunpowder from Great Britain, renders it highly necessary, that some expedient should be adopted to prevent the melancholy consequence which to a province in respect to its inhabitants, circumstanced as this is, may in future arise from a total want of that article. We, therefore gentlemen, assure ourselves, that you, animated with the same liberal sentiments that we feel, will contribute what at present falls to your particular department for the promotion of the public good.

The quantity of Gunpowder which is at present in the town is very inconsiderable, and it is absolutely necessary, that what there is should be reserved for any future emergencies, that we may be prepared for every the worst contingencies.

We therefore, gentlemen, entreat you by the ties of honor and virtue, and love for your country, as you prize the regard of your fellow-citizens, as you wish to avoid the censure of this committee, and those whom they represent, that you would not within thirty days from this time, remove out of this town, or make sale of any of the gunpowder which you have reported to this committee, as the stock you have upon hand before the expiration of which time, this committee will endeavor to collect by subscription, and they doubt not of success, a sum sufficient to purchase and pay you for the whole of it at the reasonable price of three shillings per pound, which some of your well disposed brethren have consented to take. And as it is intended, to be made use of as much for your security as of the rest of the inhabitants of this part of the province, we address you with a certainty of succeeding in this application, which should it appear to you to carry with it any thing uncommon, will find an ample vindication in the present critical circumstances of this province.

Signed,

CORNELIUS HARNETT, Chairman.

Mr. Swann and Mr. Robeson, made report to the committee, that all the persons applied to had complied to the request of the committee, excepting Mr. Burgwin, whose answers appeared to be evasive, as he neither specified the quantity of powder he could spare nor absolutely fixed the price he would take for it. Therefore,

Resolved, unanimously, that Mr. Burgwin's answer is unsatisfactory, and deserves the censure of this committee, and that he have notice thereof.

The committee then adjourned until 9 o'clock the next day.

FRIDAY, January 6th, 9 o'clock.

The Committee met according to adjournment.

Present: Cornelius Harnett, Chairman, Francis Clayton, Deputy Chairman.

Wm. Hooper, Sam^l Ashe, George Merrick, James Moore, Bishop Dudley, Alexander Lillington, Thos. Devane, Samuel Marshall, Wm. Jones, L. C., Wm. Jones, W. T., Frederick Jones, James Walker, Archibald M'Laine, Wm. Robeson, Sam^l Swann, John Robeson.

Mr. Burgwin's letter to the Chairman, was produced and read, and ordered to be copied as follows:

Friday Morning.

Dear Sir: By what I hear passed in the Committee last evening, I imagine some misapprehension has taken place, as surely it cannot be supposed, I intended any insult to a set of Gentlemen, for whom individually, I have a high respect.

I was quite unacquainted with the quantity of powder we had on hand, and I told the gentlemen, who came to me, that my powder cost seven shillings per hundred more than any in town, being made by a particular sample I had sent home for the purpose, and I thought we ought to have two shillings a pound more for it; however we should not disagree about trifles—and that I would give orders, none of it should be sold, but reserved as requested.

On the second application of Mr. Swann and Mr. Robeson, I think I told them with respect to two half barrels of Mrs. W's., as it was her property, should she send for it, I must deliver it to her order—but that I had no doubt of her acceptance of the price, and that I should write to her by the first opportunity.

Thus far, I have repeated if not the very words, the substance of what passed on this subject, and should be extremely sorry to act in any respect contrary to the true interest of my country, or give

offence to any individual in it. Had I reflected a moment, I should have referred the Gentlemen, to Mr. Graham, who is empowered to transact Mrs. Waddel's business, and could have answered for her at once—and to whom I now beg it to be referred.

Dear sir, your most obd't servant,

Signed,

JOHN BURGWIN.

The committee on hearing the above letter read, ordered the following answer to be sent him by the Chairman.

Sir: Your letter to me, respecting the messages sent to you about your gunpowder, has been read to the committee, and they have desired me to acquaint you, that they are satisfied with it.

I am sir, Yours &c.

Signed

CORNELIUS HARNETT.

The committee requested of Mr. Ancrum and Mr. Quince, that they would inspect the Custom-House books at Brunswick, and report accordingly, which they agreed to do on Monday next.

The committee then adjourned until the 20th inst.

FRIDAY, January 20th.

Present: Cornelius Harnett, Chairman, Francis Clayton, Deputy Chairman.

Samuel Swann, Timothy Bloodworth, John Quince, John Ancrum, Archibald McLaine, Samuel Ashe, Wm. Jones, L. C., James Walker, Wm. Hooper.

Mr. Quince, and Mr. Ancrum, reported to the committee, their return of the vessels entered at the Custom-House since the 5th day of November 1774, to the 4th January 1775, which was ordered to be filed.

James Grant, was appointed messenger to the committee, who agreed to act in that capacity.

The committee then adjourned until 10 o'clock the next day.

10 o'clock, Saturday, Jan. 21st., 1775.

The committee met according to adjournment.

Present: Cornelius Harnett, Chairman, Francis Clayton, Deputy Chairman.

Samuel Ashe, Timothy Bloodworth, Wm. Jones, L. C., Sampson Moseley, John Quince, John Robeson, John Ancrum, John Ashe, Joel Parish, Wm. Hooper, Samuel Swann.

Messrs. George and Thomas Hooper, H. Blackmore, Arthur Mabson and Peter Mallett, reported sundry negroes, imported by them since the 1st day of December last.

Resolved, That notice be sent to Messrs. George and Thomas Hooper, Hinall Blackmore, Arthur Mabson, and Peter Mallett, to re-ship, by the first opportunity, the sundry negroes they have imported since the first day of December last. It being the opinion of this Committee that such importations are contrary to the resolves of the Continental Congress, and a particular resolve of this committee.

Resolved, That it is the opinion of this committee, a meeting of the merchants and traders of the town are necessary, in order to agree about the rates of goods, they have for sale to prevent, as far as possible, any advantage being taken from the present situation of this province, with America in General, rating goods higher than they were formerly sold at.

The committee then adjourned until 3 o'clock.

Friday Morning. [January 21th 1775.]

The committee met according to adjournment, and entered into the following resolves.

Present: Cornelius Harnett, Chairman, Francis Clayton, Deputy Chairman.

William Hooper, John Ancrum, Samuel Ashe, John Quince, John Robeson, James Walker, Samuel Swann, Samuel Marshall, Robert Hogg, Timothy Bloodworth, Wm. Jones, L. C.

Resolved, That any quantity of Salt, not exceeding 5 bushels, be sold, at not more than three shillings and sixpence, and any other quantity not higher than three shillings and fourpence, per bushel.

Resolved, That Dry Goods for ready pay, be sold not higher than two shillings and 2d, for one on the sterling cost, excepting small articles, that are perishable, and not exceeding seven shillings and sixpence profit, to be sold as usual, and all dry goods sold on credit at the same rate as they have been sold at for 12 months past.

Resolved, That the permission of Billiard Tables, in this town, is repugnant to the resolves of the General Congress, and that the proprietors of them have notice thereof. They were accordingly served with such notice, and appeared at the committee, and declared their acquiescence in the resolves.

The committee then adjourned until the 28th January next.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

Letter from Governor Martin to the Earl of Dartmouth.

N^o CAROLINA, NEW BERN, Jan^{ry} 26th 1775.

MY LORD,

I have the honor to acquaint your Lordship that being detained at New York by repeated returns of illness and afterwards by disappointment of a vessel I had engaged to bring me hither until the season became too rigorous to hazard my return to my station on the uncertainty of a sea voyage at such a time of the year, I set out by Land on the 7th of December and arrived in this Province on the 9th instant and at this Town on the 15th.

Here, My Lord, I received from the hands of M^r President Hasell your Lordship's dispatches numbered 11, 12 & 13 together with your Lordship's circular letters of the 19th of October and 2nd of November, to all which I shall pay the strictest regard.

The assurance that M^r President Hasell had that the Assembly at its meeting in the present Temper of the people here would precipitately adopt and give sanction and approbation to the measures of the Philadelphia Congress, induced him to prorogue it from time to time during my absence, and upon the same principle I have further prorogued it to the 27th day of March next, hoping that the Assembly of New York now sitting will in the meantime afford an example of moderation which the Assembly here may be induced to follow, and seeing also that if his Majesty's disallowance of the inadequate and new fangled laws for the constitution of Courts of Justice passed at the last Session (of which I have never thought without a blush of condemnation) shall not sooner abrogate them they will by their own limitations expire after a Session held at that time, as will also the law for the appointment of Treasurers that has been one great source of party and embarrassment which circumstances will give full opportunity to the Assembly to adopt a better plan of Courts or in case of its refusal afford free scope to the King's Prerogative to erect constitutional and effectual Courts for the administration of Justice. All which reasons I trust, My Lord, will be my sufficient justification for postponing the meeting of the Assembly.

I cannot find adequate acknowledgments to make to your Lordship for the polite, obliging and condescending manner in which

you are pleased to promise me the most indulgent consideration of my conduct in giving my assent to the very extraordinary laws of the last Session for constituting Inferior Courts and Courts of Oyer and Terminer. I flatter myself your Lordship will do me the justice to believe that nothing could have engaged me in that measure if I could have supposed it might be imputed to me as a breach of duty to my Royal master to whom I am in heart devoted upon every principle. I considered the plan, ineffectual and contemptible as it was, might tend to rescue the Province from total disorder and that a short experiment of it might bring forth that conviction of its futility which I had in vain laboured by reason and argument to produce, and herein I am not disappointed, but I shall ever deplore the having effected even a good purpose by means your Lordship shall think unjustifiable.

I consider it my duty to give your Lordship a detail of my observations on the descriptions of the several Colonies I passed through on my way hither from New York but the deep affliction with which the loss of my eldest son who died eight days after his return here has overwhelmed myself and my whole family hardly permits me to write so much as I have done and will I hope excuse me to your Lordship for not being more full at present. This my Lord, is the third of my dear children which this most baneful climate has brought untimely to the grave within the space of three years.

In this Province as in all others to the Northward Committees have been chosen by the people to carry into execution the measures of the General Congress. Your Lordship will judge of the spirit of these extraordinary Tribunals by the proceedings of that of Halifax County (of which I herewith enclose a copy) towards a very worthy and respectable merchant of that place. I am ashamed to see at the head of it Mr Jones whom I formerly recommended to your Lordship to fill one of the vacant seats in the Council here, but frenzy seems to have taken possession of men but too generally all over the continent at this time.

I cannot conclude without assuring your Lordship that the worthy Mr President Hasell has conducted the affairs of Government here to my entire satisfaction during my absence. This Gentleman hopes My Lord that your Lordship will admit as his excuse for not acknowledging the receipt of your Lordship's dispatches which

came to his hands before my arrival that he daily and continually expected my return. I have the honor to be &c.

JO. MARTIN.

[PRINTED HANDBILL IN OFFICE OF SECRETARY OF STATE.]

Proceedings of the Safety Committee in Craven County.

NEWBERN, January 27, 1775.

Public notice is hereby given, that Mr. John Green and Mr. John Wright Stanly, Merchants in Newbern, have agreed with, and are appointed by, the Committee of Craven County, to receive the Subscriptions which is now, or may hereafter be raised in the said County, for the Relief of the distressed Inhabitants of Boston, and to ship the same to the port of Salem as soon as the several Subscriptions are received. Proper Stores are provided by the said Gentlemen for the reception of Corn, Pease, Pork, and such Articles as the Subscribers may choose to pay their Subscriptions in.

Those Gentlemen therefore who have taken in Subscriptions, either in Money or Effects, are desired to direct the same to be paid or delivered to the above named Mess. Green and Stanly, on or before the Middle of March next; and to send, as soon as possible, an Account of the Subscriptions which are or may be taken, by which they may be governed in receiving.

R. COGDELL, Chairman.

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

Letter from Archibald Neilson to Andrew Miller.

NEW BERN, 28th January, 1775.

DEAR SIR,

It was a long time posterior to the date that I received your kind letter,—occasioned either by the delay of it on the way or by my absence from New Bern or by both—according as is very frequent in this continent, it, some where or other, had been treated very unhandsomely. The Letter and its cover had strayed from each other; the last was first delivered & the other some days afterwards. This however might be accident, from its wearing in some gentleman's pocket—and I hope was not from any design.

As I hope (tho' having been so much disappointed in that matter that I cannot promise myself a certainty) to see you some of these months, I shall defer, till an opportunity of conversation, the full answer to your *kind* observation: — but must say here, that I am quite disposed to think with you respecting a particular dependance; forming my opinion as you do, — not from any peculiar partial distrust, but from a comprehensive consideration of the nature of the thing.

My sentiments and candor do full justice to What you say on Our Politics: well educated, enlarged and wise minds, I do apprehend, must think alike or nearly alike on that subject — but the violences to the Northward — the illiberal wild impolitic and profane violence transacted there, cannot be for Sacred Liberty — which induces only what is wise and virtuous. No! it is folly all madness and wickedness! But, not to run into declamation, — calmly and seriously, I am more and more convinced that there are many very vile men in popular consideration to the northward; Hypocrites and traitors to the cause they ostensibly defend. I wish I could send you a number of N. England papers I have been perusing, but they are not my own. However I send you four Pamphlets. A. W. is said to be Dr. Cooper at New York; the Vindicator one of the Delegates.

Governor Martin has, since he came in, lost his charming little Boy Sam; the darling not only of his parents but of all who knew him. The family are in the deepest distress on this melancholy occasion. I sympathize with them, and deplore their loss with heart felt sorrow.

Pray write me as often and as fully as convenient and agreeable; the oftener and the more amply you write, the greater shall I consider the favor.

Some people say the Governor will be towards your place in a month or six weeks — I cannot assure this, but if so I shall probably accompany him.

Yours with sincere regard

ARCH^d NEILSON.

P. S. Pray is Dick Henderson out of his head?

The Governor has appointed me to succeed Edwards as Auditor; it may be worth somewhat this next court.

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

Proceedings of the Safety Committee at Wilmington.

SATURDAY, January 28th, 1775.

At an occasional meeting of the Committee.

Present: Cornelius Harnett, Chairman; Francis Clayton, Deputy Chairman; John Ancrum, James Walker, Robert Hogg, John Robeson.

Resolved, that Balls and Dancing at Public Houses, are contrary to the Resolves of the General Congress. It is the opinion of this Committee that every tavern Keeper in this town, have notice given them not to suffer any Balls or Public Dancing at their Houses as they wish to avoid the censure of the people.

Mr W. Campbell, and Mr John McDonnell reported sundry dry goods imported by them in the Brigantine *Carolina*, Packet, Malcom McNeil, Commander and delivered up their invoices to the committee, to have the said goods disposed of agreeable to the resolves of the General Congress.

Ordered, That the said Goods be advertized to be sold at public vendue, at 11 o'clock, on Monday, the 30th inst.

Ordered, That application be made to Capt. Bethune, of the Schooner ----, from St. Augustine, to know whether the said Schooner, is owned either in St. Augustine, or Georgia, and Mr. Clayton is requested by the committee, to make such enquiry, and report to the committee, on their next meeting.

The committee then adjourned to the meeting of course.

MONDAY, January 30th, 1775.

At an occasional meeting of the Committee.

Present: Cornelius Harnett, Chairman; Francis Clayton, Deputy Chairman; Robert Hogg, James Walker, Archibald McLaine, John Quince.

Mr. Adam Boyd, having applied for encouragement to his newspaper (some time ago laid aside,) it was resolved, that the committee so far as their influence extended would support him on the following terms:

That he, Mr. Boyd, should weekly continue a newspaper denominated the Cape Fear Mercury, of 21 inches wide, 17 inches long, 3 columns on a page, and of the small pica or long primer letter, and

in return receive his payments at the following periods, viz: ten shillings at the delivery of the first number, ten shillings at the expiration of a year, and to be paid ten shillings at the end of every succeeding six months thereafter.

The committee then adjourned to the meeting of course.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222]

Letter from Lord Dartmouth to Governor Martin.

WHITEHALL, 1st Feb^{ry} 1775.

SIR,

I have often observed with regret the want of a more direct and expeditious channel of correspondence with the Province of North Carolina and I am led to make this remark to you now from not having received your letter of the 1st Sep^r before the 27th of January, the consequence of which has been that the King and his servants have been kept entirely ignorant of the state and temper of the Province and of those extraordinary proceedings of the people related in that dispatch.

I shall not think it necessary in this letter to say anything which may anticipate the consideration of the business relative to the establishment of Courts of Justice which I hope may at length be disentangled from those difficulties which it is evident have been thrown in the way by interested persons, and that the people will thro' your unwearied endeavors be induced to listen to some reasonable accommodations in spite of the dangerous machinations of opposition.

The proposal you make of reducing the representation of the Northern Counties to a level with the other Counties in the Province certainly deserves attention, but unless the people themselves from a conviction of the Propriety of it can be induced to make such an arrangement I do not see how it can be effected, for in the present Temper of America to refuse Obedience to the Authority of Parliament there is little hope that they would comply with the most reasonable Requisition of the Crown.

The Duplicity of some Members of the Council who in the collective capacity of Councillors expressed the highest disapprobation of those meetings of the People to which as Individuals they were

giving every countenance and support cannot be sufficiently regretted and must become an immediate object of consideration.

It would however have been a great advantage to me if when you so strenuously recommend the removal of those Gentlemen you had pointed out those who you wish to be put in their places.

The behaviour of M^r Edwards the Deputy Auditor and of the Deputy Naval Officer is of so flagitious a nature that they certainly ought not to continue in the execution of those important offices and I see no reason why the latter should not be superseded by your Authority but as you have written to M^r Cholmondley I wish to see him before any final resolution is taken respecting his Deputy.

It will be a great satisfaction to me to hear that the air of New York has been of that benefit to you and your Family that you expected from it and that you are returned to your Government in perfect health.

I am &c:

DARTMOUTH.

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

Proceedings of the Safety Committee at Wilmington.

THURSDAY, Feb. 2^d, 1775.

The committee met as by adjournment.

Present: Archibald McLaine, James Walker, John Quince, Wm. Hooper, John Robeson, Robert Hogg, J. Ancrum.
William Campbell's goods were set up at

vendue, and sold for	£760 00 0
Amount of his invoice,	754 11 0

£005 19 1

John Slingsby's goods sold for sterling	£1 8 05 0
Amount of his invoices	117 18 3

£000 6 9

To be received from W. C. and J. S.	£006 5 19
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[B. P. R. O. NO. CAROLINA. B. T. VOL. 19.]

Report of Richard Jackson Esq^r on Thirty Two Acts passed in North Carolina in March 1774.

TO THE RIGHT HONOURABLE THE LORDS COMM^{rs} FOR TRADE AND PLANTATIONS.

May it please your Lordships,

In obedience to your Lordship's Commands signified to me by M^r Pownall, I have perused and considered two Acts passed by the Governor Council and Assembly of North Carolina in March 1774, Intituled,

"An Act for Establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province, and for regulating the Proceedings therein."

"An Act to Establish Courts of Oyer and Terminer and General Gaol Delivery, and for vesting in the several Inferior Courts of Pleas and Quarter Sessions the power of appointing Jurymen for the said courts of Oyer and Terminer, and Regulating the Proceedings therein, and also for constituting the Judges thereof a Court for hearing and determining Appeals and Writs of Error,"

Which are so manifestly inadequate to the necessities of every Civil Government, particularly in that the Inferior Courts, established by the first, and consequently the appellate, jurisdiction created in the other are limited to causes of so small value, that nothing but a comparison of this system of Judicature with the state of a country that has none, can be urged on their behalf, yet it is evidently unfit that the decision of causes even of twenty pounds value should be entrusted to persons so little acquainted with legal Proceedings, as the Justices in most of the counties of North Carolina probably are. Your Lordships will however observe that besides that some utility may be expected even from these Imperfect Acts. They will probably expire by the Flux of the time to which they are limited, before an order for their Disallowance.

I have also perused and considered another Act passed by the same Assembly in March 1774 Intituled "An Act to oblige Vessels having infectious Distempers on Board to perform Quarantine," and I am of opinion that in case your Lordships shall not deem the Fetters imposed on the Trade of His Majesty's Subjects too high a price to pay for the security in view, and in case the oath imposed

on the Masters of Vessells shall in the Execution of the Law be so far varied from the Words of the Act as to insert the Words, to the best of his knowledge and belief, an addition I think not inconsistent with a reasonable construction of an Act, which does not insert an Oath *verbatim*, the same is not improper in point of Law, and may probably secure the Province against some of the greatest calamities incident to human nature.

* * * * *

All of which is submitted &c.,

R^d JACKSON.

3^d Feb^y 1775.

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

Proceedings of the Safety Committee at Wilmington.

FRIDAY, February 3rd, 1775.

At an occasional meeting,

Present; Archibald M'Laine, James Walker, John Quince, John Robeson, John Ancrum.

John M'Donnel's goods, were sold at vendue,

For sterling-----£725 13 06

To Wm. Purviance,

Amount of his invoice-----£717 13 04

To be received of Wm. P-----£008 00 02

William Campbell, having delivered his invoice to the committee, at this meeting, his salt was put at public vendue, and sold

For-----£225 10 00

Amount of his invoice-----£218 08 04

To be paid by Wm. C. Sher-----£003 01 08

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

A Proclamation by Governor Martin against Richard Henderson and the Transylvania Purchase.

Whereas his Majesty by his Royal Proclamation bearing Date at St James's the seventh day of October 1763, did among other Regu-

lations thereby made, declare his Royal Will and Pleasure with respect to his Territory claimed by the Indian Nations in North America in the following words: "And Whereas great Frauds and Abuses have been committed in the purchasing Lands of the Indians to the great Prejudice of our Interests and to the great Dissatisfaction of the said Indians. In Order to prevent such Irregularities for the future and to the end that the Indians may be convinced of our justice and determined Resolution to remove all reasonable cause of Discontent, we do with the advice of our Privy Council strictly enjoin and require that no private person do presume to make any purchase from the said Indians of any Lands reserved to the said Indians within those parts of our Colonies where we have thought proper to allow Settlement; but that if at any time any of the said Indians should be inclined to dispose of the said Lands the same shall be purchased only for us in our name at some public Meeting Assembly of the said Indians, to be held for that purpose by the Governor or Commander in Chief of our Colony respectively within which they shall be: And in case they shall be within the limits of any Proprietary Government they shall be purchased only for the Use and in the Name of such Proprietaries conformable to such Directions or Instructions as we or they shall think proper to give for that Purpose."

And Whereas in and by an Act of the General Assembly of this Province intituled "An Act for restraining the Indians from molesting or injuring the Inhabitants of this Government and for securing to the Indians the Right and Property of their own Lands"; it is, among other things, "Enacted, That no white Man shall, for any consideration whatsoever, purchase or buy any Tract or Parcel of Land claimed or actually in possession of any Indian without special Liberty for so doing from the Governor and Council first had and obtained under the Penalty of Twenty pounds for every hundred Acres of Land so bargained for and purchased; one half to the Informer, and the other Half to him or them that shall sue for the same."

And Whereas I have information that a certain Richard Henderson, late of the County of Granville in this Province, confederating with divers other Persons, hath, in open violation of his Majesty's said Royal Proclamation and of the said act of the General Assembly of this Province, entered into Treaty with certain Indians of the Cherokee Nation for the Purchase and Cession of a very large Tract of Country, by some reported to be Two Hundred Miles Square, by

others Three Hundred Miles Square, and said to be part of the hunting Grounds of the Cherokee Nation, and actually comprized within the limits of the Colony of Virginia and the Royal Grant to the Right Honorable the Earl Granville.

And whereas, this daring, unjust and unwarrantable Proceeding is of a most alarming and dangerous Tendency to the Peace and Welfare of this and the neighboring Colony inasmuch as it is represented to me that the said Richard Henderson and his Confederates have conditioned to pay the Indians for the Cession of Land before mentioned a considerable quantity of Gunpowder, whereby they will be furnished with the means of annoying his Majesty's subjects in this and the neighboring Colonies; and that he hath also invited many Debtors, and other persons in desperate circumstances, to desert this Province and become Settlers on the said Lands, to the great injury of Creditors.

And whereas, it is to be apprehended that if the said Richard Henderson is suffered to proceed in this his unwarrantable and lawless undertaking, a settlement may be formed that will become an Asylum to the most abandoned Fugitives from the several Colonies, to the great Molestation and Injury of his Majesty's subjects in this Province in particular and to the manifest Detriment of the Interest of Earl Granville, within whose proprietary District the Lands treated for as aforesaid by the said Richard Henderson with the Cherokee Indians are deemed and reported to be in part comprehended: I have thought proper to issue this Proclamation hereby in his Majesty's Name and also in Behalf of the Earl Granville, as his Agent and Attorney strictly to forbid the said Richard Henderson and his Confederates, on pain of his Majesty's highest displeasure, and of suffering the most rigorous Penalties of the Law, to prosecute so unlawful an Undertaking, as also to enjoin all his Majesty's liege subjects to use all lawful means in their Power to obstruct, hinder and prevent the Execution of his Design of settlement, so contrary to Law and Justice and so pregnant with ill consequences. And I do hereby forewarn all, and all manner of persons against taking any part or having any concern or dealings with the said Richard Henderson, touching the Lands for which he is said to have entered into Treaty with the Indians as aforesaid or with any other Person or Persons who have engaged or may engage in Projects of the like Nature, contrary to the Tenor of his Majesty's Royal Proclamation aforesaid, as every Treaty, Bargain and Agree-

ment with the Indians repugnant thereto is illegal, null and void, to all Intents and Purposes, and that all partakers therein will expose themselves to the severest Penalties. And as it is necessary for the more effectual Prevention of such illicit and fraudulent dealings with the Indians, to advertise them of the Rules and Regulations established by his Majesty's Proclamation; it is hereby required of his Majesty's subjects having intercourse with the Indians and particularly of the Officers appointed to superintend Indian Affairs, that they do fully explain to them the beneficial Nature and Design of the said Royal Proclamation to themselves and that they do make the Indians sensible of the high Offence they commit against his Majesty in doing anything contrary to the directions thereof.

Given under my Hand, and the Great Seal of the said Province, at Newbern, the 10th day of February. Anno Dom 1775, and in the 15th year of his Majesty's Reign. JO. MARTIN.

God save the King.

By His Excellency's command.

JAMES PARRATT, D. Sec.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

ADVERTISEMENT.

PERQUIMANS COUNTY, Feb: 11, 1775.

The respective Counties and Towns in this Colony are requested to elect Delegates to represent them in Convention, who are desired to meet at the Town of Newbern on Monday the 3^d day of April next.

JOHN HARVEY, Moderator.

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

Letter from Colonel John Harvey.

PERQUIMANS Co^y. Feb^y. 11th, 1775.

DEAR SIR,

Our Assembly now stands prorogued to the 27th March, I therefore loose no time to request your County will elect Delegates to Represent them in Convention which are desired to meet in the

town of Newbern on Monday the third day of April next, That we may Act in conformity with our neighbouring Colonies & elect Deputies to attend the General Congress at Philadelphia on the tenth day of May next which hope will meet your approbation.

I am with great Respect & Esteem D^r Sir

Your very hb^e Serv^t

JOHN HARVEY.

Proceedings of the Safety Committee for Pitt County.

MARTINBOROUGH February 11, 1775.

The committee then met.

Present: John Simpson, chairman, John Hardee, James Armstrong, George Evans, James Lockhart, Robert Salter, James Gorham, William Robeson, Fred^k Gible, William Bryant, Edward Salter — 11.

Resolved, that John Simpson, Chairman, wright to the northward for a vessell in order to carry the donations of this county for the Relief of the Poor Sufferers of Boston.

Resolved, that the Chairman Advertise the freeholders of this County to attend at the Court House on the 10th day of March next, then and there to elect Deputies to Represent this County in the Provincial Convention.

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

Proceedings of the Safety Committee at Wilmington.

MONDAY, Feb. 13th 1775.

At an occasional meeting.

Present: Cornelius Harnett Chairman, Francis Clayton Deputy Chairman, Archibald McLaine, Rob^t Hogg, John Quince, Alexander Lillington, James Walker.

Information was made against Jona. Dunbilrie for taking four shillings per bushel, for salt, contrary to the resolves of this committee, he being sent for waited on the committee, confessed it was a mistake, and promised to return the money so exacted, which the committee were satisfied with.

The committee then adjourned to the next occasional meeting.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

The Address of Sundry Inhabitants of the County of Dobbs to Governor Martin.

We your humble petitioners humbly prayeth that you would let us know what our King's Laws is that we may know whether we pay our Taxes to uphold his Crown or to beat it down, for we are certain if the blind lead the blind they will both fall into the ditch, therefore We humbly pray that you would open our eyes aright that we may not be deceived by every voice of cunning crafty Men in different ways concerning the burthen that our Rightful Sovereign King has pleased to put on us, which is said to be more than we can bear, which we hope is nothing but kind for we are willing subjects to his Majesty and we hope shall ever be.

[Signed by Joseph Taylor, Jun^r, and 18 others.]

February 20th 1775.

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

Proceedings of the Safety Committee at Wilmington.

MONDAY, February 20th 1775.

The Committee met according to adjournment on the 13th of Feb. last.

Present: Francis Clayton, Deputy Chairman, Robt. Hogg, James Walker, John Ancrum, Wm. Hooper, Samuel Marshall, Wm. Jones, L. C., John Devane, Timothy Bloodworth, Thos. Bloodworth.

It was proposed by Mr. Wm. Hooper, that as there was not a majority of the joint committee, that a message be sent to each member to meet on Monday the 6th of March next, which was agreed to, and the following message, ordered to be printed, and sent to each member.

Sir: As a member of the Committee appointed for the purpose of carrying into execution within the County of New Hanover, the Resolves of the General Continental Congress, you are requested to meet at the House of Lechans Dekeysers, on Monday the 6th day

of March next, then and there to consult of business of the utmost consequence to the patriotic support of the cause of British America.

By order of the Committee,

Signed

THOS. CRAIKE, Sec.

Ordered, That the absentees of the committee be mulcted agreeable to the resolve of this committee.

Mr. Clayton, as Deputy Chairman, was requested by the committee, to write to Mr. James Kenan, Chairman of the Duplin Committee, which he did as follows.

Monday February 20th, 1775.

Sir: At a meeting of the Joint committees for the town of Wilmington and county of New-Hanover, on this day, it was among other matters, proposed and agreed to. That for the better communication of intelligence and production of similarity of conduct in your and our counties; we should send two members from our Joint Committees, on any day you should appoint, after the 6th of March next, giving us twenty days notice thereof — and as on that day, there would be several matters of much concern to American welfare, agitated, will be happy to see two of your members at our meeting.

Sir, &c.

Signed,

F. CLAYTON.

TUESDAY, February 21st, 1775.

At an occasional meeting of the committee,

Present: Cornelius Harnett, Chairman, Francis Clayton Deputy Chairman.

Robt. Hogg, John Ancrum, Archibald McLaine, James Walker.

Mr. Crowther, presented to the committee, two invoices of European goods, imported since the 1st. day of December last, to be disposed of agreeable to the resolves of the General Congress, which were ordered to be sold at vendue, as directed by the resolves.

Sales of the 1st invoice-----	£204 13 1½
Sales of the 2nd invoice-----	044 05 11

£199 11 2½

Amount of the 1st invoice-----	£202 08 01½
Amount of the 2nd invoice-----	044 00 11
	£246 09 0½
	£002 10 00
Difference on 20 bushels of potatoes that were sold----	000 10 00
	002 11 00

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

Proposals for the Encouragement of settling the Lands purchased by Rich^d Henderson & Co. on the Branches of the Mississippi River from the Cherokee tribe of Indians.

First. That fifty men be raised as soldiers to be under the direction of proper officers for the protection of the Settlers of the Country aforesaid to continue in Service till the first day of November next and as a reward for the same to receive 500 acres of land and three pounds sterling or the value therein in other Currency.

Second. That every person willing to become an Inhabitant and to go out and settle the Country between the date hereof and the ---- day of ----- next and shall employ himself and those under him in cultivating and raising a crop of Corn and other employment for the good of the Community and to continue until the first day of September next always ready with their Lives and Fortunes to defend, protect and support each other in their mutual interests and advantages against the Savages, shall have the privilege of taking up Lands upon the following Terms to wit, 500 acres for himself and two hundred and fifty Acres for each tithable person whom he shall take with him and continue as aforesaid on payment of Twenty shillings sterling per hundred or the value thereof in other currency, and also an annual Quit Rent of Two shillings sterling per hundred clear of all incumbrance.

Third. That any person that shall within six months after the date hereof begin to erect and compleat within three years a Furnace or other Iron works so as to supply the Inhabitants with a sufficient quantity of iron shall receive 5000 Acres of Land clear of all incumbrances except the Quit Rents aforesaid. Any person beginning and erecting and finishing a salt manufactory within

twelve months from the date hereof and supply the Inhabitants with a sufficiency of salt shall have 1000 as aforesaid. Any person erecting and finishing a Great Mill within Twelve months from the date hereof shall have 500 acres of land as aforesaid. Any person erecting and finishing a Saw Mill within Twelve months from the date hereof shall have 500 acres of Land as aforesaid. Any person raising the greatest crop of corn in proportion to the hands he may have under him the ensuing season shall have 500 acres of Land as aforesaid. The person who shall carry out the greatest number of sheep between the date hereof and twelve months after shall have 500 acres of land as aforesaid.

Given under our Hands the 25th day of December 1774.

(Signed)

RICHARD HENDERSON

For himself and C^o.

The foregoing proposals for settling the Lands to be purchased of Richard Henderson and Company of the Cherokee tribe of Indians are the same mentioned and alluded to in the Instrument of writing hereto annexed.

Given under our Hands this 22^d day of Feb^ry 1775.

(Signed)

RICHARD HENDERSON

For himself & C^o.

Whereas the Subscribers are about and have the greatest reason to believe will shortly compleat the purchase of a large Tract of Country lying on the Kentucky, Cumberland and other waters of the Ohio and Tenisee Rivers with a view of settling that most desirable Territory with a large number of honest farmers, artificers, etc, and being credibly informed that a number of persons disposed to go and become adventurers therein, are some on their way, others preparing for their journey. In order to obtain titles for Lands and become Inhabitants thereof and as the safe and speedy settling of that Country very much depends on the prudence of the first adventurers in many respects but more especially in their compact situation for mutual defence and protection, being well persuaded and even full convinced that a promiscuous and diffused settlement would only endanger their lives and effects of such rash settlers, but might in its consequences deter many honest industrious persons now disposed to remove into those parts from proceeding on an enterprize which

would not only become beneficial to themselves but extremely advantageous to the Settlers of the ensuing Spring.

Therefore in order as much as in us lies to prevent unthinking and inconsiderate persons from attempting to settle the said Lands in any diffused or scattered manner so dangerous to the general weal of the Country and the speedy and safe population thereof, do give this early and public notice to all persons that in case we should become purchasers thereof our most serious intentions are to settle the same with the greatest expedition and safety as well with respect to ourselves as those who may become adventurers in a case so replete with every prospect of gain and desirable in its consequences, and do therefore hope and most earnestly entreat all persons minded to go and settle that Country this ensuing Season to conform to the Rules laid down by ourselves as well for their benefit as ours, that is to say that all the Emigrants or Adventurers of this Spring would settle in a Town or Township for this year at least on some convenient part of the Land to be chosen for that purpose, that during the year every man may be looking out for such land as he may choose to settle on when safe to disperse. With respect to such persons as may hereafter be disposed to quit claim for their Lots and Improvements in Town, such Improvements to be valued and the valuation to be paid by the Proprietors or Purchasers of such Territory.

The foregoing General Rules for the benefit of the Settlers we hope will be adhered to by all and every reasonable and thinking person minded to become Adventurers or Settlers of this most valuable Country. And as it is obviously so much for the benefit and advantage of the whole that these Rules be strictly observed, we think it incumbent on us to declare that no person that shall wilfully and obstinately refuse to comply with these Terms so necessary to our well being must expect to come within any of the Indulgences heretofore published by ourselves in case we should become purchasers or owners of that Country. We wish that most entire peace, harmony and good understanding, but must insist on the foregoing Rules, and most earnestly desire they may be strictly adhered to and complied with, and all such as will conform to the Methods of settling hereby declared may depend on the strictest performance on our parts.

Given under our Hands this 22^d day of February 1775.

(Signed)

RICHARD HENDERSON,

For himself & C^o.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 222.]

Extract from The North Carolina Gazette Number 312, February 24th, 1775.

NEWBERN, February 24th.

On Sunday last was married at Pembroke the seat of Abner Nash Esq^{re} near this town Mr Roger Moore of Cape Fear to Miss Polly Nash daughter of the late Thomas Nash Esq^{re} of Edenton; a most amiable young Lady with a handsome fortune.

Last week the Court of Vice Admiralty gave a decree against the vessel lately mentioned in this Paper to have been seized by Capt. Howe in a sloop of war. It appeared she had touched at a Dutch Island and had taken on board a few cases of Gin and Kegs of Brandy and a few yards of foreign sail Duck. The vessel with her Tackle, Apparel, Furniture and Cargo was condemned and sold.

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

COUNCIL JOURNALS.

At a Council held at New Bern 24th February, 1775.

Present.

His Excellency the Governor.

The Honble.	{	James Hasell	Martin Howard	}	Esquires
		John Rutherford	and		
		Samuel Strudwick	Samuel Cornell		

Captain Collet, Commander of His Majesty's Fort Johnston, presented a petition which was ordered to be read and is as follows, Viz^t,

TO HIS EXCELLENCY JOSIAH MARTIN ESQUIRE, GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER HIS MAJESTY'S PROVINCE OF NORTH CAROLINA, VICE ADMIRAL OF THE SAME &c^a,

The Humble Petition of Captain Collet, Commander of His Majesty's Fort Johnston, Humbly sheweth.

That the timber and fire wood on the Land formerly granted for the use of the said Fort having been since destroyed, the Garrison

of the Fort is very much distressed by the want of it, And whereas there is adjoining to it a large Tract of His Majesty's Land, never yet granted, nor patented by any person, The Petitioner thought it his duty to have a part of the said vacant Land adjoining the Fort's Tract, regularly surveyed, and to lay the Plat of the same, here inclosed, before your Excellency, humbly requesting a Grant of the same, for the use of the said Garrison. Your Petitioner will as in duty bound forever pray &c.

JOHN COLLET.

Fort Johnston, February 16th 1775.

It is ordered that a warrant of survey issue for the said Tract of Land and that the same be reserved for the use of His Majesty's Fort Johnston, agreeable to the prayer of the said Petition.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 231.]

Proceedings of the Safety Committee in Chowan County.*

CHOWAN COUNTY, January 28th 1775.

It being made appear to the satisfaction of the committee for this county that we have violated the eighth Article of the Association entered into by the Continental Congress by being concerned in a horse race — We do therefore most heartily and sincerely declare and profess that we are sorry for our misconduct, and in order that proper atonement be make for such our enormity do promise that in future we shall strictly observe every article of the Association and hope by such behaviour to be reinstated in the esteem and favour of our countrymen and acquaintance which we have justly forfeited by our misbehaviour.

WILLIAM ROBERTS,

JOHN ELLIS,

DEMSEY BOND.

CHOWAN COUNTY, January 28th, 1775.

The committee of this county met at the house of M^r John Cofield and having chosen M^r Luke Sumner their chairman, and M^r Samuel Jones their clerk, made the following Resolves.

[* Published in *The North Carolina Gazette*, Number 312, February 24th, 1775—EDITOR.]

1. That the thanks of this committee be given to Joseph Hewes, Esq^{re}, for the faithful discharge of his duty as a Delegate from this Province in conjunction with the other worthy Gentlemen his colleagues at the Continental Congress.

2. That a subscription be promoted in this county under the direction of M^r Luke Sumner, the Rev: Daniel Earl and Col: Edward Vail, in order to raise a fund to be applied as premiums for such Artificers and Manufacturers as shall within this county make for sale the best and greatest quantity of the following manufactures viz^t: Wire Wool and Cotton Cards, Fulled Woolen Cloth, Bleached Linen and Steel.

Signed by order of the Chairman.

SAMUEL JONES, Clerk.

At a meeting of the committee for the Town of Edenton on Saturday the 4th of February 1775.

Present: Robert Hardy, Jasper Charlton, Charles Bondfield, Joseph Hewes, John Rombough, Thomas Jones, Robert Smith, William Bennett, John Green, Robert Hardy, Esquire, Chairman.

The Chairman acquainted the Committee that M^r William Littlejohn, Merchant, had informed him that Sundry Goods lately imported in the Sloop *Peggy*, William Patton, Master, from Leith in Great Britain, amounting as per invoice produced to £291 1s. 4½d. Sterling had just arrived in Edenton consigned to him, which he was willing to deliver up to the Committee to be by them disposed of agreeable to the Tenth Article of the American Continental Association.

The chairman also acquainted the committee that M^r Archibald Campbell had informed him that he had also imported in the same ship *Peggy* a box of Linens amounting as per invoice produced, to £37 Sterling, which he was willing to deliver up to the committee as before mentioned. Resolved, that all the said Goods be sold at publick vendue at the Court House in Edenton on the eighth day of this Instant (February) except a quantity of potatoes, which on account of their being perishable, shall be sold on Monday the 6th of this instant for ready money, and that Robert Hardy, Joseph Hewes and Robert Smith see this Resolve carried into execution.

It appeared to this Committee that M^r Archibald Campbell had countermanded his Order for goods soon after the resolutions of the Provincial Convention held at Newbern in August last were made

publick and that the aforementioned Box of Linens had been shipped before his letters countermanding his said order had been received by his Correspondant.

Resolved, That the thanks of this Committee be offered to Mr Littlejohn, Mr Archibald Campbell and Captain William Patton for their respectful acquiescence in the association of the continental congress and their readiness to conform to the resolutions of this Committee.

By order of the Committee.

CHARLES BONDFIELD, Clerk.

The following is the Account, sales of the aforementioned Goods.

		£	s.	d.
120 Bush Potatoes sold in 12 lots		16	13	2
40,000 Bricks	4 d°	58	12	6
152 Doz. Ports Wine	22 d°	180	19	0
5 Cask Nails	5 d°	23	4	0
12 Peices Oznaburgs	1 d°	71	15	0
4 Coils Cordage	1 d°	27	0	0
1 Coil Leading Lines	1 d°	2	12	6
1 Cask Hoes	1 d°	8	15	0
2 Casks of Bottled Beer	2 d°	7	14	0
1 Box Linens	1 d°	64	15	0
2 Hawsers	1 d°	24	10	0

Examined by	£480 10 2
ROBERT HARDY	
JOSEPH HEWES	
ROBERT SMITH	

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

Proceedings of the Safety Committee at Wilmington.

WEDNESDAY, March 1st, 1775.

At an occasional meeting of the committee.

Present: Cornelius Harnett, Chairman, Francis Clayton, Deputy Chairman.

Robt. Hogg, John Ancrum, James Walker, John Robeson.

The committee being informed of a Public Ball, to be given by sundry persons under the denomination of the gentlemen of Wilmington, at the house of Mrs. Austin, this evening, and as all public Balls and dances, are contrary to the resolves of the General Continental Congress, and a particular resolve of this committee: Ordered, That the following letter be sent to Mrs. Austin, to forewarn her from suffering such Public Ball and dancing at her house.

Madam: The committee appointed to see the resolves of the Continental Congress put in execution, in this town, acquaint you, that the Ball intended to be given at your house, this evening, is contrary to the said resolves; we therefore warn you to decline it, and acquaint the parties concerned, that your house cannot be at their service, consistent with the good of your country.

By order of the Committee,

Signed,

THOS. CRAIKE.

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

COUNCIL JOURNALS.

At a Council held at New Bern 3^d March 1775.

Present

His Excellency the Governor.

The Honble {	James Hasell	Martin Howard	} Esquires
	John Rutherford	and	
	Samuel Strudwick	Samuel Cornell	

On reading a Petition of John Willis, a disbanded soldier, praying to have a patent granted to him for 200 acres of Land in Mecklenburgh County, It is ordered that the same be granted to him without fees, And a note to be made on the Patent and in the Record Book, and also on the Rent Roll that he is entitled to an Exemption of Quit-rents upon fifty Acres for ten years under his Majesty's proclamation dated October 7th 1763.

[B. P. R. O. AM. & W. IND.: VOL. 279.]

Private Circulars to the Governor of North Carolina and to other Governors.

WHITEHALL, March 3rd 1775.

My separate dispatch of this day's date, including a Resolution of the House of Commons, may be ostensibly of use in case the General Assembly should think fit to take up the consideration of that resolution, but it is fit I should observe to you that is not His Majesty's intention, for very obvious reasons, that you should officially communicate it to them. At the same time as I think it cannot fail to be an object of discussion in the Assembly, I must add that the King considers, that the good effect of it will, in great measure, depend upon your ability and address in a proper explanation of it to those whose situation and connections may enable them to give facility to the measures it points to; and His Majesty has no doubt that you will exert every endeavour to induce such a compliance, on the part of the Assembly, as may correspond with His Majesty's ideas of their justice, and His earnest wishes to see a happy restoration of the Publick Tranquility.

I am &c.,

DARTMOUTH.

WHITEHALL, 3rd March, 1775.

It is fit I should acquaint you that the resolution of the House of Commons which accompanies my separate dispatch, passed in the Committee by a majority of 274 to 88, and was received and agreed to by the House without a Division, and indeed the great Majorities which have appeared in both Houses upon every question that has been proposed for maintaining the Supremacy of Parliament is such an evidence of the general sense of the Nation upon that subject as must show how little ground there has been for those assurances which have been artfully held out to the Americans of support here in the dangerous conduct they have adopted, and convince them that there neither can nor will be any the least relaxation from those measures which that conduct has made indispensably necessary for reducing the Colonies to a state of due obedience to the Constitutional authority of Parliament.

I am &c.,

DARTMOUTH.

[B. P. R. O. AM. & W. IND.: VOL. 279.]

Circular to the Governor of North Carolina and to other Governors.

WHITEHALL, 3rd March, 1775.

You will have seen in the King's answer to the joint Address of both Houses of Parliament on the 7th February, which Address and Answer have already been transmitted to you, how much attention His Majesty was graciously pleased to give to the assurance held out in that Address, of the readiness of Parliament to afford every just and reasonable indulgence to the Colonies, whenever they should make a proper application on the ground of any real grievance they might have to complain of, and therefore I have the less occasion now to enlarge upon the satisfaction it hath given His Majesty to see that Address followed by the inclosed Resolution of the House of Commons, which, whatever may be the effect of it (I trust a happy one) will forever remain an evidence of their justice and moderation and manifest the temper which has accompanied their deliberations upon that question which has been the source of so much disquiet to His Majesty's Subjects in America, and the pretence for Acts of such criminal disorder and disturbance.

His Majesty ardently wishing to see reconciliation of the unhappy differences which have produced those disorders, by every means through which it may be obtained without prejudice to the just authority of Parliament, which His Majesty will never suffer to be violated, approves the resolution of His faithful Commons and commands me to transmit it to you, not doubting that this happy disposition to comply with every just and reasonable wish of the King's Subjects in America, will meet with such a return of duty and affection on their part as will lead to a happy issue of the present disputes, and to a re-establishment of the public tranquillity on those grounds of equity, justice and moderation which this resolution holds forth.

The King has the greater satisfaction in this resolution, and the greater confidence in the good effects of it, from having seen, that amidst all the intemperance into w^{ch} a people jealous of their liberties have been unfortunately misled, they have nevertheless avowed the justice, the equity and the propriety of subjects of the same State contributing according to their abilities and situation to the

public Burthen; and I think I am warranted in saying, that this resolution holds no proposition beyond that.

I am unwilling to suppose that any of the King's Subjects in the Colonies, can have so far forgot the benefits they have received from the parent State, as not to acknowledge that it is to her support, held forth at the expence of her blood and Treasure, that they principally owe that security which hath raised them to their present state of opulence and importance; in this situation, therefore, justice requires that they should in return contribute according to their respective abilities, to the common Defence, and their own welfare, and interest demand that their civil Establishment should be supported with a becoming dignity. It has been the care, and I am persuaded it is the firm determination of Parliament, to see that both these ends are answered; and their wisdom and moderation have suggested the propriety of leaving to each Colony to judge of the ways and means of making due Provision for these purposes, reserving to themselves a discretionary power of approving or disapproving what shall be offered.

The resolution neither points out what the Civil Establishment should be nor demands any specific sum in aid of the public burthens. In both these respects it leaves full scope for that justice and liberality which may be expected from Colonies, that, under all their prejudices, have never been wanting in expressions of an affectionate attachment to the Mother Country, and a zealous regard for the general welfare of the British Empire & therefore the King trusts that the provision they will engage to make for the support of Civil Government will be adequate to the Rank and Station of every necessary Officer, and that the sum to be given in contribution to the common Defence will be offered on such terms and proposed in such a way, as to increase or diminish according as the publick Burthens of this Kingdom are from time to time augmented or reduced, in so far as those Burthens consist of Taxes and Duties, which are not a security for the National debt. By such a mode of contribution the Colonies will have full security that they can never be required to tax themselves without Parliament's taxing the Subjects of this Kingdom in a far greater proportion, and there can be no doubt that any proposition of this nature, made by any of the Colonies, and accompanied with such a state of their faculties and abilities as may evince the equity of the Proposal, will be received with every possible indulgence, provided it be at the same

time unaccompanied with any Declarations, and unmixed with any claims, which will make it impossible for the King, consistent with his own dignity, or for Parliament, consistent with their constitutional rights, to receive it.

But, I will not suppose that any of the Colonies will, after this example of the Temper and moderation in Parliament, adopt such a conduct. On the contrary I will cherish the pleasing hope that the Public Peace will be restored, and that the Colonies forgetting all other trivial and groundless complaints, which ill humour hath produced, will enter into the consideration of the Resolution of the House of Commons with that calmness and deliberation which the importance of it demands, and with that good will and inclination to a reconciliation, which are due to the candor and justice with which Parliament has taken up this business, and at once declared to the Colonies what will be ultimately expected from them.

I have already said that the King entirely approves the Resolution of the House of Commons and His Majesty commands me to say that a compliance therewith by the General Assembly of -- -- will be most graciously considered by His Majesty, not only as a Testimony of their reverence for Parliament, but also as a mark of their duty and attachment to their Sovereign, who has no object nearer to his heart than the peace and prosperity of His Subjects in every part of His dominions. At the same time His Majesty considers himself as bound by every tie to exert those means the Constitution has placed in his hands for preserving that Constitution entire, and to resist with firmness every attempt to violate the Rights of Parliament to distress and obstruct the lawfull Commerce of His subjects, and to encourage in the Colonies ideas of Independence, inconsistent with their connection with this Kingdom.

I am &c.,

DARTMOUTH.

[B. P. R. O. AM. & W. IND: NO. CAROLINA. NO. 222.]

Circular from Lord Dartmouth to Governor Martin,

WHITEHALL, 3^d March, 1775.

SIR,

Since my letter to you of the first of February a Duplicate of which is inclosed with this I have conversed with Mr Cholmondely

on the subject of M^r Edwards' conduct of the impropriety of which he is fully satisfied and will in consequence appoint another Deputy.

The difficulties which have accompanied the establishment of proper Courts of Justice from the obstinate adherence of the Assembly to their erroneous opinions respecting the Laws of Attachment will I hope be soon removed as their Agents here in that Business M^r Barker and M^r Elmsly have desired to be heard and have presented a Memorial in which they have stated the matter in a way that I think will lead to Accommodation.

I have at length the satisfaction to acquaint you that the Lords of the Treasury have signified to me their approbation of a Bill for the more regular collection and payment of the Quit Rents inclosed in your dispatch to me of the 18th July 1775, and also of the additional clauses transmitted with your Dispatch N^o 24. And I am to signify to you his Majesty's commands that you do use your Endeavors to get a Law passed conformable thereto; And as it has been represented to the Treasury that there are many extensive Tracts of Land held by no other Title than that of Possession the Proprietors or their Predecessors having either never taken out any Patent or Grant from the Crown or having lost or mislaid that Patent, Deed or Conveyance and that the Proprietors of the Lands will naturally avoid having any connection with the Register's Office, it is their Lordship's opinion that it may be proper that some provision should be made in the Law for preventing any detriment that may in such cases arise to the Revenue.

I am &c:

DARTMOUTH.

[REPRINTED FROM AMERICAN ARCHIVES, VOL. 2, PAGE 30.]

Proceedings of the Safety Committee in Chowan County.

March 4th, 1775.

The Committee met at the House of Capt. James Sumner, and the gentlemen appointed at a former meeting of Directors, to promote subscriptions for the encouragement of Manufactures, informed the Committee that the Sum of Eighty Pounds Sterling, was subscribed by the inhabitants of this County for that laudable purpose. The Committee, taking into consideration the manner in which said sum may be applied, so as to redound to the utility of this Province in general, and to this County in particular, resolved, that the sum of

Forty Pounds Sterling be paid by the Chairman of the Committee to any person who shall, in eighteen months from the date hereof, first make in this Province, or cause to be therein made, under his direction, five hundred pair of Wool Cards, such as usually cost One Shilling and Three Pence Sterling, in Great Britain; and five hundred pair of good Cotton Cards, such as usually cost Two Shillings and Six Pence Sterling in Great Britain, which the Committee hereby oblige themselves to purchase and pay, ready money, for, at the rate of Two Shillings Sterling for the Wool Cards, and Three Shillings Sterling a pair for the Cotton Cards; and it is expected that the person entitled to such premiums shall furnish them at that price. The quality and price that such Cards usually cost in Great Britain to be submitted to the Committee.

The Committee also offer a premium of Forty Pounds Sterling, to be paid by the Chairman of the Committee, to the person who shall first make for sale, in this Province, two thousand pounds of good Steel, fit for edged tools. The Committee are apprehensive the premiums here offered are too inconsiderable to induce any person to attempt the above branches of business; but they flatter themselves that the other Counties in this Province, stimulated by the same laudable motives to promote industry, one of the primary sources of virtue and wealth, may join them, in order that the above branches of Manufacture may be effectually carried into execution; in which case, it is hoped the Committee of such Counties as are desirous to contribute, will correspond with this Committee upon the Subject, that the whole Premium offered may appear at once in the papers abroad, in which it is proposed to have it published.

The Committee likewise offer a Premium of Ten Pounds, Proclamation Money, to be paid by their Chairman, to any person who shall, within twelve months from this date, first produce one hundred yards of well fulled Woolen Cloth to the Committee, spun and wove in this County, and fulled in any County within the District of the Superiour Court of Edenton; and a Premium of Ten Pounds, like money, to be paid by the Chairman, to the person who shall, within twelve months from this date, first produce to the Committee one hundred yards of well bleached Linen, such as usually costs Two Shillings Sterling in Great Britain; and the sum of Five Pounds, like money, to any person who shall produce one hundred yards of Linen, next in quality, not of less value than what usually costs One Shilling and Eight Pence Sterling, in Great Britain; and both kinds

of Linen to be manufactured in this County; and the quality of them to be submitted to the judgment of the Committee.

Signed by order of the Committee.

SAMUEL JONES, Clerk.

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

Proceedings of the Safety Committee at Wilmington.

TUESDAY, March 4th 1775.

At an occasional meeting of the Committee,

Present: Robt Hogg, James Walker, Jno. Robeson, W^m Ewin, Jno. Ancrum, W^m Purviance, Timothy Bloodworth, A. Ronaldson, James Blythe, Thos. Devane.

Messrs George and Thomas Hooper reported sundry dry goods of the *Peggy*, Graham, Commander, from Leith, shipped to their address which they desired the committee to take into consideration and direct what should be done with the dry goods.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

Proceedings of the Safety Committee at Newbern.

4th MARCH, 1775.

At a Meeting of the Committee for the County of Craven and Town of Newbern on the 4th day of March, 1775,

Resolved, that at this critical juncture it becomes the duty of this Committee to remind their constituents that several important Rules and Regulations established by the General Congress have now lately taken place and they hereby beg leave earnestly to exhort them as they regard the future Welfare of themselves and their Posterity, to remain firm and steady in the common cause of Liberty and that they testify the same by paying a sacred Regard to those Rules as the only means left under Divine Providence of delivering America from the cruel hand of arbitrary Power: We of the Committee, at the same time observe with inexpressible joy that the People of New York remain firm in the good cause of Liberty, notwithstanding every Act that a corrupt Ministry and a set of despica-

ble Scribblers under them could invent and put in practice to create a division of political sentiments in that Province; and that they have lately obliged Two Ships richly laden with British Goods, to leave their Port and return to the place from whence they came, agreeable to the Articles of Association recommended by the General Congress which all are equally bound by every Tie of honour, mutual Faith and personal Security to observe and support, for the arbitrary Designs of Parliament appear no longer under Disguise; the standard of its Tyranny is now erected in this once happy land, and a melancholy sample have they afforded us of what we may expect in future from their Justice and Equity if we submit to their Edicts already past, for she not only assumes the Right of taxing us at Pleasure and in short of making Laws to bind us in all cases whatsoever; but to crown the whole she has past a Law for transporting us like Felons occasionally over Sea to be tried, condemned and punished in case we should at any time murmur at our Hardships or prove otherwise obnoxious to Men in Power; and to carry this most cruel scheme of Tyranny into execution we find the Towns of our fellow Countrymen to the Northward infested with Armies and their Ports and Harbours with Fleets. Besensible, O Americans! of your danger; let that unite you together as one Man and cease not to implore the great Disposer of all things to assist and crown with success the Councils of the General Congress.

R. COGDELL,	JAMES COOR,
ABNER NASH,	JACOB JOHNSTON,
RICHARD BLACKLEDGE,	JACOB BLOUNT,
FARNIFOLD GREEN,	JOSEPH LEECH,
JOHN FONVEILLE,	ALEX. GASTON,
JAMES DAVIS,	WILLIAM BRYAN.
EDMOND HATCH,	

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

COUNCIL JOURNALS.

At a Council held at New Bern 6th March 1775.

Present

His Excellency the Governor.

The Honble {	James Hasell	Martin Howard	} Esquires
	John Rutherford	and	
	Samuel Strudwick	Samuel Cornell	

On reading the petition of Richard Willson setting forth that he hath been for many years in His Majestys Service and last belonged to His Majestys 22^d Regiment of Foot at the reduction of the Havanah where he served in Quality of a Sergeant and was there discharged by Arthur Loftus Esquire Major and Commanding Officer of the said Regiment, as by his Certificate thereof would fully appear, and conceiving himself entitled to 200 Acres of Land, under the virtue of His Majestys Royal Proclamation bearing date the 7th day of October 1763, prays to have a Warrant for 100 Acres of Land in Craven County in part of the said 200 Acres. It is ordered that the same be granted.

His Excellency informed the Board that he had observed an advertisement published in the newspapers, and circulated through this Colony by hand Bills, dated Perquimans County 11th of February 1775 requesting the Counties and Towns thereof to elect Delegates to represent them in Convention at the Town of New Bern on Monday the third day of April next, and signed John Harvey Moderator. And considering such proceedings to be highly derogatory to the dignity of the Legislature appointed to meet at the same time and in every light illegal and inconsistent with good order and Government, recommend the matter to the consideration of the Board, and desired their advice of the measures to be taken to contravene the design of the said advertisement.

The Board conceiving the highest detestation of such proceedings were unanimous in advising His Excellency to issue a proclamation to inhibit and forbid such illegal meeting in the following words:

NORTH CAROLINA — Ss.

By His Excellency Josiah Martin Esquire, Captain General, Governor and Commander in Chief in and over the said Province,

A Proclamation.

Whereas an Advertisement is printed in the public newspapers and also industriously circulated about this Colony in Hand Bills dated from Perquimons County the Eleventh day of February 1775, requesting the Counties and Towns thereof to elect Delegates to represent them in Convention at the Town of New Bern on Monday the third day of April next, and signed John Harvey Moderator; And Whereas the Name and Authority of such an Officer and such meeting is unknown to the Laws and Constitution of this Country, and such an invitation to the People may tend to ensnare the unwary

and ignorant among His Majesty's loyal and faithful subjects in this Province to partake in the guilt of such unlawful proceeding; And Whereas the Assembly of this Province duly elected is the only true and lawful Representation of the People and is competent to every legal Act that Representatives of the people can do, and as an attempt to excite the people to choose another body of Representatives to meet at the time and place appointed for the meeting of the Assembly is to betray them into a violation of the Constitution in a point wherein they are most materially concerned, to support it, a contempt of that Branch of the Legislature which represents the People and highly derogatory to its power, rights and privileges, I have thought proper by and with the advice and consent of His Majesty's Council of this Province to issue this Proclamation, and I do hereby earnestly exhort the many good people of this Province who have to their honour hitherto prudently withstood the insidious Attempts of evil minded and designing men, that they do on this occasion steadfastly persevere in such loyal and dutiful conduct, and continue to resist and treat with just indignation all measures so subversive of Order and Government, and so inconsistent with the Allegiance they owe to his Majesty, and that they do not subject themselves to the restraint of Tyrannical and arbitrary Committees, which have already in many instances proceeded to the Extravagance of forcing his Majesty's subjects contrary to their consciences to submit to their unreasonable, seditious and chimerical Resolves, doing thereby the most cruel and unparalleled violence to their Liberties under the pretence of relieving them from imaginary grievances. And I do further exhort all his Majesty's subjects in this Province as they value their dearest rights under the present happy Constitution, and as they would testify their duty and allegiance to the best of Kings, that they forbear to meet to choose persons to represent them in convention pursuant to the advertisement hereinbefore recited; and I also do most earnestly recommend to them to renounce, disclaim and discourage all such meetings cabals and illegal proceedings which artful and designing men shall attempt to engage them in, and which can only tend to introduce disorder and anarchy to the destruction of the real interest and happiness of the people, and to involve this province in confusion, disgrace and ruin.

Given under my hand and the Great Seal of the said Province at New Bern the first day of March Anno Dom. 1775, and in the 15th year of His Majesty's Reign.

JO. MARTIN.

God save the King.

[B. P. R. O. NO. CAROLINA. B. T. VOL. 19.]

Memorial of the North Carolina Assembly to the Earl of Dartmouth and the Board of Trade.

The Memorial of Thomas Barker and Alexander Elmsly, on behalf of the Assembly of the Province of North Carolina, humbly sheweth to your Lordships, that as far back as your memorialists have been able to trace the Laws of the said Province, and as they believe from the first establishment thereof, they find it has been the uniform practice in the Courts of Law as often as personal process cannot be served on the Body of a Debtor, or other Defendant, by reason of his absence or non residence, or by reason of His absconding or concealing himself in order to avoid of service of such Process, to sue out Attachments against the Estate of such Defendant, replevable on putting in Bail as in Cases of Arrest.

That the Act of Assembly on which these Attachments are founded, viz: The Act for Establishing and regulating the Superior Courts of Justice being near expiring,

The General Assembly some time in the year one Thousand, seven hundred and seventy three, prepared and passed a Bill for continuing the same indefinitely, but his Excellency the Governor, having received an Instruction directing that the Process of Attachment should be put upon the same footing as in England, and the Assembly conceiving that such Regulation would materially affect the Credit of the Colony in rendering it often difficult and sometimes impossible for a Creditor to recover his just debt, The Bill did not pass into a Law, being thrown out in the Council, As the Upper House of Assembly, upon which the Agent of the Province in London was charged by the Assembly to present a dutiful and Loyal Address to His Majesty praying that he would be graciously pleased to recall the said Instruction and to permit his Governor to give his assent to the Bill as prepared and passed in the Lower House of Assembly, and your Memorialists have been informed that other Instructions have since been transmitted to the Governor, extending the Right of Attachment, to all cases where the cause of Action shall arise in the Province or in either of the two neighbouring Colonies of South Carolina and Virginia.

On the subject of these last Instructions your Memorialists pray leave to represent to your Lordships that the intercourse between the

Provinces of South and North Carolina, and the commerce carried on between them, is inconsiderable compared to the Trade which the Colonies of New York and the Massachusetts Bay have with North Carolina, and should an Act pass agreeably to these Instructions it will follow that the Northern Colonies equally Creditors with the Colony of Virginia and much more so than South Carolina, will often loose their Debts, when the Southern Colonies have theirs secured to them.

Your Memorialists pray leave further, to represent to your Lordships, that having resided many years in the Provinces, and been themselves connected with the Courts of Justice they have had frequent occasions of observing the general Effect of the Attachment Laws, in America, and beg leave to suggest to your Lordships, that the fluctuating unsettled state of the Colonies considered, Attachments are of indispensable necessity, and do consequently take place your Memorialists believe over all the Continent, nor have they ever heard them complained of, either here or there, except in the single case of their taking place in favour of American creditors, of Commiss^{ns} of Bankrupt sued out in England, which inconvenience your Memorialists doubt not, the Legislature of North Carolina would readily provide a remedy for if permitted to put their Court Laws on the same Footing, in other respects as formerly.

Your Memorialists are also charged by the Assembly to solicit an Instruction to the Governor to give his assent to an Act to be passed for extending the jurisdiction of the County Courts. The extent of the Settlement is of late years become so great, and the distance of many of the Inhabitants from the Superior Courts such, considering the bad accommodations in many parts of the Country, as to render it extremely expensive and inconvenient to attend their Tryals in those Courts, for which reason Creditors frequently loose their Debts to avoid the fatigue and expence of recovering them. This indulgence they have the greater reason to hope will be granted them as the jurisdiction was but very lately much higher than at present, and at this time in neighboring Colony of Virginia, it is unlimited in all Civil Cases without Exception in County Courts.

Your Memorialists have it likewise in charge to make Application for an Instruction to the Governor to give his Assent to an Act for repealing so much of the Fee Bill now in force as relates to the Chief Justice, on granting him a Salary in Lieu of his Fees. The permanency of such an Establishment they conceive would be more suit-

able to the Dignity of that important office, than the precarious and uncertain Emoluments arising from his Fees, and on the other hand when they consider the rapid and uniform increase of Inhabitants, they fore see that in time, the office of Chief Justice may become more lucrative than that of the Commander in Chief.

All which is humbly submitted to your Lordships by your Memorialists,

THOMAS BARKER,
ALEX^d ELMSLY.

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

Proceedings of the Safety Committee at Wilmington.

MONDAY, March 6th 1775.

The committee met according to adjournment.

Present: Cornelius Harnett, Chairman, Francis Clayton, Deputy Chairman.

Archibald McLaine, Alex. Lillington, James Moore, John Robeson, Sampson Moseley, Joel Parish, Timothy Bloodworth, Thos. Bloodworth, James Wright, John Hollingsworth, Samuel Marshall, F. Jones, John Ancrum, James Walker, Wm. Hooper, Samuel Collier.

The following association was agreed on by the Committee, and annexed to the resolves of the General Congress, to be handed to every person in this county and recommended to the committees of the adjacent counties, that those who acceded to the said resolves, may subscribe their names thereto.

We the subscribers, in testimony of our sincere approbation of the proceedings of the late Continental Congress, to this annexed, have hereunto set our hands, and we do most solemnly engage by the most sacred ties of honor, virtue and love of our country, that we will ourselves strictly observe every part of the association recommended by the Continental Congress as the most probable means to bring about a reconciliation between Great Britain and her colonies and we will use every method in our power to endeavor to influence others to the observation of it by persuasion, and such other methods as shall be consistent with the peace and good order, and the laws of this Province, and we do hereby intend to express our utter detestation of all such as shall endeavor to defeat the purposes of the said Congress, and will concur to hold forth such characters to public contempt.

William Wilkinson reported sundry dry goods imported in the Schooner -----, Yelverton Fowkes, master, from Charles Town, directed to his care by Joseph Robeson, of Deep river, to have their opinion whether the said goods could be landed agreeable to the general resolves.

The committee after examining Mr. Wilkinson and Capt. Fowkes, and such papers as they could produce:

Resolved, That the said goods cannot be disposed of by the said Robeson, or his Factor, till further proof of their having been imported or disposed of agreeable to the general resolves, and that William Wilkinson be allowed six weeks from this time, to procure from the committee of Charles Town, such certificates as shall be satisfactory to this committee; and the said Wm. Wilkinson is to store the goods, and deliver the key to Mr. James Walker, one of this committee.

The committee then adjourned till 3 o'clock this afternoon.

3 o'clock, the committee met according to adjournment.

Present: Cornelius Harnett, Chairman, Francis Clayton, Deputy Chairman.

John Robeson, Samuel Swann, A. Lillington, George Moore, Sampson Moseley, Wm. Jones, L. C., John Colvin, Samuel Marshall, Wm. Jones, W. T., Thos. Bloodworth, Archibald M'Laine, John Ancrum, James Walker, James Wright, Timothy Bloodworth, Samuel Collier, John Hollingsworth, Joel Parish, John Devane, George Merrick, Wm. Hooper, James Moore, Frederick Jones.

Mr. James Kenan, Chairman of the Duplin committee, pursuant to a letter from this committee at their last meeting attended.

Resolved, That all the members of the committee now present go in a body and wait on all Housekeepers in Town, with the Association before mentioned, and request their signing it, or declare their reasons for refusing, that such Enemies to their Country may be set forth to public view and treated with the contempt they merit.

Resolved, That it is the opinion of this Committee, that all dances private as well as public, are contrary to the spirit of the 8th Article in the Association of the Continental Congress, and that as such they ought to be discouraged, and that all persons concerned in any dances for the future should be properly stigmatized.

Mr. Harnett desired the opinion of the Committee respecting a Negro fellow he bought in Rhode Island (a Native of that place,) in

the Month of October last, whom he designed to have brought with him to this Province, but the said Negro ran away at the time of his sailing from Rhode Island.

The question was put whether Mr. Harnett may import the said Negro from Rhode Island.

Resolved, Unanimously, That Mr. Harnett may import the said Negro from Rhode Island, and it is the opinion of this Committee that under the above circumstances, such importation will not be any infringement of the Article of the Resolves of the General Congress.

Ordered, that Mr. Grant, Messenger to this Committee, be paid for his attendance on the committee, 10 days, (including to-morrow) at the rates of 8s. per day.

The Committee then adjourned till 9 o'clock to-morrow morning.

TUESDAY, 7th March, 1775.

The Committee met according to adjournment.

Present: Cornelius Harnett, Charman, Francis Clayton, Deputy Chairman.

John Ancrum, Geo. Moore, Wm. Hooper, Samuel Swann, James Moore, Sampson Moseley, Wm. Jones, W. T., Thos. Bloodworth, Alexander Lillington, F. Jones, Geo. Merrick, J. Robeson, Jno. Quince, Jno. Devane, Jno. Colvin, Timothy Bloodworth, Wm. Jones, L. C., Joel Parish, Jno. Hollingsworth, Jas. Wright, Archibald M'Laine.

Resolved, That three members of this committee attend the meeting of the committee at Duplin, on the 18th inst. Mr. Samuel Ashe, Mr. Sampson Moseley, and Mr. Timothy Bloodworth, were accordingly nominated to attend the said Committee.

The Committee sent for Mr. John McDonnell, an importer and purchaser of sundry dry goods, as appears by the Journal of this committee, the 3d February last, to demand the sum of £8 0s. 2d, Sterling Money, which he became liable for to the committee. The said Jno. McDonnell having made it appear to the satisfaction of the committee, that the goods he purchased were damaged in such a manner as not to be worth the first cost and charges: It is the opinion of this committee that the aforesaid sale is void, and that the said Jno. McDonnell be excused from paying the above sum.

Doctor Thomas Cobham, Messrs. Jno. McDonnel, Jno. Walker, jr., John Slingsby, Thomas Orr, Jno. Cruden, Wm. Mactier, and Wm. McLeod, merchants, Wm. Whitfield, planter, and Kenneth McKenzie, and Dougal McNight, Tailors, all of the Town of Wilmington, appeared before the committee, and having refused or declined, under various pretences, to sign the association of the Continental Congress;

Resolved and agreed, That we will have no trade, commerce, dealings, or intercourse whatsoever with the above mentioned persons or any others connected with them, or with any other person or persons who shall hereafter violate the said association, or refuse to subscribe hereto; but will hold them as unworthy of the rights of freemen and as inimical to the liberties of their country, and we recommend it to the people of this colony in particular, and to the Americans in general, to pursue the same conduct.

Resolved, That a copy of the above Resolve be given to Adam Boyd, to print in handbills, and distribute through this province.

The committee being informed that a vessel arrived in the River from Glasgow, with Bale Goods, desired the Chairman to write the following Letter to R'd Quince, Esq., Chairman of the Brunswick Committee:

Sir: From the Captain of a vessel from Hispaniola, just come to town, we learn that a snow has arrived from Glasgow, laden with Bale Goods, Bricks, Wines, &c.; you are sensible, Sir, that these Goods, agreeable to the Articles of Association, ought to be returned; and take this very early opportunity of putting you in mind that she is a subject of your attention, having committed a breach of said Association within your limits.

The names of the Captain and Vessel are not known, but supposed to be the snow *Relief*, Dougal McGregor Master. You will please communicate the procedure of your committee in this affair, I am, &c.

Signed,

CORNELIUS HARNET.

The Committee then adjourned till afternoon.

TUESDAY, 4 o'clock.

The Committee met according to adjournment.

Present: Cornelius Harnett, Chairman, Francis Clayton, Deputy Chairman.

Jno. Quince, Jno. Devane, Thos. Bloodworth, Timothy Bloodworth, Wm. Jones, W. T., Wm. Hooper, Jno. Ancrum, James Moore, F. Jones, Arch. McLaine, Wm. Jones, L. C.

Resolved, Unanimously, That as the measures which this Committee must be under an absolute necessity to adopt, in case any persons should mark themselves as objects of distinction, in opposition to the general American cause, must be greatly detrimental in their present operation and future consequence to them; We, therefore, in order to give full opportunity to those who have not yet subscribed their names as a testimony of their concurrence in the continental Association have thought fit to delay till Monday next carrying into execution those signal marks of contempt which the Continental Congress have thought fit to consign to those who are so far lost to public virtue, as to oppose the measures which that body proposed as a cement of allegiance to our sovereign, and as having a tendency to promote a Constitutional attachment to our Mother Country.

Resolved, unanimously, Also, that if any person who, upon application having been made to him, to sign the Association, has hitherto refused, if he shall make known that he has altered his Resolution, and shall be desirous to set his name to the said Association, he will find it in the hands of the Chairman, deputy Chairman or Secretary of this Committee, till Monday next, before or at which time he may apply and save the dangerous consequence that may ensue from a longer neglect.

Account of Money received by the Secretary for the Committee, to be disposed of agreeable to the Resolves.

	£	s.	d.
From Arch. Maclaine, Corn'l Harnett, Al. Lillington, Sam'l Swann, Samp. Mosely, Fred'k Jones, G. Moore, Wm. Jones Joel Parish, Jno Devane, Jno. Robeson, at 8s. each, for not attending the committee as sum'd	4	8	0
From Mr. Crowther, for sale of goods, on the 21st Feb'y, 1775	4	8	9
From Alexander Hostler, for do. 31st Dec. 1774	3	0	0
do John Slingsby for do. at sundry times	14	10	0
do Wm. McTier, for do. 31st Dec. 1774	2	0	0
do John Cruden, for do. 31st Dec. 1774		8	8
do Thos. Orr, for do. 31st Dec. 1774		15	0
do J. McDonnel, a gift to the Bostonians	3	0	0
	£32	10	0

Account of Money paid by order of the committee.

	£	s.	d.
To James Grant, Messenger to the Committee for his attendance, 10 days including to-day at 8s. per day-----		4	0 0
To Owen Kenan for Dickson in full for the balance due him by the committee appointed to receive donations for the Bostonians, for carrying expresses to the Northern counties-----		5	0 0
			<u>£9 0 0</u>

The committee adjourned to the next occasional meeting.

At a meeting of the Freeholders of Wilmington this day, Wm. Purviance, Esq., Messrs. R'd Player, James Blythe, And'w Ronaldson, Wm. Ewins and Henry Young, were unanimously chosen an addition to the Wilmington committee.

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

Proceedings of the Safety Committee in Pitt County.

MARTINBOROUGH, 10th March 1775.

The freeholders of the County appeared at the Court and elected John Simpson, Edward Salter, James Gorham, James Lanier & Wm. Robeson to act as Deputys to meet the next provincial convention.

The committee then met.

Present: John Simpson, Esq., Chairman, Jno. Hardee, James Gorham, Jno. Knowis, Junr, William Robeson, James Lanier, Robt Salter, James Latham, Ed^{wd} Salter.

The Resolves of the Committee of Craven County were exhibited. Read and approved of.

This Committee being informed that Amos Atkinson, Solomon Shepperd and Jno Tison had in many instances obstructed the contribution for the Relief of the Poor of Boston &c.,

Ordered that the Chairman address said gentlemen so as they may appear at the next meeting of the Committee and Justifie themselves in that particular.

Adjourned until 24th of this inst.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222]

Letter from Governor Martin to the Earl of Dartmouth.

NORTH CAROLINA, NEW BERN, March 10th 1775.

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's circular letter of the 10th day of December enclosing copies of his Majesty's most gracious Speech to both Houses of Parliament and their addresses thereupon at the opening of the present Session, and I hope with your Lordship that the firm resolution they discover in all the Branches of the Legislature to maintain its just necessary constitutional supreme authority over all part of the British Dominions will have in time all the good effects that your Lordship so reasonably expects, at the same time that I am extremely concerned to inform your Lordship that the seditious leaders of the People have as yet but too effectually prevented its operating to the extent I could wish. They have observed, I am told, upon the King's Speech, and addresses of Parliament, that they afford them no expectations of yielding on their parts but at the same time talk of resorting to violence instead of submission and continue to prompt the people to discontent by all the most false, base and scandalous suggestions, reports and insinuations that unprincipled men can invent, which are readily swallowed by the poor deluded people whose extreme ignorance and credulity exposes them to receive every imposition that the crafty and ill designing men practice upon them with unwearied pains and diligence. I enclose to your Lordship an Advertisement of a Committee in this Town that may serve as a specimen of their atrocious falsehoods which are reported to stimulate the people to revolt. It was published immediately after a proclamation of which your Lordship will receive a Copy herewith that I had issued by the advice of the Council, to obviate a summons to the People to choose delegates to be sent to a convention and seem calculated to counteract my design. It is supposed to be the composition of a Mr Nash, one of the Subscribers, who is an eminent lawyer but a most unprincipled character of this Country

Having by my last letter promised your Lordship to communicate my observations on the temper & disposition of the people of the several Colonies I passed through on my way hither from New York, I

will now beg leave to discharge myself of that duty in a few words. At the last mentioned place I thought I left among the mercantile and first order of people the best dispositions to Government. One of the counties and some of the Towns too, of that province had withstood and indeed renounced, all the measures of the Congress, and in my opinion there was only wanting a body of Troops there to confirm the good humour of the friends of Government and to restrain its opposers to reasonable bounds.

In Jersey the Sons of Liberty, as they style themselves, I found were more diligent and more prevailing, but still had proceeded no further than to preach sedition from the Pulpits. At Philadelphia and in Pennsylvania the Laws of the Congress seemed to be paramount, very few daring to whisper disapprobation of them except the gentle, peaceable Quakers whose moanings were scarcely to be heard in the general air of factious clamour.

At Annapolis a few of the first class of people adhered firmly to Government on general principles, contending for the most part however strongly against the Parliamentary Right of Taxation but the people in general there and throughout that Province I found wrought up to a high pitch of extravagance. I would willingly if I could reconcile it to my duty to his Majesty and the State pass over the misdeeds of Col^o Lee my old acquaintance and brother Officer whom I found at Annapolis but as I think his guilt extreme I cannot partake of it by concealing it. He was actually as I was well assured employed in disciplining or rather drilling a set of people to arms at that place and by the most extravagant discourse exciting contempt of the Troops and power of Great Britain and of every character and act related to Government sparing not the most sacred.

In Virginia I found the heads among the people still more violent and universal and the Committees appointed under the prescription of the Congress had proceeded in some places to the most arbitrary and unwarrantable exertions of power. The ferment there I perceive has in no sort abated as I think the advertisement of M^r Washington and others that your Lordship will find in a News Paper of that Colony enclosed plainly discovers.

I have now my Lord brought my observations home to North Carolina and I most heartily wish I could justly represent the temper of this people to be generally more conformable to their duty to Government and their Country's Welfare than I have found it. I

have already given your Lordship however the worst samples of the proceedings of Committees that have come to my knowledge (it is rumored that in the counties of Brunswick and New Hanover the people at the instigation of some of their Leaders have met and chosen field Officers for a Regiment and that M^r Robert Howe formerly Captain of Fort Johnston is training some people in the former County to arms, but I am very sure little danger is to be apprehended from him in a military character. On the other hand I have the satisfaction to find the people in the Western parts of this Province withstanding for the most part steadily all the efforts of the factions to seduce them from their duty, as a proof of which I send your Lordship copies of three addresses that have been lately presented to me. They will serve to discover to your Lordship the temper of the people on the present occasion better than any representation of mine and I am hopeful the originality and imperfection of the stile will not extenuate the merit of the sentiments, although I am persuaded the utmost charity cannot forbear a smile at them. I do assure your Lordship they are copied *verbatim* from the originals the orthography being only altered. I have every reason to flatter myself that the good Spirit they breathe is spreading and diffusing itself fast in the Western Counties which are by far the most populous part of the Province.)

As it appears to me My Lord that the Council and Assembly will never agree about the exceptions to be made in the Act of Grace to the late Insurgents here that by His Majesty's commands I have so often recommended to the Legislature, I wish to submit to his Majesty's Royal consideration the expediency of doing the intended Grace by his own Royal Power and authority. It does not appear to me necessary or expedient, I confess, to except any of them but Harman Husband, and as they have now for some years lived under the most fearful apprehensions, shewing uniformly the truest contrition for their past crimes and now actually stand foremost to declare their loyalty to his Majesty and attachment to his Government, compassion and charity strongly recommend them to Mercy, and good Policy in my humble opinion countenances if it does not dictate. Such a measure I am confident will be attended with the best effects at this season.

The Representatives in the Assembly for the County of Beaufort and the Magistrates thereof have been guilty of an enormity that is highly proper I should lay before your Lordship, as I think it

will be ground for a measure of very great consequence to Government here. The former have advised the people that they will indemnify them in forbearing to pay a Tax which the late Assembly monstrously resolved should be discontinued in the face of an express and positive Law as I have before represented to your Lordship. The Magistrates also conspiring to the same evil and lawless purpose admonished the Sheriff who is the Collector of Taxes here to forbear receiving or demanding the Tax alluded to and threatening him in case of his disobedience of their mandate never more to recommend him for the Sheriff's Office, which is held entirely by favour of the Magistrates as Members of the County Courts, they being empowered by a Law passed in the year 1768 to nominate three persons, of whom the Governor is obliged to appoint one, under which regulation by their juggles and corruption the Governor is compelled to appoint the candidate they favour so that in fact the absolute nomination of the Sheriffs is in those little prostitute judicatures and the power of the King's Governor in the case is perfectly nugatory to remedy this defection in policy. The Lords of Trade by their letter to Governor Tryon of the 12th of December, 1770, direct that it be recommended to the Assembly to amend that Law by a provision vesting the appointment of the Sheriff in the Governor, and declaring they should otherwise think it necessary to recommend it to His Majesty for his Royal disallowance. This Act, my Lord, is so great a favorite with the Assembly, which is composed of Justices of the Peace, that there is no hope of its ever consenting to the proposed alteration, and embarrassed as the deliberations of that body have ever been by faction since I came to this Country I have had no opportunity to propose it. If the Assembly, my Lord, at its meeting on the 27th of this month should not agree to establish an admissible plan of Courts for the administration of Justice, the present inadequate Courts by the limitation of the Laws that constitute them will be at an end and no Sheriff can be appointed for want of County Courts under the Law alluded to which it will be therefore expedient I conceive to propose for his Majesty's Royal disallowance, in which case Sheriffs may be appointed by the Governor to serve the process of Courts, which after another ineffectual experiment of the Assembly's disposition I apprehend it will become absolutely necessary to establish Courts by Virtue of the power vested in me by the Crown that can in my opinion be no longer withheld consistently with the Justice and dignity of Government.

Many applications having been made to me for Grants of Land by persons who served as Officers and Soldiers in the Provincial Troops during the last war [against the Regulators] under the belief that they were entitled thereto by his Majesty's Proclamation of the year 1763 and that the Council was doubtful as I am whether the Royal Proclamation extends to them or whether it applies only to Officers and Soldiers in his Majesty's regular forces, I am humbly to request that your Lordship will be pleased to favour me with the proper construction of it.

A certain Mr Henderson an Attorney of some eminence in this Province has lately executed a most extraordinary project for the particulars of which that I have heard I beg leave to refer your Lordship to the Copy of the Proclamation herewith enclosed. It is an enterprise that threatens the worst consequences in my opinion and the more as Henderson is industriously persuading the people that purchases from the Indians are good in law against the Crown as well as any other Claimant and I shall be glad to receive his Majesty's commands upon this point.

Your Lordship will receive herewith the letters of the King's Receiver and Surveyor General of this Province to me, on considering his Majesty's late Instructions relating to the disposal of the Crown Lands here that I communicated to them.

Not less than 700 Scotch People have been imported here within a few months, and not being able to obtain Lands as usual at a small expence by Grant from the Crown they will seat themselves upon the King's vacant Lands in spite of every effort to prevent them. Surely my Lord the Scotch Landlords are much wanting to their own interest if not humanity in expelling so many wretched people from their Country who were useful there and who will perish many of them here before they can learn to live.

Mr Simpson whose case with respect to a vessel detained at La Vera Cruz by the Spaniards: I long ago had the honor to state to your Lordship presses me continually for an answer to his complaints and I shall be happy if your Lordship will be pleased to furnish me with means to satisfy him.

I have the honor to be &c.

JO. MARTIN.

Address of sundry Inhabitants of the Counties of Rowan and Surry to Governor Martin.

Permit us on the behalf of ourselves and many others of his Majesty's most dutiful subjects within the Counties of Rowan and Surry to protest against any person or persons who may violate any of his Majesty's Laws or the Peace of this Government. We are truly invigorated with the warmest Zeal and Attachment to the British Constitution and Laws upon which our Lives and fortunes and the welfare of the Province now depend and we utterly protest against meetings of people against the peace thereof or anything which may give birth to sedition and insurrection. We cannot but express to your Excellency that we consider all such Associations at this Crisis of very dangerous fatality to your Excellency's good Government of this Province distress the internal welfare of this Country and mislead the unwary from the paths of their duty and we do assure your Excellency that we are determined with the assistance of God in our respective stations steadfastly to continue his Majesty's loyal subjects and to contribute all in our power for the preservation of the public peace and that we shall endeavour to cultivate such sentiments in all those under our care and warm their breasts with true zeal for his Majesty and affection for his Illustrious Family. May the Almighty God direct his Council his Parliament and all those under him that their endeavours may be for the advancement of piety and the safety, honor and welfare of our Sovereign and his Kingdom that the malice of his enemies may be asswaged, their wild designs confounded and defeated, so that the whole world may see his sacred person and Country are the special objects of Divine dispensation and Providence.

[Signed by Samuel Bryan and 194 others.]

Address of Sundry Inhabitants of the County of Guilford to Governor Martin.

We his Majesty's most loyal subjects of the County of Guilford and Province of North Carolina beg leave to assure your Excellency that we hold an open detestation to all illegal and unwarrantable proceedings against his Majesty's Crown and Dignity, and as there is a general dispute between his Majesty and the Colonies of America past our knowledge to determine what the event may be, We therefore hold a firm attachment to his Majesty King George the third,

his Crown and Dignity, We being before an unhappy people, lying under the reflection of the late unhappy insurrection, We therefore have taken this opportunity to shew forth our loyalty to his Majesty and his lawful commands and for further confirmation have hereto subscribed our names as maintaining our Rights under a legal authority.

[Signed by John Fields and 116 others.]

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Address of the Inhabitants of Anson County to Governor Martin.

TO HIS EXCELLENCY, JOSIAH MARTIN ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

Most Excellent Governor:

Permit us, in behalf of ourselves, and many others of His Majesty's most dutiful and loyal subjects within the County of Anson, to take the earliest opportunity of addressing your Excellency, and expressing our abomination of the many outrageous attempts now forming on this side the Atlantick, against the peace and tranquility of His Majesty's Dominions in North America, and to witness to your Excellency, by this our Protest, a disapprobation and abhorrence of the many lawless combinations and unwarrantable practices actually carrying on by a gross tribe of infatuated anti-Monarchists in the several Colonies in these Dominions; the baneful consequence of whose audacious contrivance can, in fine, only tend to extirpate the fundamental principles of all Government, and illegally to shake off their obedience to, and dependance upon, the imperial Crown and Parliament of Great Britain; the infection of whose pernicious example being already extended to this particular County, of which we now bear the fullest testimony.

It is with the deepest concern (though with infinite indignation) that we see in all public places and papers disagreeable votes, speeches and resolutions, said to be entered into by our sister Colonies, in the highest contempt and derogation of the superintending power of the legislative authority of Great Britain. And we further, with sorrow, behold their wanton endeavors to vilify and arraign the honour and integrity of His Majesty's most honourable Ministry and Council, tending to sow the seeds of discord and sedition, in open violation of their duty and allegiance.

We are truly invigorated with the warmest zeal and attachment in favour of the British Parliament, Constitution and Laws, which our forefathers gloriously struggled to establish, and which are now become the noblest birthright and inheritance of all Britannia's Sons.

We should be criminally wanting in respect and gratitude to the names of those ancestors, and ill deserve the protection of that Superiour Parliamentary power, could we tamely suffer its authority to be so basely controverted and derided, without offering our protest to your Excellency against such ignominious disobedience and reproach; for we consider that, under Divine Providence, it is solely upon the wisdom and virtue of that superior legislative might that the safety of our lives and fortunes, and the honour and welfare of this country, do most principally depend.

Give us leave, therefore, Sir, to express our utter detestation and abhorrence of the late unjustifiable violation of publick commercial credit in the Massachusetts Government.

We protest against it with the utmost disdain, as the wicked experiment of a most profligate and abandoned Republican faction, whereby the general repose and tranquility of His Majesty's good subjects on this Continent are very much endangered and impaired. We think it indispensibly necessary, and our duty at this alarming crisis, to offer this memorial and protest to your Excellency, against all such enthusiastick transgressions, (more especially the late ones committed by the common cause Deputies within this Province,) to the intent that it may be delivered down to posterity, that our hands were washed pure and clear of any cruel consequences, lest the woful calamities of a distracted country should give birth to sedition and insurrection, from the licentiousness of a concert prone to rebellion.

And we cannot omit expressing further to your Excellency, that we consider all such associations at this period of a very dangerous fatality against your Excellency's good Government of this Province, being calculated to distress the internal welfare of this Country, to mislead the unwary ignorant from the paths of their duty, and to entail destruction upon us, and wretchedness upon our posterity.

We do, most excellent Governor, with all obedience and humility, profess and acknowledge, in our consciences, that a law of the high Court of Parliament of Great Britain is an exercise of the highest authority that His Majesty's subjects can acknowledge upon earth,

and that we do believe it hath legal power to bind every subject in that land, and the dominions thereunto belonging. And we do, moreover, with all duty and gratitude, acknowledge and reverence in the utmost latitude an Act of Parliament made in the sixth year of the reign of his present most sacred Majesty, entitled "An Act for the better securing the dependance of His Majesty's Dominions in America, on the Crown and Parliament of Great Britain.

And we do further beg leave to express our detestation of the many scandalous and ignorant deliberations on the power of that Parliament in the control of His Majesty's Provincial Charters. For could the doctrine of such unruly propositions possibly exist, or should their insolent attempt unhappily prevail, it must at once extinguish those Laws and that Constitution which are the glory of the British Empire and the envy of all Nations around it.

We are truly sensible that those invaluable blessings which we have hitherto enjoyed under His Majesty's auspicious Government, can only be secured to us by the stability of his Throne, supported and defended by the British Parliament, the only grand bulwark and guardian of our civil and religious liberties.

Duty and affection oblige us further to express our grateful acknowledgements for the inestimable blessings flowing from such a Constitution. And we do assure your Excellency that we are determined, by the assistance of Almighty God, in our respective stations, steadfastly to continue His Majesty's loyal Subjects, and to contribute all in our power for the preservation of the publick peace; so, that, by our unanimous example, we hope to discourage the desperate endeavours of a deluded multitude, and to see a misled people turn again from their atrocious offences to a proper exercise of their obedience and duty.

And we do furthermore assure your Excellency, that we shall endeavor to cultivate such sentiments in all those under our care, and to warm their breasts with a true zeal for His Majesty, and affection for his illustrious family. And may the Almighty God be pleased to direct his Councils, his Parliament, and all those in authority under him, that their endeavors may be for the advancement of piety, and the safety, honour and welfare of our Sovereign and his Kingdoms, that the malice of his enemies may be assuaged, and their evil designs confounded and defeated; so that all the world may be convinced that his sacred person, his Royal family, his Par-

liament, and our Country, are the special objects of Divine dispensation and Providence.

[Signed by two hundred and twenty-seven of the Inhabitants of the county of Anson.]

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

Letter from Andrew Miller to Thomas Burke.

HALIFAX March 11, 1775.

DEAR SIR,

I have paid your order in favour of M^r Web ——— I have no thoughts of going to Newbern, for I fancy a person in my predicament, would not be an agreeable companion in a meeting of Delegates — and I have no hopes of the Gov^{rs} doing anything with the Assembly, untill the present disturbances are Settled, — which I'me afraid will not be very soon, without the people would disown the Congress, as the Yorkers have done, and Petition through their Assembly, which proceeding I have no doubt would procure them Redress of their Grievances, and establish peace once more in this unhappy Country. ——— Jn^o M^cLellan wrote me that these Suits brought in the name of Alston Young & Co. were for debts due M^r Alston at the Granvil Store, which M^r Alston owns he had left with J. M^o to give M^r Kinchen — however he will now give up the Collection to B: Bogle, who I doubt not will obey orders. ——— The Gov^r is now very unwell, which fancy is in a great mesuré occasioned by the present plan of Politicks in this Country, ——— Co^l Fanning is now here, and will soon be with you at Hillsborough, when he will Communicate the Politicks of the Northern Colonies. ——— The Committee of Nansmond have had their Chairman Co^l Riddick before them as a Culprit, but could not prove their charge. — Parson Agnew on a Refusal to appear is advertised as a Violator, as M^r Donaldson who is one of this Committee has been before them for hiring a Flatt of the Parsons, which he was obliged to discharge. — The complaint against the Parson is that he had preached up Obedience to the King and the Laws of the Country, and admonished his Congregation against Riots, &c. &c. Co^l Riddick it seems is not very warm in the cause.

With compliments to M^{rs} Burke I am

Dear Sir Your Hum Serv^t

AND^w MILLER.

[REPRINTED FROM AMERICAN ARCHIVES. VOL. 2. PAGE 118.]

Extract of a letter from London, to a Gentleman in Philadelphia.

MARCH 11th 1775.

You have herewith enclosed some of the late English papers, and a peculiar fiery piece called the Crisis, wrote professedly in favour of Liberty and America, and which, from its freedom, has suffered Martyrdom at Westminster and the Exchange, by order of a prostituted Parliament.

The plan of this accursed Ministry is, to divide and govern, in hopes of completing their principle of Slavery, by the base advantages and preferences now held out to New York, North Carolina, and Georgia. Surely Americans must see through the flimsy texture, and nobly spurn at the offer! I cannot suffer myself to believe that these Provinces will desert the cause of liberty, by accepting the ignoble Commerce offered to them by this abhorred Parliament. But should it be the unhappy case, which God forbid, why then, let all the rest of America unite in a firm determination never to trade or have any connection with them again. With what contempt ought the base majority of the New York Assembly to be held! Have they not been honoured with that disapprobation, to wit: Tarring and Feathering? It ought to be administered as a deterrent to others. For if that defection had not happened, we had the utmost reason to expect other measures would have been adopted than these villainous Acts passed and passing. But for the satisfaction of my countrymen, let me assure them that if they will but steadily abide by the Resolutions of the Congress, this hateful Ministry must retire; and then, under the auspices of the Wide-expanded Soul of Chatham, his noble Conciliatory plan of a union must be adopted, and that, in spite of open enemies, or the more concealed and dangerous ones lurking under the specious title of moderation, we shall be free forever.

It gives every friend to American liberty the greatest satisfaction to find Doctor Franklin will return by the April Packet; for his long acquaintance with the machinations of this infamous Administration will enable him to spirit up the luke warm, and confirm the Patriot, as well in the Congress as throughout America.

Once more, let the Americans be united, and they shall obtain the glorious prize; but if they divide, they are irretrievably ruined.

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

Proceedings of the Safety Committee at Wilmington.

MONDAY, 13th March, 1775.

At an occasional meeting of the Committee.

Present: Corn'l Harnett, Chairman, Fran's Clayton, Deputy Chairman, Arch'd McLaine, Rob. Hogg, Jno. Quince, W^m Purviance, Jas. Walker, R^d Player, James Blythe, W^m Ewins, And^w Ronaldson, Jno. Ancrum and Jno. Ashe.

Since the resolve passed the 6th of this inst. to make public the names of the persons who refused to sign the Continental Association, the underwritten persons who have refused, have subscribed their names within the time limited, John Cruden, Thos. Orr, W^m McLeod, John Slingsby, W^m Whitfield, Thos. Cobham, John Walker Jr, M^cMactier.

Rec^d this day from M^r Harnett his subscription to the Committee for purchasing gunpowder, £25.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 223.]

Letter from Governor Martin to General Gage.

N^o CAROLINA, NEW BERN, March 16th 1775.

SIR,

I should have paid my respects to your Excellency oftner since your return to your command in America if I had not been restrained by the consideration of your having your hands too full of employment to admit of complimentary intrusions.

The state of this Province has been till lately so perfectly like that of the neighboring Colonies that I have had nothing material to communicate to your Excellency in relation to it, and in your present circumstances I thought it unavailing to detail to you the growth and progress of sedition and revolt in this Country, that hath been in no sort particular, while I was assured your Excellency could afford me no effectual remedy against the present Spirit of Licentiousness.

The case Sir is now altered; the people in some parts of this Country begin to open their eyes and to see through the artifices and

delusions by which they have been misled, and they discover good dispositions to renounce the power and authority of the committees that have been appointed by the recommendation of the Congress which have proceeded in some instances to arbitrary and intolerable exertions of power, and they appear inclined to disengage themselves entirely from the bondage which those little combinations seem to be preparing for them. Many of the Inhabitants in several Counties of this Province have already by their addresses to me disclaimed all obedience to those illegal tribunals and expressed in the strongest terms the most loyal and dutiful attachment to his Majesty and the firmest resolution to maintain and defend the Constitution and Laws of their country. I have given every encouragement in my power to these good presages and I have no doubt that the people in the Western Counties of this Province, which are by far the most populous, will generally unite in support of Government in this case, and with the aid of a considerable Body of Highlanders in the midland counties who have already given me the best proofs of their attachment to Government and in whose zeal and steadfast loyalty I can safely confide if your Excellency shall assist me with two or three Stands of arms and good store of ammunition, of which last we are totally destitute, I will be answerable to maintain the Sovereignty of this County to his Majesty if the present spirit of resistance which runs high in Virginia and has infected many parts of this Colony should urge matters to the extremity that the People of New England seem to be meditating if any credit may be given to the insulting Gasconading of their abetors among us.

As the movements of this part of the continent will be governed by the impulses of the people of New England your Excellency by your observation of them will be a judge of the proper season to strengthen the hands of the friends to Government here with the aids I have mentioned.

I am told it has been moved in one of the Committees to attack Fort Johnston, but the motion was overruled and I believe they will think of it often before they execute such a design. If contrary to my expectation however an attempt of this sort is made, it will be to be lamented that the Fort is totally unprovided with powder but I am sure under every circumstance I may expect the most resolute defence of it from the Gallantry of Captain Collet — to whom I wish your Excellency may think it expedient to send a supply of powder.

M^{rs} Martin desires to join me in best Compliments to your Excellency and to M^{rs} Gage and your Family.

I have the honor to be &c.,

JO. MARTIN.

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

COUNCIL JOURNALS.

At a Council held at New Bern 17th March, 1775.

Present.

His Excellency the Governor.

The Honble { James Hasell and
 Martin Howard Samuel Cornell } Esquires.

Ordered that William Jones' name be inserted in the Commission of the Peace for the County of Craven in the room of Jacob Blount resigned.

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

Proceedings of the Safety Committee at Wilmington.

MONDAY, March 20th, 1775.

Present, Cornelius Harnett, Chairman.

James Moore, Samuel Ashe, Samuel Swann, Robt. Hogg, James Walker, W^m Hooper, And^w Ronaldson, Jno. Hollingsworth, Frederick Jones, John Ancrum, Samuel Marshall, Arch. McLaine.

Resolved, That the Importers of negroes since the 1st of December last, be called upon at the next General meeting of this Committee on the 20th of April next, to produce Bills of Loading, or other sufficient proof to the Committee, that they have reshipped the said negroes agreeable to the resolve of the General Congress as directed by this Committee.

Paid for paper 2s. 8d.

The Committee then adjourned to the next occasional meeting.

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

COUNCIL JOURNALS.

At a Council held at New Bern 21st March 1775.

Present

His Excellency the Governor.

The Honble { James Hasell and
Martin Howard Samuel Cornell } Esquires.

Ordered that a Commission of the Peace do forthwith issue for the County of Chatham directed to Elisha Chajn J^r, Nathan Harper, Mathew Jones, Ambrose Ramsey, John Pile Sen^r, Mathew Drake,^s John Thompson, Balaam Thompson, Michael Scurlock, Alexander Clark, Samuel Stewart and Joshua Rosser, Esquires.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

A Proclamation by Governor Dunmore, of Virginia.

Whereas, His Majesty did at the request of the Assembly of this Colony permit the Western Boundary whereof to be extended as the same has been run and ascertained by Colonel Donelson and other Surveyors, deputed for that purpose,

And whereas, His Majesty hath for the greater conveniency of, and the preventing of litigation and disputes among such persons as shall be inclined to settle upon any of his Vacant Lands,

Ordered that all that Tract of Land included within the aforesaid Boundary, and all other Vacant Lands within this Colony be surveyed in Districts, and laid out in Lots from one hundred to one Thousand Acres, and as fast as the said Surveys shall be completed by the Surveyors duly authorized, and the Surveys thereof returned that the lands so surveyed and allotted be put up to public sale at such time and place as shall be appointed by public notice, and that the highest bidder for such Lots and parcels of Land, at such Sales be the purchaser thereof, and be entitled to a Grant in fee simple of the Land so purchased as aforesaid by Letters patent under the Great Seal of the Colony, subject to no condition or reservations whatever, other than the payment of the Annual Quit Rent of one half penny

sterling per acre, and also of all mines of silver and gold and precious stones.

And whereas, advice has been received that one Richard Henderson and other disorderly persons, his associates, under pretence of a purchase made from the Indians, contrary to the aforesaid orders and regulations of His Majesty, do set up a Claim to the Lands of the Crown within the limits of this Colony, I have thought fit therefore to issue this my Proclamation, strictly charging all Justices of the Peace, Sheriffs and other officers, civil and military, to use their utmost endeavours to prevent the unwarrantable and illegal designs of the said Henderson and his abettors, and if the said Henderson or others concerned with him shall take possession of or occupy any Lands within the Limits of His Majesty's Government of Virginia, merely under any purchase or pretended purchase made from Indians, without any other Title, that he or they be required in His Majesty's name forthwith to depart and relinquish the possession so unjustly obtained, and in case of refusal and of violent detaining such possession, that he or they be immediately fined and imprisoned in the manner the Laws in such cases direct.

Given under my hand and the Seal of the Colony this 21st day of March, in the 15th year of His Majesty's Reign.

DUNMORE.

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

Proceedings of the Safety Committee at Wilmington.

TUESDAY 24th March 1775.

At an Occasional meeting of the Committee.

Present, Robert Hogg, James Walker, Jno. Robeson, W^m Ewins, Jno. Anerum, W^m Purviance, Timothy Bloodsworth, A. Ronaldson, James Blythe, Tho^s Devane.

Messrs. George and Tho^s Hooper reported sundry dry goods of the *Peggy*, Graham, Commander, from Leith, shipped to their address which they desire the Committee to take into consideration, and direct what should be done with the dry goods.

Ordered, That the said Goods be not landed, but sent back to Great Britain, as directed by the 10th Article of the General Association, and Mr. John Robeson is desired (as a member of this Committee) to go on board the said vessel, and take an account of the

goods on board, with their marks and numbers, and on her being ready to sail for Great Britain to examine the said goods with his account before taken.

Captain Oldfield reported two negroes shipped to his address of the Schooner *Bedford*, Capt: Benny, which were ordered to be reshipped, and was complied with by Capt: Oldfield.

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

Proceedings of the Safety Committee in Pitt County.

MARTINBOROUGH 24th March 1775.

The Committee then met.

Present, Jno. Simpson, Chairman, Jno. Hardee, William Robeson, Jas. Lockheart, Jas. Armstrong, David Perkins, Robt. Salter, James Lanier, George Evans.

The Committee adjourned till 20th April.

[B. P. R. O. No. CAROLINA. B. T. VOL. 19.]

A List of His Majesty's Council for the Province of North Carolina.

George Mercer, Lieut^t Gov^r, absent in England.

James Hasell

John Rutherford

Lewis Henry DeRosset

Alexander McCulloch

John Sampson

William Dry

Robert Palmer, absent in England since June 1771, supposed to be with the King's leave.

Samuel Strudwick

Martin Howard

Samuel Cornell

Sir Nathaniel Dukenfield Bart, Absent in England supposed to have resigned.

Marmaduke Jones, resigned.

Thomas McGwire has received his Mandamus but not yet qualified.

JO. MARTIN, Governor.

[B. P. R. O. NO. CAR. B. T. VOL. 19.]

Letter from Governor Martin to the Board of Trade.

N^o CAROLINA, NEW BERN, March 24th, 1775.

MY LORD,

Pursuant to directions I have received from the Earl of Dartmouth, one of His Majesty's Principal Secretaries of State, to transmit to your Lordships every three months, a state of His Majesty's Council of this Province, I have now the honor herewith to enclose to your Lordships an Account of the present state thereof, and I shall not fail to pay the most exact attention for the future to my orders on this head.

Mr Marmaduke Jones has formally signified to me by letter, his resignation of his seat at the Council of this Province, and it is to be presumed that Sir Nathaniel Dukenfield also relinquishes his Seat, as he has entered into His Majesty's Army since he went to England, and written to his friends here that he had no thought of returning to this Country.

Mr M^cGwire, His Majesty's Attorney General of this Province, whom I had the honor to recommend to your Lordships through the Earl of Dartmouth to succeed one of the first vacant Seats in the Council, has received a Mandamus, and I presume he will qualify and take his seat at the next meeting of the Board. Mr Willie Jones, another gentleman recommended to your Lordships at the same time, for a seat in Council, I understand declines the honor intended him, and he has indeed taken so extraordinary a part in the present distempered times, that I conceive he is of very unfit principles for such a Station. I would therefore beg leave to recommend to your Lordships Hugh Finlay Esq^r, one of His Majesty's Deputy Post Masters General to succeed to the vacancy of Sir Nathaniel Dukenfield, and as His Majesty's Instructions to me require that I should name three persons in every case of a vacancy in the Council, I would beg leave to join in nomination with Mr Finlay, Robert Munford and Thomas M^cKnight Esquires, who are Gentlemen of Fortune and good Characters in this Province.

I have the honor to be &c.

JO. MARTIN.

[B. P. R. O. AM. & W. IND. VOL. 279.]

Letter from John Stuart Indian Agent &c to Lord Dartmouth.

CHARLES TOWN S^c CAROLINA
28th March 1775.

MY LORD,

* * * * *

I beg leave to submit to your Lordship, Copies of letters from M^r Cameron, containing an account of the proceedings of a M^r Henderson from North Carolina, and I have received a letter from Governor Martin of North Carolina upon the same subject, acquainting me that he has issued a Proclamation for apprehending the said Henderson and his associates. In my last I submitted to you the danger which in my opinion will probably attend this abuse if not put a stop to.

* * * * *

I am &c.

JOHN STUART.

[REPRINTED FROM AMERICAN ARCHIVES, VOL. 2, P. 242.]

Extract of a Letter from a Gentleman in London, to his friend in North Carolina, dated March 29th, 1775.

The gloomy aspect of your Country, and America in General, mentioned in your last, is truly alarming. I feel for Mr ----- and wish he would make this his retreat. Let me advise you to leave your uncertain situation, and bring your family over. If you object to this, pray sell your slave-estate at any rate. This early hint will give you an opportunity of doing this to advantage. Last week a friend wished me joy on having the good fortune to sell my slaves and American estate; for, says he, "I was lately whispered by the Minister, that all slaves on the Continent would be seized as forfeited by the Provinces, and sold in the French and Spanish Islands, the profits arising to reimburse the great expense of Ships, Troops, &c sent to America." This will tend to the great disappointment of our West India Planters, who will expect to stock the sugar-works from the Continent. Your lands must be cultivated by the poor, as in these Kingdoms.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 222.]

Letter from Governor Martin to the Earl of Dartmouth.

N^o CAROLINA, NEW BERN, March 23^d, 1775.

MY LORD,

The hostile preparations and Gasconadings of the People of New England of which we receive daily accounts and the dispositions that the Virginians discover to adopt their plans of resistance have made me consider it my duty to take the best measures in my power to support his Majesty's Government in this Province to which the contagion of their ill example has already reached. To this End My Lord I have written a letter to Governor Gage Commander in Chief of his Majesty's Forces on this Continent of which your Lordship will receive a Copy herewith enclosed requesting eventually an aid of arms and ammunition which, distributed in the hands of the King's loyal subjects here whom I should be able to draw forth in case of an emergency, among which is a body of Highlanders whose principles have given me the fullest assurance of their loyalty and attachment to his Majesty and on which I am persuaded I could firmly rely, I trust would give me sufficient strength to maintain the Sovereignty of this Country to the King if matters should be urged to the extremity that the undutifull and disaffected seem to threaten. In case of need My Lord I have no doubt that I could form a very usefull and serviceable Corps out of the Highlanders in this Country; and when his Majesty shall think proper I will engage to raise a Battalion of them that would do credit to the service; In consideration of which I should humbly hope his Majesty would be graciously pleased to restore me to the Rank I held in the Army in the year 1769, when I was obliged on account of my ill health to leave the service and to which I have ever felt the strongest inclination to return when it shall be consistent with the duty of my Civil Employment as in the present times I humbly conceive it will appear to be.

I shall be heartily glad to find my Lord that the modifications of the Proceedings by attachment allowed to be adopted here by your Lordship's letter N^o 10, remove the ostensible obstruction to the passing of admissible Court Laws in the Assembly. I confess I am not without apprehensions that the latitude his Majesty has been graciously pleased to grant with regard to enacting the modes of pro-

ceedings of other Colonies against Persons resident in Virginia and S^c Carolina will prove a new source of discontent instead of being received as an indulgence, for I fear it will be thought hard to be restricted here in the use of attachments to Debtors in those adjoining Colonies while the Inhabitants of other Provinces are at liberty to employ that process against Debtors in all parts of his Majesty's Dominions.

I have the honor to transmit to your Lordship herewith the form of a Bill for the effectual Collection of his Majesty's and Earl Granville's Revenue of Quit Rents to which I have made some additions that I think material with regard to the duty of County Registers &c. Since I transmitted the former plan to your Lordship, I have received many complaints from persons holding Lands immediately under his Majesty's Grants in this Province or by Titles derived therefrom that they have been obliged to take out New Grants for the same Lands in S^c Carolina since by the late line of Boundary established by his Majesty's Royal Instructions between this and that Colony such Lands have been comprehended within the limits of the last named Province and as such proceeding does not seem to be warranted by law and that the Grantees have furnished me with a printed advertisement in support of their assertion I think it my duty to transmit it to your Lordship as the best evidence I can furnish on the occasion.

In spite of all the measures taken by the Superintendant of Indian Affairs the White people are continually obtaining from the Indians Cessions and Leases of the Lands they hold and under these pretences the Settlements are extended far beyond the present established Boundaries between this Province and the Indians I submit to your Lordship's consideration the expediency of his Majesty's making further purchases of the Indian Lands. There prevails an opinion I find which is industriously cultivated by Henderson the famous invader I mentioned in my last letter to your Lordship that people may take up lands of the Indians by lease although they cannot purchase of them without militating against the King's Proclamation of the 7th of October 1763. and accordingly I understand his bargain with the Cherokee Indians that at first I understood to be a purchase is now reported to be a Lease for 999 years of a tract of Country four hundred miles square to which I am informed many of the wretched and desperate people of this Province talk of resorting upon the invitation given out by Henderson whose doc-

trine is clearly in my opinion contrary to the express words as well as to the meaning and design of the Royal Proclamation referred to — Now I am upon this subject I wish to be favored with your Lordship's construction of the latitude given to Proprietaries by that Proclamation, and whether conformable thereto Lord Granville is at Liberty to extend the possession of his Grant by purchase from the Indians beyond the present limits of this Province without the previous consent of his Majesty by whose Royal Authority the Boundary between his Lordship as well as the King's district of this Province and the Indians was established. My reason for requesting your Lordship's Instruction touching my power over officers of the customs here was that your Lordship in your letter N° 1 seeming to doubt of its extending to suspension in the case of M^r Malcolm mentioned your intention of consulting with Lord North about it and gave me hopes of receiving the King's commands in consequence thereof with regard to Officers in that department of his Majesty's service over whom I humbly conceive it may be necessary to establish some immediate check than the Board of Customs in America whose remote situation prevents its interposing so suddenly in these distant Provinces as the public interests may require.

I have carefully dispersed the two packets of Pamphlets that I have received from your Lordship's Office and I am hopeful they will produce good effects. There is a Printer of the name of Rivington in New York whose merit is really signal in the present times, he having in spite of all the menaces and intimidations that have been practiced upon him published at the expence of much of his custom many good and spirited pieces in defence of Government that I am persuaded have answered the best purposes from the indefatigable pains that have been taken by the Sons of Liberty in the several Colonies to deprecate them and to prevent their circulation.

I have the honor to be &c

JO. MARTIN.

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

COUNCIL JOURNALS.

At a Council held at New Bern 2^d April 1775.

Present

His Excellency the Governor

The Hon ^{ble}	{	James Hasell	Samuel Strudwick	}	Esquires
		John Rutherford	Martin Howard		
		Lewis H. DeRosset	and		
		Alex. McCulloch	Samuel Cornell		

His Excellency acquainted the Board that he had received His Majesty's commands to use his utmost endeavours to prevent the appointment of Deputies from this Colony to attend another Congress intended to be held at Philadelphia in the month of May, next, and as a Convention is appointed by Advertisement to meet tomorrow in New Bern for the choice of such delegates His Excellency desires the advice of the Council what measures were proper to be taken to prevent the meeting of such unlawful Assembly. The Board were unanimously of the opinion that His Excellency had no other means than to issue a Proclamation to forbid the holding of the proposed Convention, and to declare that such proceedings would be highly offensive to His Majesty, upon which His Excellency issued the following

Proclamation.

Whereas I have received information that in consequence of an Advertisement signed John Harvey Moderator, some time since published and dispersed through the Province, sundry persons have been elected by a small number of Freeholders in the several Counties to meet in Convention in the Town of New Berne on this day for the choice of Deputies to represent this Colony in a Congress intended to be held at the City of Philadelphia in the month of May, next; And Whereas, the meeting of such Convention and the declared purpose thereof will be highly offensive to the King and dishonourable to the General Assembly of this Province, which is appointed to sit at this time for the dispatch of public business; I have therefore thought fit, with the advice of His Majesty's Council to issue this Proclamation hereby in the King's name to forbid the

holding of the said Convention, and I do exhort all His Majesty's subjects on their allegiance and on pain of incurring His Majesty's High displeasure, to withdraw themselves from the same, and to desist from all such illegal, unwarrantable and dangerous proceedings.

Given &c, the 5^d of April 1775.

JO. MARTIN.

God save the King.

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

THE JOURNAL OF THE PROCEEDINGS OF THE SECOND
PROVINCIAL CONVENTION OF NORTH CARO-
LINA, HELD AT NEWBERN ON THE
THIRD DAY OF APRIL, A. D., 1775.

NORTH CAROLINA—SS.

At a General Meeting of the Delegates of the Inhabitants of this Province, in Convention at Newbern, the third day of April, in the year 1775.

For Anson County—

Beaufort—Roger Ormond, Thomas Respass, jr.

Bladen—William Salter, James White.

Bute—William Person, Green Hill, James Ransom, Thomas Eaton.

Brunswick—John Rowan, Robert Howe.

Bertie—John Campbell, David Standley, John Johnston.

Craven—James Coor, Lemuel Hatch, Jacob Blount, William Bryan, Richard Cogdell, Joseph Leech.

Carteret—William Thomson, Solomon Sheppard.

Currituck—Thomas Macknight, Francis Williamson, Samuel Jarvis, Solomon Perkins, Nathan Joyner.

Chowan—Samuel Johnston, Thomas Oldham, Thomas Jones, Thomas Benbury, Thomas Hunter.

Cumberland—Thomas Rutherford, Farquard Campbell.

Chatham—

Dobbs—Richard Caswell, William McKinnie, Simon Bright, jr., George Miller.

Duplin—Thomas Grey, Thomas Hicks.

Edgecombe—

Granville — Thomas Person, John Paine, Robert Montfort, Robert Williams, Memucan Hunt.

Guilford — Alexander Martin.

Hyde —

Hertford — George Wynns, Joseph Worth.

Halifax — Willie Jones, Benjamin McCulloch, Nicholas Long.

Johnston —

Mecklenburg —

Martin —

New Hanover — William Hooper, John Ashe.

Northampton — Allen Jones, Jephtha Atherton.

Orange — Thomas Hart, Thomas Burke, John Kinchen, Francis Nash.

Onslow — Edward Starkey, Henry Rhodes, William Cray.

Perquimans — John Harvey, Benjamin Harvey, Andrew Knox, Thomas Harvey, John Whedbee jr.

Pasquotank — Jonathan Hewing, Edward Everigin, Isaac Gregory, Joseph Jones, Joseph Reading.

Pitt — John Simpson, Edward Salter, James Gorham, James Lanier, William Robeson.

Rowan — Griffith Rutherford, William Sharp, W^m Kennon.

Surry —

Tryon —

Tyrrel — Joseph Spruill, Benjamin Spruill, Jeremiah Frazer.

Wake — John Hinton, Michael Rogers, Tignal Jones.

Newbern — Abner Nash, James Davis.

Edenton — Joseph Hewes.

Wilmington — Cornelius Harnett.

Bath — William Brown.

Halifax — Joseph Montfort, John Webb.

Hillsborough —

Salisbury —

Brunswick — Parker Quince.

Campbellton — Robert Rowan.

The respective Counties, and Towns, having Certified, that the preceeding persons were duly elected Delegates, to represent the said Counties and towns, in the General Convention to be held at Newbern, the third day of April, Instant,

Pursuant to which the following Persons appeared, to wit,

Messrs Roger Ormond, James White, Thomas Eaton, James

Coor, Richard Cogdell, Solomon Sheppard, Thomas Respass, William Person, John Campbell, Lemuel Hatch, Joseph Leech, Thomas Macknight, William Salter, Green Hill, John Johnston, Jacob Blount, William Thomson, Samuel Jarvis, Solomon Perkins, Thomas Oldham, Thomas Hunter, Ferquard Campbell, James Lanier, Memucan Hunt, Nicholas Long, Allen Jones, Francis Nash, William Cray, Isaac Gregory, William Sharp, Abner Nash, William Brown, James Gorham, Nathan Joyner, Thomas Jones, Joseph Hewes, Richard Caswell, John Paine, Willie Jones, William Hooper, Jephtha Atherton, Edward Starkey, John Harvey, Joseph Jones, Jeremiah Fraser, James Davis, John Simpson, Samuel Johnston, Thomas Benbury, Thomas Rutherford, Thomas Person, Thomas Hicks, Benjamin McCulloch, John Ashe, Thomas Burke, Henry Rhodes, Andrew Knox, Griffith Rutherford, John Hinton, Cornelius Harnett, Edward Salter.

The Delegates then proceeded to make choice of a Moderator, when Col^o John Harvey was unanimously chosen, and Mr Andrew Knox appointed Clerk.

Resolved, That the Moderator adjourn the Convention, *de die in diem*, untill the Business is finished.

The Convention is adjourned, till tomorrow morning 9 o'clock.

Tuesday April 4th 1775.

The Convention met according to adjournment.

Mr John Webb, Delegate for the town of Halifax, Mr William Bryan, one of the Delegates for Craven County, Mr George Wynn, one of the Delegates, for Hertford County and Mr Alexander Martin a Delegate for Guilford County, appeared, and took their seats in Convention.

The Convention adjourned till tomorrow morning 9 o'clock.

Wednesday, April 5th 1775.

The Convention met according to adjournment.

Mr Jonathan Hearing, one of the Delegates for Pasquotank County, and Mr David Standley, one of the Delegates for Bertie County, appeared and took their seats in the Convention.

The Association entered into by the General Congress at Philadelphia, on the 20th day of October, in the Year of our Lord 1774, and signed by the members thereof, was presented to this Conven-

tion by Col^o Richard Caswell, and on motion was ordered to be read, and was accordingly read.

Resolved, That this Convention do highly approve of the said association, and do for themselves, firmly agree to ad hereto the said association, and recommend it to their Constituents that they likewise adhere firmly to the same. In full approbation and testimony whereof, the members of this Convention subscribed their names.

John Harvey	Thomas Respass, Jr	William Salter
James White	William Person	Thomas Eaton
John Campbell	John Johnston	James Coor
Lemuel Hatch	Jacob Blount	Richard Cogdell
Joseph Leech	William Bryant	William Thomson
Solomon Sheppard	Samuel Jarvis	Solomon Perkins
Nathan Joyner	Samuel Johnston	Thomas Oldham
Thomas Jones	Thomas Benbury	Thomas Hunter
Farquard Campbell	Richard Caswell	Thomas Person
Thomas Hicks	John Paine	Memucan Hunt
Willie Jones	Benjamin McCulloch	Nicholas Long
William Hooper	John Ashe	Allen Jones
Jephtha Atherton	Thomas Burke	Francis Nash
Edward Starkey	Henry Rhodes	William Cray
Andrew Knox	Isaac Gregory	Joseph Jones
Jonathan Hearing	Griffith Rutherford	William Sharp
Jeremiah Fraser	John Hinton	Abner Nash
James Davis	Joseph Hewes	Cornelius Harnett
William Brown	John Simpson	Edward Salter
James Gorham	James Lanier	John Webb
George Wynns	Alexander Martin	David Standley
Green Hill	Robert Howe	Thomas Rutherford
Roger Ormond		

In consequence of the preceding Resolve, all the members of the Convention subscribed their Names at the Table, except M^r Thomas Macknight, who refused.

Resolved, That the conduct of William Hooper, Joseph Hewes, and Richard Caswell, Esquires, in the meeting of Delegates lately held at Philadelphia, was in every particular worthy of the sacred trust reposed in them; and that the Moderator do in behalf of this Colony in General, and of this Convention in particular, return them those thanks, which their faithful discharge of such an important trust so justly merits.

In consequence whereof the Moderator returned them thanks in the manner following,

Gentlemen: The sacred trust reposed in you by your Country, so faithfully discharged by you, does honor to yourselves; justifies the choice made of you by the last Convention; and places you in a situation to receive the best reward, a patriotic Breast can fill, the Applause of your Country; who in order to bear testimony to your merit, have directed me to convey to you their sincere thanks for the services you have rendered them in the important office to which they appointed you. And it is with great pleasure I now, Gentlemen, in behalf of this Colony in General and of this Convention in particular, return you those thanks which have been so unanimously resolved by the Convention to be your due.

To which the Delegates returned the following answer:

We the Delegates appointed to represent this Province in the Continental Congress lately held at Philadelphia, beg leave to express a heartfelt gratitude for this public testimonial which we have received from you of the Approbation of our Constituents of our Conduct, in the most important Transaction in which any member of society can have been engaged. With diffidence we undertook the sacred trust of being joined to a Body of men appointed to be the Guardians of the Constitutional rights and Privileges of British America. If we have executed that charge, to give Satisfaction to the Inhabitants of this Province, our Actions meet the most ample reward, that any member of it can experience. One motive in this important measure, viz, a sacred regard for the rights and Privileges of British America, and an earnest wish to bring about a reconciliation with our parent state, upon terms Constitutional and honorable to both, have hitherto actuated us. Our earnest wishes are, that this Province may virtuously adhere to the Resolves of the Continental Congress as the means which will most probably bring about the end which all the friends to America most earnestly desire.

At the same time accept, sir, our warmest Acknowledgement for the polite manner in which you have thought fit to convey the sentiments of this truly respectable body.

On Motion, Resolved, That the Instructions of the Inhabitants of Perquimans County to their delegates appointed to meet at this Convention, entered into on the 11th day of March last be read; which were accordingly read. One of which said instructions being, "That the thanks of the Inhabitants of that County be Given to William

Hooper, Joseph Hewes, Richard Caswell, Esquires for their faithful and judicious discharge of the Trust reposed in them at the late "Continental Congress."

Pursuant to which, Col^o John Harvey, one of the Delegates for the said County, in the name of the Inhabitants thereof, gave their thanks to the Gentlemen aforesaid.

To which the Delegates returned the following Answer:

Permit us, Sir, to express our sincere Gratitude for this Testimony of the Approbation given, through you, by the Inhabitants of the County of Perquimans, for the Conduct of us the Delegates of the Province in the Continental Congress at Philadelphia. Actuated with a Zeal for the Preservation of the Constitutional Liberties of America, and an earnest desire to bring about a reconciliation with the Mother Country, upon terms that may restore us to the fullest enjoyment of our just rights and privileges, and secure them to us in future from the encroachments of weak or wicked men, we signed our assent to the Proceedings of Congress; and we could meet nothing more Convincing of the propriety of our Conduct in the measure than that it obtains the Approbation of the County of Perquimans. To you, Sir, we beg leave to offer our Tribute of Thanks for the polite manner in which you have thought fit to Convey the sense of that respectable body.

On motion, Resolved, That William Hooper, Joseph Hewes, Richard Caswell, Esquires, be and they are hereby appointed Delegates to attend the General Congress to be held at Philadelphia, on the 10th day of May next, or at any other time and place that shall be appointed for that purpose: and they are hereby invested with such powers as may make any acts done by them, or any of them, or consent given, in behalf of this province be obligatory in honor upon every Inhabitant thereof. The Convention adjourned till to-morrow morning 9 o'clock.

Thursday, April 6th, 1775.

The Convention met according to adjournment.

Mr. Robeson, one of the Delegates for Pitt County, appeared and took his seat in Convention.

On motion, Resolved, That each and every County in this Province raise, as speedily as possible, the sum of Twenty pounds, Proclamation money, to be collected by the respective Delegates of each County, in manner as shall appear to them most Convenient, and

pay the same into the hands of Richard Caswell, Esquire, to be by him equally divided among the Delegates appointed to attend the General Congress at Philadelphia, as a recompense for their trouble and Expense in attending the said Congress.

Mr Thomas Macknight, a Delegate for the County of Currituck, having been called upon to sign (with the other members of this Convention) the Association approved of by the Continental Congress held at Philadelphia, thereupon refused and withdrew himself.

Resolved, That it is the Opinion of this Convention that from the Disingenuous and equivical behaviour of the said Thomas Macknight, it is manifest his intentions are inimical to the Cause of American Liberty, and we do hold him up as a proper object of Contempt to this Continent, and recommend that every person break off all connection, and have no further Commercial Inter-course or Dealings with him.

Resolved, That the above Resolve be published in the Gazettes in this and neighbouring Colonies.

The Convention adjourned till Tomorrow Morning 9 o'Clock.

Friday April 7th 1775.

The Convention met according to Adjournment.

Resolved, that the moderator of this Convention and in case of his Death, Mr Samuel Johnston, be empowered on any future Occasion that may in his opinion require it, to direct delegates to be chosen for the respective Counties and Towns, in this Province, to meet in Convention in the Town of Hillsborough at such time as he shall think proper to appoint, and in case that the members of a Majority of the Counties and Towns do not appear at the day appointed, that he be empowered to adjourn the Convention *de die in diem*, until a sufficient number shall appear.

Resolved that the Clerk furnish Mr James Davis with a Copy of the proceedings of this Convention, and that Mr. Davis print same.

Resolved, that the Convention do most heartily approve of the Conduct and Proceedings of the late Continental Congress, and will endeavour to carry into execution the Measures by them recommended, and that the most earnest wishes and desires of this Convention are to see harmony restored between Great Britain and her Colonies on honorable and Constitutional Principles, which alone can give the same a lasting foundation. That we will exert our utmost endeavours towards compleating this important purpose, and

are of Opinion that the late Commercial regulations are the most Eligible Means for attaining this desirable end.

And whereas, the Freedom, Happiness and Prosperity of every state greatly depends on providing within itself Articles necessary for Subsistance, Cloathing and defence of its Inhabitants;

Resolved, that from common Prudence and regard for this Colony, we will encourage Arts, Manufactures, Agriculture, and every kind of economy, and use our influence for the same purpose with our Constituents, and all connected with us; and we recommend to the Committees of the several Counties to propose Premiums to the Inhabitants whose Industry may be a proper Subject for their Bounty, in such manner as to them shall seem meet.

Resolved, That his Majesty's Subjects have an undoubted Right at any time to meet, and petition the Throne for a redress of Grievances, and that such rights includes a further Right of appointing Delegates for such purpose, and therefore, that the Governor's Proclamation issued to forbid this meeting, and his Proclamation afterwards, commanding this meeting to disperse, are illegal and an infringement of our just rights, and therefore ought to be disregarded as wanton and Arbitrary Exertions of power.

Resolved, that the Thanks of this Convention be given to the Honorable John Harvey, Esquire; Moderator, for his judicious and faithful Exercise of that Office, and the Services he has thereby rendered to his Country.

Resolved, that the Honorable John Harvey, Esq^r, Moderator of this Convention, sign the minutes for and in behalf of the same.

JOHN HARVEY, Moderator.

ANDREW KNOX, Clerk.

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

Proceedings of the Safety Committee at Wilmington.

WEDNESDAY, April 4th, [1775].

At an occasional meeting of the committee.

Present: Arch'd McLaine, Jno. Robeson, Wm. Purviance, Tim'y Bloodworth, James Walker, Alex. Ronaldson, Wm. Ewins, Jno. Ancrum.

Mr. Alexander Hostler applied to the committee to have their advice concerning a ship called the *Clemantine*, that was coming to his address from London, commanded by Dick Wier, which is lost on the middle ground near the Bar of the River. At the same time Mr. Hostler delivered to the committee an invoice of sundry stationery goods shipped on board the said vessel, which he requested the committee to take also into consideration and direct him what may be done with the said ship, stores and materials and stationery goods.

Ordered, That it is the opinion of this committee that the vessel, with her stores and materials, may be sold without any breach being made in the General Association, but as the stationery goods are landed at Brunswick this committee think they don't come under their direction.

[B. P. R. O. AM. & W. IND.: VOL. 279.]

Circulars to all the Governors in America.

WHITEHALL, 5th April 1775.

SIR,

I have the honour to send you herewith, by Lord Dartmouth's Directions, an Act of Parliament to which His Majesty gave the Royal Assent on Friday last, entitled "An Act to restrain the Trade and Commerce of the Provinces of Massachusetts Bay and New Hampshire, and Colonies of Connecticut and Rhode Island and Providence Plantation in North America, to Great Britain, Ireland and the British Islands in the West Indies, and to prohibit such Provinces and Colonies from carrying on any Fishery on the banks of Newfoundland or other places therein mentioned, under certain conditions and limitations," and I am to desire that you will be pleased to cause the said Act to be made public in such manner as has been usual on like occasions.

I am &c.

J. POWNALL.

WHITEHALL, 5th April, 1775.

As it may be of use that His Majesty's Subjects in America should be informed of the Proclamation issued by order of the States General, prohibiting the exportation of Arms and Ammunition from their Dominions in British Ships or in their own ships without leave of their College of Admiralty, I am directed by Lord Dartmouth to

transmit to you the inclosed gazette containing the said Proclamation, which you will cause to be printed and published in such manner as you shall think fit.

I am &c.

J. POWNALL

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

A Proclamation by Governor Martin on 5th April, 1775.

Whereas, notwithstanding my repeated proclamations forbidding the meeting in convention of the persons stiling themselves Deputies from the several Counties for the choice of Delegate to represent this Colony in a Congress intended to be held in the City of Philadelphia, I have received information that such unlawfull meeting is at this time assembled, which will be highly offensive to the King and derogatory to the just Rights of power and authority of the General Assembly of this Province, I have thought fit with the advice and consent of His Majesty's Council to issue this Proclamation hereby in the King's name to require and command all His Majesty's subjects so convened on their allegiance and on pain of incurring His Majesty's Highest displeasure to break up the said meeting and to desist from all such illegal unwarrantable and dangerous proceedings.

Given under my hand and the Great Seal of the said Province at New Bern the fifth day of April Anno Dom. 1775, and in the fifteenth year of His Majesty's reign.

Signed

JO: MARTIN,

God save the King.

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

LEGISLATIVE JOURNALS.

NORTH CAROLINA — Ss.

At an Assembly began and held at New Bern the fourth day of April in the fifteenth 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 seventy five, being the first Session of this present Assembly.

In the House of Assembly.

The Clerk of the Crown having certified that the following persons were duly elected and returned Representatives for the respective Counties and Towns, Viz^t,

Anson —

Bladen — William Salter, James White.

Brunswick — Robert Howe, John Rowan.

Beaufort — Roger Ormond, Thomas Respass Jun^r.

Bute — William Person, Green Hill.

Bertie — John Campbell, John Johnson, David Stanley.

Town of Bath — William Brown.

Town of Brunswick — Park Quince.

Craven — James Coor, Lemuel Hatch.

Carteret — William Thomson, Solomon Shepard.

Chowan — Samuel Johnston, Thomas Oldham, Thomas Benbury, Thomas Jones, Thomas Hunter.

Currituck — Thomas Macknight, Francis Williamson, Solomon Perkins, Samuel Jarvis, Nathan Joyner.

Cumberland — Ferquard Campbell, Thomas Rutherford.

Chatham —

Town of Campbellton — Robert Rowan.

Dobbs — Richard Caswell, William McKinnie.

Duplin — Thomas Gray, Thomas Hicks.

Edgecomb —

Town of Edenton — Joseph Hewes.

Granville — Thomas Person, Memucan Hunt.

Guilford —

Halifax — Nicholas Long, Benjamin McCulloch.

Town of Halifax —

Hertford — William Murfree, George Wynns.

Town of Hillsborough — Francis Nash.

Johnston — Needham Bryan, Benjamin Williams.

Martin —

Mecklenburg —

New Hanover — John Ashe, William Hooper.

Northampton — Allen Jones, Jephtha Atherton.

Town of New Bern —

Orange—Ralph Macnair, Thomas Hart.

Onslow—William Cray, Henry Rhodes.

Town of Wilmington—Cornelius Harnett.

Wake—

Perquimans—John Harvey, Andrew Knox, Thomas Harvey, John Whedbee.

Pasquotank—Jonathan Herring, Isaac Gregory, Edward Everigin, Joseph Reading, Joseph Jones.

Pitt—John Simpson, Edward Salter.

Rowan—Griffith Rutherford, Matthew Lock.

Town of Salisbury—

Surry—

Tryon—William Moore, William Alston.

Tyrrell—Benjamin Spruill, Joseph Spruill, Jeremiah Frazer.

Pursuant to which the following persons appeared Viz^t

Messrs. John Harvey, Andrew Knox, Joseph Hewes, Samuel Johnston, Thomas Oldham, Thomas Benbury, Thomas Jones, Thomas Hunter, Isaac Gregory, Joseph Jones, John Campbell, John Johnston, Nathan Joyner, Griffith Rutherford, Cornelius Harnett, Robert Howe, David Stanley, Thomas Hicks, William Salter, James White, Ferquard Campbell, Thomas Rutherford, Jeremiah Frazier, James Coor, Lemuel Hatch, Thomas Person, Memucan Hunt, Francis Nash, John Ashe, William Hooper, Ralph Macnair, William Person, John Simpson, Edward Salter, William Thomson, Solomon Shepard, Nicholas Long, Benjamin McCulloch, William Cray, Henry Rhodes, Richard Caswell, Thomas Macknight, Solomon Perkins, Samuel Jarvis, Green Hill, Allen Jones, Jephtha Atherton, George Wynns.

The Clerk of this House waited on His Excellency the Governor and acquainted him that a sufficient number of Members to constitute a House were met, and to desire His Excellency to issue a commission and appoint some of the Members of Council to see them qualified, being returned brought for answer that His Excellency would appoint two of the members accordingly.

The Honble Lewis H. DeRosset and Alexander McCulloch Esquires two of the Members of Council came to the House and the above forty eight members were qualified by taking the oaths by Law appointed for the qualification of public officers and repeating and subscribing the Test.

Mr Caswell and Mr Macknight waited on his Excellency the

Governor, to inform him that the Members had qualified, and that they waited to receive his commands—being returned, reported to the House that His Excellency would send a Message for the Members to wait on him.

Received from His Excellency the Governor a verbal Message by His Secretary desiring the attendance of the Members in the Palace at 12 o'clock.

The Members waited on His Excellency the Governor in the palace when he was pleased to direct that they return to the House and make choice of a Speaker.

The Members being returned to the House Mr. Samuel Johnston proposed and set up John Harvey Esquire who was unanimously chosen Speaker, and placed in the Chair accordingly.

On motion ordered Mr Knox and Mr McCulloch wait on His Excellency the Governor and acquaint him the House had made choice of a Speaker and desire to know when they shall wait on His Excellency to present him—being returned informed the House His Excellency would send a message when he would receive them.

Received from His Excellency the Governor a verbal message by his Secretary requiring the immediate attendance of the House in the palace.

The House waited on His Excellency the Governor in the palace and presented him their Speaker whom His Excellency was pleased to approve of. Then Mr. Speaker requested His Excellency to confirm the rights and privileges of the House, and that no mistake or error of his might be imputed to the House, to which His Excellency was pleased to answer, he would support the House in all their just rights and privileges, and then made a Speech to His Majesty's Council and this House.

Mr. Speaker with the House being returned Mr Speaker reported that His Excellency the Governor had made a Speech to the 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 said Speech be read. Read the same and is as follows, to wit,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL, MR SPEAKER &
GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I have now met you in General Assembly in hopes, that dismissing every cause of private dissension from your minds you will

calmly, unitedly and faithfully apply yourselves to the discharge of the high and important office of Legislation in which you have so great a share according to the Constitution of this Country, that calls upon you for relief, at this time, in a most peculiar and pressing manner.

I look, Gentlemen, with the extremest horror and concern to the consequences of the violent and unjustifiable proceedings in some of His Majesty's Colonies of this Continent, where in many places, the innocent, unwary, and ignorant part of the people have been cruelly betrayed into measures highly inconsistent with their duty and allegiance to our most gracious Sovereign, and the State; that tends immediately to involve them in the most embarrassing difficulties and distresses, and which, if persued, must inevitably precipitate these Colonies, from their present unparalleled state of prosperity, into a train of miseries, most dreadful to contemplate, whence ages of time will not redeem them to their now envied felicity. You, Gentlemen, are bound by your duty to the King, to the State, and to this people, as well as I by mine, to obviate the contagion of these evil examples in this Country, and to defend it, if possible, from the ruin and destruction to which they plainly lead. I see with infinite concern the unhappy influence they have already had among us. The meetings to which the people have been excited, the appointment of Committees; the violences these little, unrestrained and arbitrary Tribunals have done to the rights of His Majesty's Subjects; the flagrant and unpardonable insults they have offered to the highest authorities of the State, by some of their Acts which have been made public; and the stop that has been put in some of the Counties, to the regular course of Justice, in imitation of the unwarrantable measures, taken in other Colonies, but too plainly evince their baneful progress here; and loudly demand the most effectual exertion of your restraining and correcting powers. You are now, Gentlemen of the Assembly, by your duty to yourselves and to your constituents, most peculiarly called upon to oppose a meeting of Delegates which the people have been invited to choose; and who are appointed to assemble at this very time and place in the face of the Legislature. This illegal meeting, pursuant to my duty to the King and to the Constitution of this Country, and from regard to your dignity and the just rights of the people, I have counteracted; and I shall continue to resist it by every means in my power. What can this mean Gentlemen? Are you not the only lawful Representatives

of the people in this Country, and competent to every legal purpose? Will you then submit to see your Constituents misled to violate their dearest privileges by wounding your dignity, and setting up Representatives derogatory to your just power and authority? This, Gentlemen, is an insult to you of so violent a nature that it appears to me to demand your every possible discouragement, for its evident tendency is to excite a belief in the people that they are capable of electing Representatives of Superior powers to the members of your House; which if it can possibly obtain must lead to obvious consequences, to the destruction of the essence, if not the very being of an Assembly in this Province, and finally to the utter dissolution and overthrow of its established, happy constitution. This, Gentlemen, among others I have before mentioned is one of the fatal expedients employed in some of the other Colonies, under the influence of factious and wicked men, intent upon promoting their own horrid purposes, at the hazard of their Country's ruin. I hope they have been adopted here more from a spirit of imitation than ill principles, and that you, clearly discerning the mischiefs with which they are pregnant, will heartily concur with me in opposing the first dawns of so dangerous a system.

As an object of the greatest consequence to all the Colonies, I would recommend it to your first attention, to employ your utmost care and assiduity, to remove those false impressions by which the engines of sedition have laboured to effect, but too successfully, a most unnatural division between the parent State, and these Colonies, which under her protecting, indulgent, fostering care, have attained to a degree of prosperity beyond all example. The basest arts have been practiced upon the innocent people, and they have been blindly led to partake in guilt, to which their hearts are confessedly averse; and thus step by step they will be seduced from their duty, and all the bonds of civil Society will be destroyed unless timely remedies are applied. This, Gentlemen, is a melancholy prospect, that must seriously alarm every good subject, every humane, every honest man; and it will be your duty, as guardians of the Constitutional rights of the people, vigorously to oppose proceedings so manifestly subversive of their freedom and happiness. Be it your care then, Gentlemen, to undeceive the people, to lead them back from the dangerous precipice to which an ill spirit of faction is urging them, to the paths of their duty; set before them the sacred tie of allegiance, by which, as Subjects, they are bound to the

State, inform them of the reciprocal benefits which their strict observance thereof entitles them to; and warn them of the danger to which they must expose their lives and properties, and all that they hold dear, by revolting from it. The frequent occasions you have had in your several capacities, as Members of the Legislature and Majestates most solemnly to swear this allegiance which is an implied duty upon every subject, of every State, where it is not professed and declared, must have brought it home to your consideration; and you are therefore certainly well qualified to explain the obligatory nature and importance of it to the people. They will naturally look up to you for a rule of conduct in these wild and distempered times, and I have no doubt that, taught by your example, they will immediately return to their duty and obedience to the Laws; and gladly free themselves from that tyranny which ill-directed zeal and lawless ambition, by all the Arts of misrepresentation and delusion, are courting them to submit to. I have the high satisfaction to tell you, Gentlemen, that I have already received signal proofs of the steady loyalty and duty of a great number of the good people of this Province, and I have the fullest assurance that many more will follow their laudable example.

These, Gentlemen, are very favourable presages upon which I congratulate you, and which, I persuade myself, your prudent conduct will improve, to the honor and advantage of your Country.

The State of the Colonies is at this time, the subject of the deliberations of the grand Council of the nation; from whose wisdom and justice, they have everything to expect consistent with the principles of the British Constitution, and the general welfare of the Empire, while they continue in the duty they owe to it.

The confessed generous character of Britain, and the magnanimity of our most gracious Sovereign, who through the whole course of his reign, has uniformly made the happiness of his people the object of all his views, and the rule of all his actions, insures it to them. On this great arbiter of British rights, it therefore becomes you to rely, with the fullest confidence, and to deserve by a dutiful behaviour, its favourable regard. If a precedent could be wanting, as I cannot suppose it is, to induce you to such a right conduct, one of the most respectable of the Colonies, affords it to you: and you will see, without question, how highly improper it will be, at such a conjuncture, to countenance any measures of a contrary nature. If the people of this Colony have any repre-

sentations to make to the Supreme powers of the State, you are the only legal and proper channel of their applications; and through you they may be assured of every attention, to their dutiful petitions. You Gentlemen I dare say esteem too highly the rights of the people committed to your guardianship, and know too well the limits of your own power, to consign them to any other hands, that must not only be disqualified to serve the people but will infallibly divest you of that dignity and consequence which belongs to you as their lawful representatives.

Let me hope Gentlemen, that laying aside all passion and prejudice you will calmly, and with one accord, pursue such a line of conduct, in these points of general concern to America, as may be most likely to heal the unhappy differences now subsisting between Great Britain and her Colonies. Consider how great an opportunity you now have, to serve, to save your Country; to manifest your loyalty to the best of Kings, and to demonstrate your attachment to the British Constitution, the most free, the most glorious and happiest political system in the whole world. If you consult but for a moment, your own interests and welfare, and the happiness of this people, I cannot be disappointed in my hopes that you will avail yourselves of the occasion. Be it your glory, Gentlemen, to record to latest posterity, that at a time when the monster sedition, dared to rear his impious head in America, the people of North Carolina, inspired with a just sense of their duty to their King and Country, and animated by the example of its Legislature stood among the foremost of his Majesty's subjects, to resist his baneful snares, and to repel the fell invader of their happiness. Thus, Gentlemen, you may redeem your sinking Country to prosperity! thus you will acquire to yourselves immortal honour and renown! while a contrary conduct must inevitably plunge this once happy land in horrors beyond all imagination; whence nothing can recover it, but the generous hand of Britain, interposed to save you from your own destruction. Thus, Gentlemen, I have set before you, upon principles of your duty to the Constitution, and the welfare of your Country, the necessity of discouraging to the utmost of your power, the illegal meetings into which the innocent people have been betrayed, and the unlawful establishments and appointments they have been led to give their sanction to. I have also stated to you the more especial obligations you lie under to prevent that meeting to which the people have been invited to send deputies here at this

time, and I have fully admonished you of the ruinous consequences of a different conduct. In addition to these powerful motives, Gentlemen, I am authorized to say, that the unwarrantable measure of appointing Delegates to attend a Congress at Philadelphia now in agitation, will be highly offensive to the King, and this I cannot doubt, will be reason with you of the greatest force to oppose so dangerous a step.

Your next attention, Gentlemen, is due to the particular state of this country, that calls for your strictest regard.

The exhausted state of the public Treasury, the large demands upon it that remain unsatisfied, the dues of public officers that are unpaid, call loudly for your attention to the ill condition of public credit, and the Finances of this Country, and I trust you will not fail to pay that regard which is due to points of so great importance. I heartily wish with regard to matters of finance and modes of Taxation, as well as to the regulation of the Treasury, to draw your attention to the admirable Systems of New York and Maryland, in which last Colony public credit is established upon the firmest basis, but the example of every other Colony, with regard to the latter article, I am sorry to say it, is better than has been yet adopted here.

You have now, Gentlemen, fair opportunity to restore to this Province by a Law for the permanent establishment of Courts, that great store of political blessings arising from a due and regular administration of Justice, of which I have long lamented to see it deprived. I have received His Majesty's determination upon the proposed regulations with regard to proceedings by attachment, which have been the apparent cause of this misfortune. This I shall communicate to you in the course of our Session, and I hope it will obviate all the difficulties that have occurred on this subject. When the establishment of courts shall come under your consideration you cannot fail to see the necessity of making provision for the Judges, and the propriety of that provision being adequate and honorable, and suitable to officers of so high dignity and importance.

Mr Speaker and Gentlemen of the House of Assembly, I cannot doubt that you will see the same necessity for supporting the usual establishment of Fort Johnston, founded upon the same principles of public utility that have induced you to maintain it during so long a series of years.

Gentlemen of His Majesty's Honorable Council, Mr. Speaker and Gentlemen of the House of Assembly, I am sensible that the advanced season of the year requires your attendance on your domestic affairs; and I shall be therefore glad to find, that your unanimity in the conduct of the very important business you are now met upon, affords me opportunity to conclude your Session, speedily, and happily. On my part I do assure you nothing shall be wanting to promote these good ends.

JO. MARTIN.

New Bern, 4th April 1775.

Then on motion ordered His Excellency the Governors Speech lie for consideration 'till tomorrow morning.

On motion James Green Jun^r is appointed Clerk to this House, James Glasgow assistant, Benjamin Fordham Mace Bearer, Francis Lynaugh and Evan Swann Doorkeepers.

Mr Jonathan Herring one of the Members for Pasquotank County appeared.

Then the House adjourned till tomorrow morning 10 o'clock.

Wednesday 5th April 1775.

The House met according to adjournment.

This House being informed that Mr Isaac Edwards who was elected Member for the Town of New Bern is dead — On motion ordered the following Message be sent to His Excellency, the Governor, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a,

SIR,

This House being informed that Mr Isaac Edwards who was elected Member for the Town of New Bern is dead, 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 Town to sit and vote in this present Assembly.

JOHN HARVEY, Sp.

Sent by Mr Hatch and Mr Coor.

The House being informed that the returning officer of Guilford County having neglected to make due return of the Writ of Election for the said County whereby one of the Members is deprived of a seat in this House,

On motion ordered that the said officer be sent for, and brought in Custody to the Bar of the House to answer for such his conduct.

Then the order of the day being read, Resolved the House resolve itself into a Committee of the whole House tomorrow morning, to take under consideration His Excellency the Governor's Speech.

Then the House adjourned till tomorrow morning 10 °Clock.

Thursday 6th April, 1775.

The House met according to adjournment.

On motion ordered that Mr Ashe, Mr Rhodes, Mr Tho^s Rutherford, Mr Hunt, Mr Shepard, Mr M^cCulloch, Mr Caswell, Mr Hewes, Mr Hill, Mr Thomas Jones, and Mr Gregory, be a Committee of Privileges and Elections, and that they have power to send for persons and records, as the case may require.

On motion ordered that Mr Harnett, Mr Hewes, Mr Knox, Mr Cray, Mr Samuel Johnston, Mr Hunt, Mr Jarvis, Mr Howe, Mr John Campbell, Mr Macknight, Mr Hooper, Mr Macnair and Mr Long be a Committee of Public Accounts, and that Mr Ashe, Mr Oldham, Mr John Johnston, Mr Allen Jones, Mr Perkins, Mr Tho^s Jones, Mr Simpson, Mr Ferquard Campbell, Mr Benbury, Mr Rhodes, Mr Gregory, Mr Edward Salter, Mr Fraizer, Mr William Person and Mr Jarvis be a Committee of Public Claims in conjunction with such of the members of His Majesty's Honble Council as they shall think fit to appoint, and that the following message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

This House have appointed Mr Harnett, Mr Hewes, Mr Knox, Mr Cray, Mr Samuel Johnston, Mr Hunt, Mr Jarvis, Mr John Campbell, Mr Macknight, Mr Hooper and Mr Macnair, and Mr Long on the Public Accounts. And Mr Ashe, Mr Oldham, Mr John Johnston, Mr Allen Jones, Mr Perkins, Mr Tho^s Jones, Mr Simpson, Mr Ferquard Campbell, Mr Benbury, Mr Rhodes, Mr Gregory, Mr Edward Salter, Mr Fraizer, Mr William Person and Mr Jarvis, a Committee of this House, to settle and allow public Claims in conjunction with such of your Honors as you shall think fit to appoint.

JOHN HARVEY, Sp.

Sent by Mr M^cCulloch and Mr Gregory.

On motion ordered that Mr William Salter, Mr William Person, Mr Howe, Mr Stanley, Mr Coor, Mr Shepard, Mr Poyner, Mr Hunter,

Mr Ferquard Campbell, Mr Caswell, Mr Thomas Person, Mr Wynns, Mr Long, Mr Ashe, Mr Atherton, Mr Francis Nash, Mr Rhodes, Mr Knox, Mr Joseph Jones, Mr Edward Salter, Mr Griffith Rutherford, Mr Fraizer, Mr Hewes and Mr Harnett, be a Committee of Propositions and Grievances.

The order of the day being read for taking into consideration His Excellency's Speech,

On motion Resolved the House Resolve itself into a Committee of the whole House. The House Resolved itself into a Committee of the whole House accordingly and chose Mr Andrew Knox Chairman, and after some time spent therein came to several Resolutions. Then Mr Speaker resumed the Chair, and Mr Chairman reported that the Committee had taken under consideration His Excellency the Governor's Speech, and came to several Resolutions thereon, to wit,

Resolved that the Committee to be appointed to prepare an address in answer to the Governor's Speech be instructed to express that the Assembly of North Carolina have the highest sense of the allegiance due to the King; the Oath so repeatedly taken by them to that purpose made it unnecessary for them to be reminded of it. That it has always been their pleasure to express and will ever be so to testify by their actions, that allegiance which however they profess to owe to His Majesty as their Sovereign, who was by the same Constitution which established that allegiance and enjoined that oath, happily for his Subjects, solemnly bound to protect them in all their just rights and privileges by which a reciprocal duty became incumbent upon both.

That it is the undoubted right of His Majesty's Subjects to petition for a redress of Grievances and to remonstrate against them, either in a separate or collective capacity, and that in order to agree upon such petition or remonstrance, they have a right to collect themselves together, and while they conduct themselves in a peaceable and orderly manner, they deserve not to be called an illegal meeting, or to have the imputation of sedition cast upon them. The Assembly therefore can never deem the meeting of the present Convention at New Bern in order to appoint Delegates to petition for a redress of Grievances an illegal meeting nor conceive it derogatory to the power and Authority of the Assembly or wounding to its dignity, and that though the Assembly are the legal representatives, and perhaps adequate to every purpose of the people, yet the fre-

quent prorogations, some of them proclaimed so late that many of the Members did not receive information thereof 'til their Arrival in Town, gave the people no reason to expect that the Assembly would be permitted to meet 'til it was too late to send Delegates to the Continental Congress at Philadelphia, a measure which America in general and this Province in particular thought absolutely necessary, and which as it is the full sense of our constituents, we as their representatives highly approve.

That the Assembly are entirely ignorant of, and do not believe that any base arts have been practiced upon the people of this Colony in order to lead them from their duty, but that the steps they have taken, have resulted from a full conviction that the Parliament of Great Britain had, by a variety of oppressive and unconstitutional proceedings, made the measures they pursued absolutely necessary. That therefore His Excellency's asserting that such measures have been owing to base arts practised upon them by wicked and designing men, is not only an injustice done to the people but manifestly tends to weaken the influence which the united Petitions of His Majesty's American subjects might otherwise have upon their Sovereign, for a redress of those Grievances of which they have such a right to complain, and that therefore the Committee be directed in the strongest terms to refute such assertion.

That the House would feel inexpressible concern at the information given them by His Excellency of His being authorized to say that the appointing Delegates to attend the Congress now in agitation, would be highly offensive to the King, had they not recently received undoubted information that His Majesty has been pleased to receive very graciously the united petition of His American Subjects addressed to him by the Continental Delegates lately convened at Philadelphia and that therefore they can never suppose that a similar application to the Throne will give offence to His Majesty or prevent His receiving any Petition for a redress of Grievances which his subjects have a right to prefer either separately or unitedly.

That the Committees appointed by the people in the several Counties and Towns in this Colony in consequence of the resolutions of the Continental Congress held at Philadelphia, were the result of necessity, not choice, as the only means left them to prevent as far as in them lay, the operation of those oppressive and unconstitutional acts of Parliament endeavoured to be imposed upon America

by Great Britain, and that the Assembly have not been informed of any steps taken by those Committees, but such as they were compelled to take from that necessity, and for the salutary purpose aforesaid.

That the Assembly would be glad to receive information of any marks of Loyalty to the King given His Excellency by the Inhabitants of this Colony, had not the manner in which that information was conveyed seemed to be intended to establish a belief, that a great number of the people of this Province were disaffected to their Sovereign. That therefore the House instruct their Committee to do justice to the good people of this Colony, whose representatives they are by bearing testimony to the World in their answer to the Governors Speech, that His Majesty has no Subjects more loyal than the Inhabitants of North Carolina, nor none ready at the expence of their lives and Fortunes to protect and support his person, crown and dignity. That if however by the signal proofs His Excellency speaks of, he means those addresses lately published in the *North Carolina Gazette*, said to be presented to His Excellency, his congratulations thereupon can in no way be acceptable to the Assembly but from the consideration that in so numerous a Colony so few could be found weak enough to be seduced from their duty, and prevailed upon by the base arts of wicked and designing men, to adopt measures, so contrary to the sense of all America, and so destructive of those just rights and privileges it was their duty to support.

That the Committee be instructed also to express the warmest attachment to our Sister Colonies in general, the highest compassion for the sufferings of the Town of Boston in particular, and the fixed and determined resolution of this Colony to unite with the other Colonies, in every effort to maintain those rights and liberties which as Subjects of a British King they possess, and which it is a duty they owe to posterity to hand down to them unimpaired.

Resolved that the Committee be instructed to account for the deficiency of the public funds.

That the Committee express their sense of the necessity of the Establishment of Courts of Justice and their willingness to adopt any plan they may judge adapted to the circumstances of the Country.

That the Committee be directed to express, That the exhausted state of the Finances and the particular circumstances of the Country, render it inconvenient and unnecessary any longer to support the establishment of Fort Johnston.

On motion ordered the foregoing resolutions be instructions to the Committee to be appointed to draw up the Address in answer to His Excellency the Governor's Speech.

On motion ordered that Mr Howe, Mr Hooper, Mr Johnston, Mr Hewes and Mr Macknight be appointed a Committee to prepare an address in answer to His Excellency the Governor's Speech and report the same to the House for approbation.

Then the House adjourned 'till tomorrow morning 10 o'clock.

Friday, 7th April, 1775.

The House met according to adjournment.

Mr Howe from the Committee appointed to prepare an answer to His Excellency's Speech, informed the House they had prepared the same, which was read. On motion ordered the same stand as the Address of this House, and is as follows, to wit,

TO HIS EXCELLENCY JOSIAH MARTIN, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, &c^a,

SIR,

We His Majesty's most dutiful and loyal Subjects, the Members of the Assembly of North Carolina, have taken into consideration your Excellency's Speech at the opening of this Session.

We met in General Assembly with minds superior to private dis-sensions, determined calmly, unitedly, and faithfully to discharge the sacred trust reposed in us by our constituents; actuated by sentiments like these it behooves us to declare that the Assembly of this Colony have the highest sense of their allegiance to the King of Great Britain, to whom alone, as our constitutional Sovereign, we acknowledge allegiance to be due, and to whom we so cheerfully and repeatedly have sworn it, that to remind us of the oath was unnecessary. This allegiance all past Assemblies have upon every occasion, amply expressed, and we the present Representatives of the people shall be always ready by our actions with pleasure to testify sensible however, that the same Constitution which established that allegiance and enjoined the Oath in consequence of it, hath bound Majesty under as solemn obligations to protect Subjects inviolate in all their just rights and privileges, wisely intending by reciprocal dependence to secure the happiness of both.

We contemplate with a degree of horror the unhappy state of America involved in the most embarrassing difficulties and distresses,

by a number of unconstitutional invasions of their just rights and privileges, by which the inhabitants of the Continent in General, and of this Province in particular have been precipitated into measures extraordinary perhaps in their nature, but warranted by necessity, from whence among many other measures the appointment of Committees in the several Towns and Counties took its birth to prevent, as much as in them lay, the operation of such unconstitutional inroachments, and the Assembly remain unconvinced of any steps taken by those Committees but such as they were compelled to take for that salutary purpose.

It is not to be controverted that His Majesty's Subjects have a right to petition for a redress of Grievances, or to remonstrate against them, and as it is only in a meeting of the people that their sense respecting such petition and remonstrance, can be obtained, that the right of assembling is as undoubted; to attempt therefore under the mask of authority, to prevent or forbid a meeting of the people for such purposes or to interrupt their proceedings when met, would be a vain effort unduly to exercise power in direct opposition to the constitution.

Far be it from us then Sir, even to wish to prevent the operations of the Convention now held at New Bern, or to agree with your Excellency in bestowing upon them the injurious epithet of an illegal meeting. They are Sir, the respectable representatives of the people, appointed for a special and important purpose, to which, though our Constituents might have thought us adequate, yet as our meeting depended upon the pleasure of the Crown, they would have been unwise to have trusted to so precarious a contingency, especially as the frequent and unexpected prorogations of the Assembly, (one of them in particular, as if all respect and attention to the convenience of their representatives had been lost, was proclaimed but two or three days before the time which had been appointed for their meeting) gave the people not the least reason to expect that their Assembly would have been permitted to sit, 'til it was too late to appoint Delegates to attend the Continental Congress at Philadelphia, a measure which they joined the rest of America in thinking essential to its interest.

The House, Sir, neither know nor believe that any base arts have been practiced upon the people in order to lead them from their duty, but we know with certainty that the steps they have taken proceeded from a full conviction that the Parliament of Great Brit-

ain had by a variety of oppressive and unconstitutional proceedings made those steps absolutely necessary. We think it therefore a duty we owe the people to assert that their conduct has not been owing to base Arts practiced upon them by wicked and designing men, and have it much to lament that your Excellency should add your sanction to such groundless imputations, as it has a manifest tendency to weaken the influence which the united petition of His Majesty's American Subjects might otherwise have upon their Sovereign for a redress of those grievances of which they so justly complain.

We should feel inexpressible concern at the information given us by your Excellency of your being authorized to say that the appointment of Delegates to attend the Congress at Philadelphia now in agitation, will be highly offensive to the King, had we not recently been informed from the best authority, that His Majesty has been pleased to receive very graciously the united petition of His American Subjects, addressed to him by the Continental Delegates lately convened at Philadelphia. We have not therefore the least reason to suppose that a similar application to the Throne will give offence to His Majesty or prevent his receiving a Petition for the redress of Grievances, which His American Subjects have a right to present, either separately or unitedly.

We shall always receive with pleasure the information of any marks of loyalty to the King, given to your Excellency by the inhabitants of this Colony, but we are greatly concerned lest the manner in which you have thought proper to convey this information, should excite a belief that a great number of the people of this Province are disaffected to their Sovereign, to prevent which it is incumbent upon us in this manner solemnly to testify to the world that his majesty has no Subjects more faithful than the inhabitants of North Carolina or more ready at the expence of their lives and fortunes to protect and support His person, crown and dignity. If however by the signal proofs your Excellency speaks of, you mean those addresses lately published in the North Carolina *Gazette* and said to be presented to you, the Assembly can receive no pleasure from your congratulations thereupon, but what results from the consideration, that so few have been found in so populous a Province weak enough to be seduced from their duty, and prevailed upon by the base Arts of wicked and designing men to adopt principles so contrary to the sense of all America, and so

destructive of those just rights and privileges it was their duty to maintain.

We take this opportunity Sir, the first that has been given us to express the warm attachment we have to our sister Colonies in general, and the heartfelt compassion we entertain for the deplorable state of the Town of Boston in particular, and also to declare the fixed and determined resolution of this Colony to unite with the other Colonies in every effort, to retain those just rights and liberties which as subjects to a British King we possess and which it is our absolute and indispensable duty to hand down to posterity unimpaired.

The exhausted state of the public funds, of which your Excellency complains we contemplate with great concern, alleviated however by the reflection that it has not been owing to any misconduct of the Assembly; we were withheld from passing any Inferior Court Law, but upon such terms our duty rendered it impossible to accept, by which means no list of taxables could be taken for the year one thousand seven hundred and seventy three, and consequently no money collected to defray the charges of Government for that year; and as your Excellency did not think proper to meet the Assembly at their usual time of meeting in the fall, no Act could be passed to defray the contingent charges of Government for the year one thousand seven hundred and seventy four; the Treasury by these means deprived of two years' collection of Taxes must consequently be unable to answer the great demands upon it, 'til an Act of Assembly can be passed to enable it to discharge them.

This House, convinced of the necessity of Courts of Justice, would willingly adopt any plan for the establishment of them, which in their opinion is consistent with the circumstances of this Colony, and for independent Judges of *capacity* and *Integrity* they would with the greatest pleasure very liberally provide.

We are sorry, Sir, the impoverished state of the public Finances will not permit us to provide for the usual establishment of For Johnston.

The advanced season of the year, which of all other times, made it most inconvenient for us to attend public business will, your Excellency may assure yourself, induce us to forward it with all possible expedition.

JOHN HARVEY, Speaker.

Resolved that the House do highly approve of the proceedings of the Continental Congress lately held at Philadelphia, and that they are determined as members of the Community in General, that they will strictly adhere to the said resolutions and will use what influence they have to induce the same observance in every Individual of this Colony.

This House having received information that William Hooper, Joseph Hewes, and Richard Caswell Esquires were appointed by the Convention held at New Bern as Delegates to attend the meeting of the Continental Congress soon to be held at Philadelphia,

Resolved that the House approve of the Choice made by the said convention.

Resolved that the thanks of the House be given to William Hooper, Joseph Hewes, and Richard Caswell Esquires for the faithful and judicious discharge of the important trust imposed in them as Delegates for this Colony at the late Continental Congress.

Mr William Brown, the Member for Bath Town, Mr Thomas Respass, one of the Members for Beaufort County, Mr Jonathan Herring, one of the Members for Pasquotank County, and Mr William Haywood and Mr Elisha Battle, the Members for Edgecomb County, appeared.

The Honble John Rutherford and Lewis H. DeRosset Esquires two of the Members of the Council came to the House, and Mr. Brown, Mr Respass, Mr Herring, Mr Haywood and Mr Battle were qualified by taking the several Oaths by Law appointed for qualification of Public Officers, and repeating and subscribing the Test.

Then the House adjourned 'till tomorrow morning 10 o'clock.

Saturday 8th April, 1775.

His Excellency the Governor by Proclamation was pleased to dissolve the Assembly.

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

Letter from Andrew Miller to Thomas Burke.

HALIFAX April 6, 1775.

DEAR SIR,

I receiv^d your Obliging fav^r of the 12th ult: and should have wrote you before, but was uncertain where to send the answer as you might be at Newbern.

Mr Milner has at last got the proof of his Uncle's affinity to his brother, and a Power of Attorney to Sell and dispose of the Lands. But as he is going to Scotland Immediately and proposes getting an absolute Deed from his Uncle of all these lands, I have advised him to let matters remain as they are until he returns. — You'l have heard the Virginians are raising 68 Infantry or 30 light horse in each County. — It would seem that some of their leaders, are endeavouring to widen the Breach between this and the mother Country so far, as to prevent a Reconciliation, and Ruin one or both. — Whatever may have been the disposition of the Ministry formerly, I have no doubt they would now Repeal some of the Laws, were they applied to through the different Assemblies, but at same time I think they never will Repeal them, while we Continue to apply through a Congress, Illegally Constituted. — The Boston Port Bill, the Quebec Bill and the Laws made for Regulating Trade, fancy they will never give up. — And in the Infant State of the Colonys, while they cannot subsist without the Protection of some Maritime Power such as Britain, It would be as well to Submit to the power of Legislation as exercised by them — except as to Taxation, and even that I would submit to for a while, untill we had got Manufactories among ourselves, of Cloth, Powder &c, and our numbers a little increased, or our bounds more circumscribed, our Slaves emancipated &c &c, especially while their Taxation extends only to Superfluities, or Luxuries of Life. — We are not in a Condition to Combat with Britain, nor do I believe she intends to make war on us. — I rather think she wishes to give up the power of Taxation, but will not be threatened out of it by a Congress or a Virginia Army.

The Conduct of Virg^a is such, as will Irritate even their best friends in England against them.

M^{rs} Miller desires her Compliments to M^{rs} Burke, but cannot take so long a Journey as to the Springs. — She is going in a few days to see her Father, and fancy that is the only Journey she will make this Summer without she should go as far as Bute. — She has too many Children to go much abroad. — I am impatient to hear the New Bern Politicks. I have no hopes of Laws — from our Assembly. I am with the kindest wishes for you and M^{rs} Burke,

Dear Sir

Your Humb Serv^t

AND^w MILLER.

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

COUNCIL JOURNALS.

At a Council held at New Bern 6th April, 1775.

Present

His Excellency the Governor.

The Honble	{	James Hasell	Samuel Strudwick	}	Esquires
		John Rutherford	Martin Howard		
		Lewis H. DeRosset	and		
		Alex. McCulloch	Samuel Cornell.		

Thomas McGwire Esquire produced His Majesty's Mandamus directed to His Excellency Josiah Martin Esquire &c., to admit him one of His Majesty's Privy Councillors of this Province, whereupon the said Thomas McGwire took the Oaths appointed by Law to be taken to Government, subscribed the Test, and also took the oath of a Privy Councillor, and having taken his seat at the Board, the members then present took again the oath of a Privy Councillor.

[REPRINTED FROM AMERICAN ARCHIVES, VOL. 2. PAGE 296.]

LONDON, April 7th, 1775.

Letter from Alexander Elmsly, Agent of the House of Assembly of North Carolina, to Samuel Johnston.

DEAR SIR:

Yours by Captain Scott came to hand in due season, as did the money for Mr Barker, which is at his credit. Your bill £100, order Mr. Ferrear, was this day paid.

Your politics are past my expectations and out of my reach. I thought incorporating you would not only have remedied the disorder, but have given additional vigour to the Constitution; but, excepting our friend Mr Barker, nobody either here or there is of the same opinion; therefore, I shall suppose, for the present, that he and I are mistaken, and wait with resignation the event of the measures adopted on both sides of the water.

On our side they are as follows: The House of Commons have voted by resolve, that if you will tax yourselves for the purpose of

supporting your own establishments, and also contribute a certain sum for the general safety, the amount of which to be satisfactory to the King and Parliament, and to be at their disposal, then the Parliament will desist from laying any further taxes for the present. This, they say, is holding out to you the olive branch; I say it is a dirty, disgracing, degrading expedient, compared to mine; but it is so much akin to a similar one proposed in the House of Lords by Lord Chatham, and approved of by Franklin and the other Americans here, that I must suppose myself again mistaken.

A bill has received the Royal assent for preventing the four New England Colonies from fishing, after the 25th of June next; and another has been read three times in the House of Commons, for restraining the trade of all the associated Colonies to Great Britain and the British West Indies; out of this restraint, however, New York and North Carolina are excepted; the former because their Assembly did not recognize the new laws, the latter for reasons not generally known; they are, however, one or all of the following; 1st Mr Barker and myself, instead of the Petition you sent us (which contained, besides strange inaccuracies, indirect reflections on the Parliament, or the Ministry at least), drew up a Memorial in more decent terms, which we left a rough draught of with Mr Pownall, the Secretary, for his inspection, previous to its being presented to the Board. This was about the 10th of February; in two or three days we called to know his sentiments on it; he told us he had perused it, approved of it and pressed us much and repeatedly to have it lodged as soon as possible, which was done the next day. Two or three days after, Lord North moved for the restraining Bill in the House of Commons, and North Carolina was and still is left out. The next reason is, we have as yet received no account of your Assembly, or rather the Members of it, having ratified the new laws, nor have you been charged with any excesses in the execution of them. The last, and perhaps the best reason is Governor Tryon (who returns to New York immediately) is much your friend, and I doubt not has exerted himself in your behalf accordingly. Whether you will thank us for this distinction, or not; whether it will not be considered opprobrious instead of honourable; whether Mr Barker and myself will be censured or not, as having been, in all probability, instrumental in bringing it about, I do not pretend to say. But in our defence, or rather in mine, for it was with much reluctance he consented to suppress the

Petition, you will take notice, that when your Memorial was presented, we had no idea that such restraining bill was intended; on the other hand should this exemption be received favourably, give us no credit for it; for, had it not been for a tenderness we had for the reputation of your Assembly, as having been long members of it, your Petition, exceptionable as it is, should have been presented. I do not know whether you ever perused it, but my objections to it were, first, that a memorial from us was as good as it; and next, that you generally address the King as the people of New England do each other, in the third person; for instance, you say in more places than one, "your Majesty in his great goodness, in his great wisdom," &c. instead of "your goodness," &c.; this might have passed from a poor ignorant criminal, begging his life, but surely better things would have been expected from your Assembly. Besides this objection, there was another; You say you have been taught to expect redress from the Throne alone, i. e., You expect none from the Ministry or the Parliament. How far you are well grounded, I do not know; but as I well know that none of these petitions ever reach the Throne but through the hands of the Ministry, to whom they are left as an ordinary piece of business, I thought, and still think, it would have been preposterous to have presented a petition, which, amongst other things, sets forth that the petitioner, from past experience, did not doubt of having his petition rejected. This objection, however, alone, would not have had much weight, at least not enough to have prevented our presenting the Petition; but on account of both together, it was agreed to suppress it, and to substitute a Memorial in its room, and keep the whole a secret; and I am not sure whether Mr Barker would not be dissatisfied if he knew that this matter had been communicated even to you; therefore pray say nothing about it. With respect to the success of your Memorial we can at present form no judgment of it, but are told that by next packet the matter will be settled; and if no bad news arrives from Carolina in the mean time, we hope it will be in part settled to your satisfaction.

You ask Mr Barker to let you know who it was that first moved, here, against your Court laws. Neither he nor I know certainly; but when old Mr McCulloh, as your agent, first received an account of your Court Bill miscarrying, on account of an instruction to your Governor against attachments, he hinted that Lord Hillsborough,

then Secretary of State for America, and Lord Hertford, then and now Lord Chamberlain, and both members of the Privy Council, and North-of-Ireland men, and friends and neighbors of your Dobbs's, might probably, at their solicitation, have been the means of sending out the instruction. You know Nash had an attachment depending against their estate; this is only conjecture, but I think it probable, because had the measure originated amongst the merchants, we certainly should have heard of it long ago; as you say, however, it is not of much consequence now, as the new laws have taken place, whether old ones are restored or not.

Old Franklin is gone to Philadelphia, some people say to second Lord North's plan of your taxing yourselves; but I know nothing of the matter.

There is an account received that the Transports are sailed from Cork, and next week, the Generals Howe, Burgoyne and Clinton, follow them from hence in a Man-of-War; some of these troops are destined for New York, and two Companies, with a Sloop, are to be sent to Georgia.

Should your Assemblies refuse to adopt Lord North's plan, and our Parliament persevere, you will have another new set of laws soon established.

They say your Seaports are to be turned into garrison Towns, and the people of the Country left at liberty to form any establishment they think proper. Should this regulation take place, I hope you will have no occasion to turn Soldier. Your Governour I suppose will take up his residence amongst the musketoes, at Breacock, and you will be a Congress or Committee-man, instead of a military man. I like neither Character, but hope you will never have occasion to take upon you the latter especially.

Mrs. Elmsley joins me in compliments and best wishes to you and yours.

I am dear Sir, your affectionate friend and humble servant,

ALEXANDER ELMSELY.

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

COUNCIL JOURNALS.

At a Council held at the Council Chamber 7th April 1775. In the Evening.

Present

His Excellency the Governor

The Hon ^{ble}	{	James Hasell	Samuel Strudwick	} Esquires
		John Rutherford	Martin Howard	
		Lewis H. DeRosset	Samuel Cornell	
		Alexander M ^c Culloch	Thomas M ^c Gwire	

His Excellency laid before the Board the Journals of the House of Assembly in which was contained amongst other unwarrantable proceedings the following resolve:

Resolved that the House do highly approve of the proceedings of the Continental Congress lately held at Philadelphia, and that they are determined as Members of the Community in general, that they will strictly adhere to the said resolutions and will use what influence they have to induce the same observance in every individual of this Colony.

Upon consideration hereof this Board gave it as their opinion that the longer existence of such a House of Assembly, is incompatible with the Honour of the Crown, and the safety of the People, and therefore unanimously advised His Excellency to dissolve them, which was done by the following proclamation—

NORTH CAROLINA — Ss.

By His Excellency Josiah Martin, Esq., &c.

A Proclamation.

Whereas several Resolves appear on the Journals of the House of Assembly now sitting tending to alienate the affections of His Majesty's Subjects, and subvert the Constitution, and Whereas the longer existence of such an Assembly is incompatible with the Honour of the Crown and the safety of the people, I have therefore thought fit by and with the advice and consent of His Majesty's Council to dissolve the said Assembly and it is accordingly dissolved.

Given under my hand &c, at New Bern the 8th day of April &c.

(Signed) JO. MARTIN.

God save the King.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

Letter from Governor Martin to the Earl of Dartmouth.

NORTH CAROLINA, NEW BERN, April 7th 1775.

MY LORD,

I have the honor to inform your Lordship that a majority of the Members of the Assembly (without which they have constantly forbore to make a House) not appearing here until the 4th instant, I was obliged to prorogue it from day to day from the 27th of last month untill that time, when I delivered the Speech of which your Lordship will receive a copy herewith.

On the 3rd instant, the time appointed for the meeting of the Convention, as I have before informed your Lordship, hearing that many Deputies from the Counties were come here I issued the Proclamation of which I now transmit your Lordship a copy numbered 1, notwithstanding which I found this unlawful Body met for a short time and elected M^r Harvey Moderator, by whose advertisement it had been convened. I still hoped the Assembly on what I had to say to it would secede from this Convention, although I well knew that many of the Members had been sent as Deputies to it. And this hope, together with my desire to lay no difficulty in the way of the public business induced me on the next day to admit the election of M^r Harvey who was chosen Speaker of the Assembly and presented by the House for my approbation. Indeed to say the truth, my Lord, it was a measure to which I submitted upon these principles not without repugnance even after I found the Council unanimously of opinion that it would not be expedient to give a new handle of discontent to the Assembly by rejecting its choice if it should fall as was expected upon M^r Harvey, for I considered his guilt of too conspicuous a nature to be passed over with neglect. The manner however of my admitting him I believe sufficiently testified my disapprobation of his conduct while it marked my respect to the election of the House.

On the 5th, the day after I had opened the Session I was informed that the Assembly having admitted the Deputies to join their Body in the House, where they met as a Branch of the Legislature resolved the whole into a Convention upon which I immediately sent the Proclamation N^o 2 by the hands of the High Sheriff of this County

to be published among them; he read it accordingly but not a man obeyed it nor have I heard that any animadversion was made upon it except by a worthless fellow named James Coor, a Member of the Assembly for this County, who told the Sheriff that he had read the proclamation and might now carry it back to the Governor. In the evening of this day I laid this extraordinary procedure of the Assembly before his Majesty's Council, repeating my apprehensions of its being inconsistent with my duty to the King to suffer an Assembly to sit longer that had so involved itself in the Body of an illegal convention and in all its guilt as not to give me opportunity any more to consider it a separate Body or acting as a Branch of the Constitutional Legislature, especially too, after it hath withstood and treated with utter neglect my last solemn exhortations to break up that illegal Meeting and to assert its own Rights. As I considered this a matter of great moment and importance I recommended it to the mature consideration of the Council untill yesterday morning, at which time I found a majority of the Board in opinion that as the House of Assembly had not under that Name done anything offensive although the Members of it had partaken of all the guilt of the Convention, it was expedient, considering the necessity of the Province and the proneness of the Assembly to charge their own crimes upon the King's Governor, to let it sit untill it should offend in its own Name and Character. To this opinion, My Lord, I have submitted not I confess, without doubting its rectitude, and the Assembly still sits transforming itself from time to time into a Convention or an Assembly.

Last night the Clerk of the Assembly according to custom, brought me the Journalls of the House in which observing a large Blank left in the proceedings of the day I desired to know the meaning of his bringing me the Journal in that imperfect state. He replied that the matter which was to be inserted in the blank space I observed in the Journall Book was written upon a detached paper; that it contained Instructions to a Committee to draw an address in answer to my Speech, which he intimated contained some reflections upon me and that it had been taken away by the Committee or some other Members of the House whose general sense he understood was that such part of the day's proceedings should not be entered on the Journalls at that time. I desired him to go to the Speaker from me and to let him know I thought it very extraordinary that the Journalls of the Assembly should be sent to be

laid before me in a state so incompleat and that I insisted upon seeing the remainder of the day's proceedings omitted in the Journal Book. The Clerk soon returned with a message importing that the Paper containing that part of the Assembly's proceedings which I desired to see was in the hands of some of the Members and not in his Power, but that as soon as he could get it it should be sent to me. I heard no more of it last night and this morning in answer to my secretary's demand of it from the Clerk he was told that it could not be obtained before the House sat, so that I do not now expect to see it untill the Journalls are brought to me this evening.

I am happy, My Lord, in thinking that before the receipt of your Lordship's circular letter of the 4th of January I had taken every measure in my power to execute his Majesty's commands thereby signified to me, and such further measures as I have since employed I should most certainly have taken if I had not previously received my Royal Master's sanction of them as being all the means I could use to resist the growth of a most daring Spirit of Sedition and disorder that is gaining ground here very fast, and which I thought it my duty to oppose as far as I was able. My Speech, such as it is, was drawn before your Lordship's letter above referred to reached my hands by last Thursday's Post, with exception of that sentence in it which refers to my authority for declaring his Majesty's disapprobation of the intended Congress of Delegates at Philadelphia. It seems it is matter for great reproach and censure of me among the Members of the Assembly that I have taken so many steps against the Convention while the Governors of other Provinces have omitted them, but their reflections are of little account to me, my Lord, while I have the approbation of the King and that of my own conscience in the discharge of my duty to his Majesty and the State.

The Spirit of the Convention here I have no doubt has been inflamed by the Communication of the Proceedings of a like monstrous Body lately assembled in Virginia, in which it is confidently reported it has been determined to array a company of 68 men in each County and that means are provided for the support thereof. It has transpired that the same propositions were made in the Convention here yesterday and that they were there overruled.

The Post setting out for Charles Town this day I could not omit to give your Lordship the information contained in this letter, which I consider of great moment and importance, and before I conclude I am bound in conscience and duty to add, My Lord, that Govern-

ment is here as absolutely prostrate as impotent, and that nothing but the shadow of it is left. It is indeed alike the Case in every other Colony that I hear of except New York, where the virtue of the Assembly has as yet supported it. I must further say, too, my Lord, that it is my serious opinion which I communicate with the last degree of concern that unless effectual measures such as British Spirit may dictate are speedily taken there will not long remain a trace of Britain's dominion over these Colonies.

I have the honor to be &c.

JO. MARTIN.

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

COUNCIL JOURNALS.

At a Council held at New Bern 11th April 1775.

Present

His Excellency the Governor.

The Honble	{	James Hasell	Martin Howard	} Esquires
		Alex. McCulloch	Samuel Cornell	
		William Dry	and	
		Samuel Strudwick	Thomas McGwire	

His Excellency asked the Opinion of the Board when it would be advisable to issue Writs for calling a new Assembly.

The Board were of opinion that it would be advisable to delay the issuing Writs for calling of a new Assembly 'till the end of June next.

At a Council held at New Bern 12th April 1775.

Present

His Excellency the Governor

The Honble	{	James Hasell	Samuel Strudwick	} Esquires
		Alex. McCulloch	Martin Howard	
		William Dry	Samuel Cornell	

The Governor laid before the Council the proceedings of a body of people calling themselves delegates of the inhabitants of this province in Convention signed John Harvey Moderator, wherein are certain Resolves highly derogatory to the Honour and dignity of His Majesty's Government, tending to destroy the Peace and wel-

fare of this Province, in the highest degree oppressive of the people and utterly subversive of the established Constitution. He therefore submitted to the consideration of this Board the propriety of marking its indignation of such unlawful and dangerous proceedings by striking Mr John Harvey out of His Majesty's Commission of the peace for the County of Perquimans where he resides.

The Board fully concurring with His Excellency's sentiments of the foregoing proceedings, unanimously advised that the said John Harvey should be struck out of the Commission of the Peace for Perquimans County.

The Hon William Dry Esquire took again the Oath appointed to be taken by the Privy Councillors.

[B. P. R. O. AM. & W. IND. No. 222.]

[Extract from the Cape Fear Mercury of Monday, August 7th, 1775]

Letter from Lord Effingham to Lord Barrington, Secretary at War.
MY LORD,

I beg the favour of your Lordship to lay before his Majesty the peculiar embarrassment of my present situation.

Your Lordship is no stranger to the conduct which I have observed in the unhappy disputes with our American Colonies.

The King is too just and too generous not to believe that the votes I have given in Parliament have been given according to the dictates of my conscience. Whether I have erred or not the course of future events must determine. In the mean time if I were capable of such duplicity as to be any way concerned in enforcing those measures of which I have so publicly and solemnly expressed my disapprobation I should ill deserve what I am most ambitious of obtaining the esteem and favourable opinion of my sovereign.

My request therefore to your Lordship is this, that after laying these circumstances before the King you will assure his Majesty that he has not a subject that is more ready than I am with the utmost Chearfulness to sacrifice his life and fortune in support of the safety honour and dignity of his Majesty's crown and person, but the very same principles which have inspired me with these unalterable sentiments of duty and affection to his Majesty will not suffer me to be

instrumental in depriving any part of his people of those liberties which form the best security for their fidelity and obedience to his government. As I cannot without reproach from my own conscience consent to bear arms against my fellow subjects in America in what to my weak discernment is not a clear cause, and as it is now finally resolved that the 22^d regiment is to go upon the American service I desire your Lordship to lay me in the most dutiful manner at his Majesty's feet and humbly beg that I may be permitted to retire.

Your Lordship will also be so obliging to intreat that as I waive what the custom of the service would entitle me to, the right of selling what I bought, I may be allowed to retain my rank in the army that whenever the envy or ambition of foreign powers should require it I may be enabled to serve his Majesty and my country in that way in which alone I can expect to serve them with any degree of effect.

Your Lordship will easily conceive the regret and mortification I feel at being necessitated to quit the military profession which has been that of my ancestors for many generations, to which I have been bred almost from my infancy, to which I have devoted the study of my life and to perfect myself in which I have sought instruction and service in whatever part of the world they were to be found.

I have delayed this to the last moment lest any wrong construction should be given to a conduct which is influenced only by the purest motives. I complain of nothing. I love my profession, and should think it highly blameable to quit any course of life in which I might be useful to the public so long as my constitutional principles and my notions of honour permitted me to continue in it.

I have the honour to be, with great respect,

Your Lordship's most obedient and most humble serv^t,

EFFINGHAM.

Adelphi Buildings, April 12th, 1775.

Letter from Charles Lee to Lord Barrington.

PHILADELPHIA June 22^d 1775.

MY LORD,

Although I can by no means subscribe to the opinion of divers People in the world that an officer on half pay is to be considered in the service, yet I think it a point of delicacy to pay a deference to this opinion erroneous and absurd as it is. I therefore apprise

your lordship in the most public and solemn manner that I do renounce my half pay from the date hereof. At the same time I beg leave to assure your Lordship that whenever it shall please his Majesty to call me forth upon any honourable service against the natural hereditary enemies of our country or in defence of his just rights and dignity no man will obey the righteous summons with more zeal and alacrity than myself; but the present measures seem to me so absolutely subversive of the Rights and liberties of every individual subject, so destructive to the whole empire at large and ultimately so ruinous to his Majesty's own person dignity and family that I think myself obliged in conscience as a citizen Englishman and soldier of a free state to exert my utmost to defeat them. I most devoutly pray to Almighty God to direct his Majesty into measures more consonant to his interest and honour and more conducive to the happiness and glory of his people.

I am, my Lord,

Your most obedient humble servant

CHARLES LEE.

To the Right honourable Lord viscount Barrington his Majesty's secretary at war.

As we have already been informed of the noble-spirited conduct of the Earl of Effingham in resigning his commission into His Majesty's hands on finding his regiment was ordered for America, the following abridgment of his Lordship's speech in the House of Lords on the motion to receive the New York Memorial cannot but be acceptable to our Readers.

MY LORDS,

"Whatever has been done by the Americans I must deem the mere consequence of our unjust demands. They have come to you with fair argument, you have refused to hear them; they make the most respectful remonstrances, you have answered them with pains and penalties; they know they ought to be free, you tell them that they shall be slaves. Is it then a wonder if they say in despair, 'For the short remainder of our lives we will be free?' Is there any one among your lordships who in a situation similar to that which I have described would not resolve the same? If there could be such an one, I am sure he ought not to be here. To bring the

history down to the present scene, here are two armies in presence of one another, armies of brothers and countrymen, each dreading the event, yet each feeling that it is in the power of the most trifling accident, a private dispute, a drunken fray in any public house in Boston, in short, a nothing, to cause the sword to be drawn and to plunge the whole Country into all the horrors of blood, flames and parricide. In this dreadful moment a set of men more wise and moderate than the rest exert themselves to bring us all to reason. They state their claims and their grievances, nay, if anything can be proved by Law and History they prove them. They propose oblivion, they make the first concessions, we treat them with contempt; we prefer poverty, blood and servitude to wealth, happiness and liberty. What weight these few observations may have I don't know, but the candour your Lordships have indulged me with requires a confession on my part which may still lessen that weight. I must own I am not personally disinterested. Ever since I was of an age to have any ambition at all my highest has been to serve my country in a military capacity. If there was on earth an event I dreaded it was to see this country so situated as to make that profession incompatible with my duty as a citizen. That period is in my opinion arrived; and I have thought myself bound to relinquish the hopes I formed by a resignation which appeared to me the only method of avoiding the guilt of enslaving my country and embroiling my hands in the blood of her sons. When the duties of a soldier and a citizen become inconsistent I shall always think myself obliged to sink the character of the soldier in that of the citizen till such time as their duties shall again, by the malice of real enemies, become united. It is no small sacrifice which a man makes who gives up his profession, but it is a much greater when a predilection, strengthened by habit, has given him so strong an attachment to his profession as I feel. I have however this one consolation, that by making that sacrifice I at last give my country an unequivocal proof of the sincerity of my principles."

By a letter from a Gentleman in Charlestown to his friend here, we are informed that the honourable John Stuart, the Superintendent of Indian affairs for the Southern district has actually been tampering with the Southern Indians to take up the hatchet against us. This has been proved on him, for which he fled to Georgia but a strong party has been sent after him who 'tis supposed will be

fortunate enough to take him. Thus we see every engine is set to work, and every tool of a corrupt ministry employed to subjugate this once happy land. And shall there be found one American in aid to this horrid scheme? Forbid it Heaven and rouse the old Roman virtue found spontaneous in these regions to repel the force of wicked Tyrants who would level the world with their own base principles.

[REPRINTED FROM AMERICAN ARCHIVES. VOL. 2. PAGE 317.]

Letter from General Gage to Governor Martin.

Boston, April, 1775.

SIR,

Your letter of the 16th of March, I have had the pleasure to receive, and am glad to hear that many of the people in your Province are beginning to find they have been misled, and that they seem inclined to disengage themselves from the arbitrary power of the Continental Congress, and of their Committees. I wish that I could say as much for the people of this Province, who are more cool than they were, but their leaders, by their arts and artifices, still keep up that seditious and licentious spirit, that has led them on all occasions to oppose Government, and even to acts of rebellion. The late accounts from England have embarrassed their Councils much. They have applied to the New England Governments, and doubtless will to those at the Southward, to assist them, but I hope the madness of the latter is wearing off, and that they will get no encouragement from thence.

This Province has sometime been, and now is, in the new-fangled Legislature, termed a Provincial Congress, who seemed to have taken the Government into their hands. What they intend to do I cannot pretend to say, but they are much puzzled how to act. Fear in some, and a want of inclination in others, will be a great bar to their coming to extremities, though their leaders use every measure to bring them into the field.

I have the honor to be &c.,

THOMAS GAGE.

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

At a Council held at New Bern 14th April 1775.

Present

His Excellency the Governor

The Honble {	James Hasell	Samuel Strudwick	} Esquires
	Alexander McCulloch	Martin Howard	
	William Dry	Samuel Cornell	

His Excellency desired the opinion of the Board whether he should continue to issue Warrants to the Treasurers for the expence of the Establishment of Fort Johnston as usual.

The Board were of opinion that agreeable to the Resolve passed last Session of Assembly he was justified in so doing.

His Excellency proposed to the Board to add John M^cNair and John Hogg Esq^{rs} to the Commission of the peace for the County of Orange — and to correct a mistake in the Commission of the peace for the County of Brunswick wherein the name of Isaac Marison is inserted instead of Isaac Marian to both which they assented — And His Excellency in Council ordered that the Clerk of the Inferior Court of Brunswick make the alteration accordingly — and that the Clerk of the Inferior Court of Orange insert the names of John Hogg and John M^cNair Esq^{rs} in the Commission of the peace for that County.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. VOL. 222.]

Letter from Chief Justice Howard to the Earl of Dartmouth.

NEW BERN, NORTH CAROLINA, April 15th, 1775.

MY LORD,

I had the honor to receive your Lordships favour of the 4th May last and I have hitherto delayed to answer it waiting for the meeting of the Assembly to see whether they would make any provision for me as Chief Justice of this Province in which case any further application to your Lordship upon that subject might have been needful. But I am now to acquaint your Lordship that all my hopes from the Assembly are at an End, their very extravagant conduct at their last meeting having obliged his Excellency Governor Martin to dissolve them; I therefore again humbly pre-

sume to solicit your Lordship's kind Intercession with his Majesty in my behalf hoping, that, as every Chief Justice upon the Continent of America (if I am not misinformed) is provided for by the Crown except myself, I shall experience the like gracious Indulgence especially as I trust I am not behind any of them in zeal for the Honour and Dignity of his Majesty and his Government, A Zeal which I have upon all occasions openly testified and for which I have become not a little obnoxious to the Popular Party here.

I will trouble your Lordship no longer than to inform you that it is now near a year since the small salary allowed me by the Assembly has ceased, and as my private fortune is by no means sufficient to support my Family my situation is attended with peculiar hardship.

I have the honor to be &c

M. HOWARD.

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

Proceedings of the Safety Committee at Wilmington.

THURSDAY, April 20th, 1775.

The Committee met agreeable to adjournment.

Present: Cornelius Harnett, Chairman, Robert Hogg, James Walker, Alex. Lillington, Tim'y Bloodworth, Andrew Ronaldson, John Calvin, Francis Clayton, James Blythe, Sam Marshall, Jno. Robinson, Wm. Purviance, Sampson Moseley, George Moore, John Ancrum, Wm. Ewins, Frederick Jones.

Mr. Wm. Wilkinson, appeared and produced a certificate for the proper landing of a parcel of goods consigned him from Charles-town, in the Schooner -----, Yelverton Fawkes, master, which being read, was deemed satisfactory to the Committee.

Application was then made by Mr. Cruden, in behalf of a Mr. Elliott, setting forth that he had purchased the real and personal estate of Marmaduke Jones, Esq., both of this province, and praying to have leave to import some of his house servants (negroes) now in Jamaica; the articles in the above association respecting the importation of slaves being read, and the subject fully debated it was determined that said servants could not be imported.

The Committee then adjourned to May 20th.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

Letter from Governor Martin to the Earl of Dartmouth.

NEW BERN, 20th April 1775.

MY LORD,

By my last dispatch N^o 30 I had the honor to relate to your Lordship to that date the very extraordinary Proceedings of the Assembly and of a Body of Men stiling themselves a Committee of Delegates that met here at the same time in spite of my utmost endeavours to prevent, and I now avail myself of the first opportunity to lay before your Lordship the further detail and Sequel of their strange and unwarrantable proceedings. The Assembly's Journals, of which I have the honor to transmit a Copy herewith, contains those of that Branch of the Legislature and the *Carolina Gazette* also enclosed exhibits the Operations of the Convention, and as the same men governed the two Bodies your Lordship will not think it surprising that they should make them both move and speak correspondingly.

The Blank that I told your Lordship that I had observed left on the Assembly's Journal in the Proceedings of the 6th Instant in order to conceal from me a part of the Transactions of that day, I found agreeable to the Clerk's Report at the time I took notice of it filled up with very remarkable Instructions to a Committee appointed to draw up an address in answer to my Speech, When the Journals were brought to me on the 7th in the evening at which time the Clerk brought me also a Copy of the address of the Assembly. Having read over these very extraordinary Papers I thought it proper to advise with the Council therupon as I had done on the Previous Transactions, and it being summoned immediately I laid the Journals of the Assembly before the Board, expressing my own sense of the indecency of receiving in the Character of the King's representative an address, of which the Matter as well as the expression, was so offensive and insulting and of the unfitness of suffering an Assembly to sit longer which had not only withstood my own solemn exhortations to discourage the meeting of the convention and involved itself almost inseparably in that unlawful Body and shared all the guilt of its Proceedings, but had also given the fullest approbation to the very measures which I had

expressly declared to be highly offensive to the King. The Council having perused and considered the proceedings of the Assembly concurred unanimously in my sentiments and advised me to dissolve the Assembly immediately by Proclamation. Accordingly a Proclamation was drawn and it being then late at Night it was published on Saturday Morning before the time to which the Assembly had adjourned.

This Event was no sooner known than some of the Members of the Assembly went with the address your Lordship will find inserted upon the Journals to the Printer here and obliged him to print it in hand Bills with a Preface containing an abominable falsehood—For it appears by it that the Assembly was actually on the way to present their address to me when it was dissolved. Whereas I had received a Copy of it from the Clerk only the preceeding evening as I have mentioned before and no message had been sent to me by the House as usual informing me that they had prepared an Address and desired a time to be appointed when the House might present it. It may be presumed these People were those who framed the address and the very few who approved of it, for I understood that it was carried by Stratagem and Surprise in a very thin House and that it was contrary to the sense of a great Majority; indeed I have heard that it was highly condemned by one of the Members of the Committee appointed to draw it, however this may be every body since exclaims against it and I believe my Lord that the means taken to circulate their intended Address will tend only to their more general disgrace instead of procuring the Triumph and Applause in the expectation of which it was contrived and adopted. I must own to your Lordship after all that If I could have reconciled it to decency to receive such an Address in my publick character I should have been glad of an opportunity to answer it and to expose the Falsehoods Delusions and inaccuracies with which it abounds although many of them are too obvious to escape the most common observer.

The imputations upon myself My Lord I flatter myself it is not necessary to make any defence against, your Lordship is fully informed of my Reasons for not giving my assent to the Bill for establishing Inferior Courts, by the want of which, charged to my fault by the Assembly's address, lists of Taxables were not obtained for the year 1773. And I have the happiness to know that your Lordship thinks I acted consistently with my duty with regard to

the charge of not holding the Assembly in the Fall (which has been by no means the usual time fixed) nor admitted by the generality of people to be so convenient as the Spring. Your Lordship knows I was at that time absent from the Province at New York for the recovery of my health and if I had been here I certainly should have postponed meeting the Assembly for the reason I have formerly assigned to your Lordship viz^t the hopes of some decisive Intelligence from England and the expectation of a prudent example being made by the Assembly of New York, whereof I have not been disappointed although I have unhappily in my estimate of its good effects upon the Assembly here. The suggestion of the deficiency of the Treasury being owing to this circumstance is obviously false, for my Lord if a law had been passed raising a contingent tax in the Autumn, which is not in the least probable, no collection of it could have begun before the month of June next, and therefore no supply of money could have been brought by it into the Treasury at this time or at all sooner than it would have been if the Law had passed at the late meeting that has proved so abortive of every good purpose.

The short Prorogations alluded to in the Assembly's address were made by M^r Pres^t Hasell in my absence in expectation of my return that was delayed by accidents beyond my intention, and if it happened that the distant Members had not timely notice of one of them it is not to be wondered at in a country of so great extent where expresses are hired with difficulty and are very little to be depended upon for punctuality or dispatch.

On the day before the Dissolution of the Assembly took place I am informed that M^r Caswell who is appointed one of the Delegates to attend the proposed congress at Philadelphia next month was prevailed upon by a number of the Members of the Assembly who plighted their words for his Reimbursement when it became needful to advance to the Congress Delegates the sum of nine hundred pounds of the publick money that had been paid into his hands for sinking the Paper currency and which ought never more to have been circulated. This, my Lord, was a private transaction of a very extraordinary nature of which not one word appears upon the Journals.

It seems, my Lord, to be put out of doubt that the Leaders of the Assembly met here with fixed design to do no business, not only by all the means they used to provoke a dissolution but from their

Declarations against passing Laws for the establishment of Courts of Justice that was the most important business to be done, openly avowing they would be injurious at this time unless their operation could be suspended, since they would furnish the merchants with opportunity to harrass their Debtors while the people at large, having bound themselves by the Resolves of the Congress, could not convert their commodities into money to pay their Debts. This however the more general and specious reason is not that of greatest force with all the leaders in the Assembly, for it is notorious there are among them some whose desperate circumstances make them dread the long arms of Courts of unlimited jurisdiction which would extend to their own cases and who have availed themselves of every other pretence to postpone their establishment while that has been the true Principle of their Opposition.

I therefore think it is much to be feared My Lord that if this great point of Policy is left longer to depend upon the Will of the Assembly the Province will be very long without any compleat or adequate system for the Administration of Justice. The power of the Crown with regard to the Constitution of Courts being undoubted I should think it for the good of the Country to exercise it forthwith. There is no doubt that necessity would induce the people to resort to such Courts as might be established under its authority and the Assembly would soon be induced to give them all necessary aid by a Law to compel the attendance of Jurors which alone would be wanting to make such Courts perpetually effectual. At New York there are no Courts but which are established under the Powers in the King's Commissions to his Governors by Ordinances made with the advice of the Council, to which the Legislature of that Country hath given perfection by a Jury Law and the people in that Colony where Justice is administered in the best manner have never wished that it should be left to depend upon the Will of the Assembly to continue to them so great a Blessing or to deprive them of it by passing or forbearing to pass Laws for the Erection of Judicatories. In expectation of his Majesty's disallowance of the Laws for the Constitution of ineffectual Courts of Oyer and Terminer and of appeals and of County Courts to which I assented at the last Session so reluctantly chiefly for the sake of bringing conviction of their incompetency to the minds of the people after the failure of all reasoning and argument upon the subject, I have furnished myself with Copies of the Ordinances at

New York for the erection of Courts in that Province intending in that Case to establish them by the same authority here. The Assembly will probably decline to settle any salary upon the Chief Justice and other Judges and I am inclined to think it will not under any circumstances establish permanent Salaries for them unless the Crown should think proper to appoint them during good Behaviour. I hope it will therefore become a matter worthy the consideration of Government to grant them Salaries payable out of some certain Fund. The subject My Lord brings to my mind the present unworthy and deplorable Circumstances of M^r Howard his Majesty's Chief Justice of this Province than whom I will presume to say his Majesty has not a more faithful servant. The Law appointing his Salary from the Province expired in June last and he is now reduced to the pittance of £70 sterling p ann: charged upon the Revenue of Quit Rents of which has not received 1s. these four or five years past — a condition that is really heart breaking to a gentleman in so high and important a station which he is anxious to support with becoming Dignity. I learn from him that he has represented his case to your Lordship in a Letter herewith enclosed and I wish I could add anything more than what I have said to recommend it to your Lordship's favourable attention.

Having advised with His Majesty's Council about calling a new Assembly they advise me to postpone issuing Writs for that purpose until after the month of June, thinking it highly improper after the late Procedure of the Assembly to give the Members opportunity at this Conjunction of heating the minds of the people as they would find occasion to do at Elections if held before they have had time to cool and reflect, and I concur in their opinion.

The Journals of the upper as well as lower Houses of Assembly will accompany this letter.

The Convention here, your Lordships will find by a Copy of its proceedings inclosed, proceeded to such arbitrary lengths as to provoke one of the Delegates to withdraw himself. And I am happy in finding M^r Macknight the Schismatic who is by much the man of the best understanding and I believe of the best principles in the Assembly or that Body. He is besides a man of spirit of considerable fortune and deservedly much beloved in the part of this Country where he resides, and I trust the ill treatment he has met

with will engage him to employ his influence to pull down the Tyrannies under the Recommendations of the Congress.

The Convention has not been sparing of its censures on the measures issued to prevent its operations, but these maledictions, My Lord, affect me not while I have reason to hope for the King's approbation of my conduct, founded in the consciousness of having discharged my duty to his Majesty and the State in a most faithful manner and to the best of my judgment and Power. The extravagance to which this Body has proceeded in laying a Tax upon the people of this Country will open their Eyes beyond everything else and cannot fail, I think, to bring on the downfall of these democratical Usurpations very soon, and I am confident that a firm continuance on the part of Britain and perseverance in measures of vigor and spirit, such as become that great Nation, are only wanting to extinguish utterly the flame raised by false patriotism or democratic zeal in these Colonies, while I am satisfied on the other hand that any concessions of the Parent Country at this time will only invigorate the distemper with which these Members of the British Empire are afflicted.

Ten of the 34 Counties of this Province sent no Delegates to this late Convention, in many others the Committees consisting of 10 or 12 Men took upon themselves to name them and the rest they were not chosen according to the best of my information by one twentieth part of the people, notwithstanding every act of persuasion was employed by the Demagogues upon the occasion.

The Inhabitants of the Western Counties who were for the most part concerned in the late Insurrections remember very properly the correction they received for their offences from Governor Tryon and the solemn Oath of Allegiance they took at that time nor do I think they will be reduced from their duty by any means. I have received the fullest assurances of their devotion to His Majesty and of their readiness to support me in maintaining the constitution and Laws of their Country upon all occasions, and I have no doubt that I might command their best services at a word on any emergency. This, My Lord, affords me the highest satisfaction, for as these Counties are by far the most populous part of the Province, I consider I have the means in my own hands to maintain the sovereignty of this Country to my Royal Master in all Events.

I am My Lord &c,

JO. MARTIN.

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

COUNCIL JOURNALS.

At a Council held at New Bern 24th April, 1775.

Present

His Excellency the Governor.

The Honble { James Hasell Martin Howard & } Esquires.
 { Samuel Strudwick Samuel Cornell }

Ordered a new Commission of the Peace for the County of Pitt, wherein the names of John Simpson, Robert Salter, Robert Lanier, Daniel Charles Forbes, Lazarus Pearce and Peter Reeves are to be omitted.

[REPRINTED FROM THE AMERICAN ARCHIVES, VOL. 2. P. 363.]

An Account of the Battle of Lexington and how News was Transmitted.

NEW YORK, Sunday, April 23^d, 1775.

This morning we had reports in this City from Rhode Island and New London that an action had happened between the King's Troops and the inhabitants of Boston which was not credited: but about twelve o'clock an express arrived with the following account, Viz:

Watertown, Wednesday Morning,

Near 10 O'clock, April 19th, 1775.

To all Friends of American Liberty let it be known

That this morning before break of day a Brigade consisting of about one thousand or twelve hundred men landed at Phipp's farm at Cambridge, and marched to Lexington, where they found a Company of our Colony Militia in arms upon whom they fired without any provocation and killed six men and wounded four others. By an Express from Boston we find that other Brigades are upon their march from Boston supposed to be about one thousand. The bearer Israel Bessel is charged to alarm the country quite to Connecticut and all persons are desired to furnish him with fresh horses as they may be needed. I have spoken with several who have seen the

dead and wounded. Pray let the Delegates from this Colony to Connecticut see this; they know Colonel Foster of Brookfield, one of our Delegates.

T. PALMER,

One of the Committee for Safety.

A true copy taken from the original per order of the Committee of Correspondence for Worcester, April 19th 1775.

Attest: NATHAN BALDWIN, Town Clerk.

FAIRFIELD, CONNECTICUT,

Saturday, 22^d April, 8 o'clock.

Since the above was written we have received the following by the second Express:

Thursday, 20th, 3 o'clock A. M.

I am this moment informed by Express from Woodstock taken from his own mouth that arrived there at 2 o'clock this afternoon that the contest between the first Brigade that marched to Concord was still continuing this morning at the town of Lexington, to which place said Brigade had retreated; that another Brigade said to be the second mentioned in the letter of this morning had landed with a quantity of artillery at the place where the first did. The Provincials were determined to prevent the two Brigades from joining their strength if possible and remain in great need of succour. The Regulars when in Concord burnt the court-house took two pieces of cannon which they rendered useless and began to take Concord Bridge on which Captain -----, who with many on both sides were soon killed, then made an attack on the King's Troops, on which they retreated to Lexington.

I am your humble servant,

EBENEZER WILLIAMS.

To Colonel Obediah Johnson, Canterbury.

P. S. Mr McFarland of Camfield, merchant, has just returned from Boston by way of Providence who conversed with an express from Lexington who further informs that about four thousand of our Troops had surrounded the first Brigade above mentioned who were on a hill in Lexington, that action continued and there were about fifty of our men killed and one hundred and fifty of the Regulars as near as they could determine when the express came away. It will be expedient for every man to go who is fit and willing.

The above is a true copy as received by express from New Haven and attested by the Committee of correspondence from Town to Town.

Test: JONATHAN STURGIS,
G. SILLECK SILLIMAN,
JOB BARTRAM,
ANDREW ROWLAND,
THADEUS BURR,
Committee.

The above was received on Sunday April 23^d about twelve o'clock by the Committee of New York and forwarded to Philadelphia by Isaac Low, Chairman of the Committee, at 4 O'clock P. M.

New York, April 25th 1775.

This day about noon arrived a second express from New England with the following important advices,

Wallingford, Monday, April 25th, 1775.

Dear Sir: Colonel Wadsworth was over in this place most of yesterday and has ordered twenty men out of each company in his Regiment, some of which have already set off and others go this morning. He brings accounts which came to him authenticated from Thursday in the afternoon. The Kings Troops being reinforced a second time, and joined as I suppose from what I can learn by the party who were intercepted by Colonel Gardner, were then encamped on Winter Hill and were surrounded by twenty thousand of our men who were entrenching. Col. Gardner's ambush proved fatal to Lord Percy and another General Officer who were killed on the spot the first fire. To counterballance this good news the story is that our first man in command (who he is I do not know) is also killed. It seems they have lost many men on both sides. Colonel Wadsworth had the account in a letter from Hartford.

The Country beyond here are all gone and we expect it will be impossible to procure horses for our wagons as they have, and will in every place, employ themselves all their horses. In this place they send a horse for every sixth man, and are pressing them for that purpose. I know of no way, but you must immediately send a couple of stout able horses, who may overtake us at Hartford, pos-

sibly where we must return Mrs Noyes's and Meloy's if he holds out so far. Remember the horses must be had at any rate.

I am in the greatest haste, your entire friend and humble servant,
JAMES LOCKWOOD.

N. B. Colonel Gardner took nine prisoners and twelve clubbed their firelocks and came over to our party. Col. Gardner's party consisted of seven hundred men and the Regulars one thousand eight hundred instead of one thousand two hundred as we heard before. They have sent a vessel up Mystick River as far as Temple's farm, which is about half a mile from Winter Hill. The accounts being true all the King's forces except four or five hundred must be encamped on Winter Hill.

At the instance of the Gentlemen of Fairfield, just departed from hence this is copied verbatim from the original to be forwarded to that town.
ISAAC BEERS.

New Haven April 24th 1775, half past nine o'clock forenoon,
PIERPONT EDWARDS.

Fairfield April 24th 1775, three o'clock afternoon. — A true Copy as received per express.

THADEUS BURR,
ANDREW ROWLAND,
ELIJAH ABEL.

Norwalk, April 24th seven o'clock afternoon. A true copy as received per express.

JOHN CANNON
THADDEUS BETTS
SAMUEL GERMAN
Committee.

Stamford, April 24th ten o'clock evening. A true copy.

JOHN HAIT JUNR
SAMUEL SHELTON
DAVID WEEB
DANIEL GRAY
JONATHAN WARRING JUNR

Greenwich, April 25th three o'clock morning. — The above is forwarded to the Committee of Correspondence at New York.

AMOS MEAD.

A true copy received in New York two o'clock P. M.—Tuesday April 25th 1775.

ISAAC LOW Chairman New York Committee.

A true copy received at Elizabethtown seven o'clock in the evening—Tuesday April 25th 1775.

JONA HAMPTON

Chairman of the Committee

GEORGE ROSS

JOHN BLANCHARD

A true copy received at Woodbridge ten of the Clock in the evening—Tuesday April 25th 1775.

NATHANIEL HEARD

SAMUEL PARKER

JONATHAN CLAWSON

Three of the Committee.

The above received at New Brunswick the 25th April 1775 twelve o'clock at night.

W^m OAKE

JAS NEILSON

AZ. DUNHAM

A true copy received at Princeton April 26th 1775 half past three o'clock in the morning.

THOMAS WIGGIN

JONES BALDWIN

Members of Committee.

The above received at Trenton on Wednesday Morning about half after six o'clock and forwarded at seven o'clock.

SAMUEL TUCKER

ISAAC SMITH

ALEXANDER HUNT

Three of the Committee.

Philadelphia twelve o'clock Wednesday—received and forwarded at the same time, by

LAMB. CALLWALADER

W^m BRADFORD

THO. PRYOR

ISAAC MELCHOR

Committee for the city of Philadelphia.

Chester four o'clock Wednesday P. M.—received and forwarded
by

FRANCIS JOHNSTON

ISAAC EYRE

SAMUEL FAIRLAMB

New Castle nine o'clock Wednesday evening.—Received and
forwarded.

Z V LEWENIGH,

STEPHEN SPENCER.

Wednesday night Christeen Bridge, twelve o'clock.—Forwarded
to Col. Thomas Couch, Esquire who received it this moment and he
to forward it to Tobias Rudolph, Esquire, head of Elk in Maryland.
Night and day to be forwarded.

S PATTERSON.

27th April 1775, half past four o'clock A. M.—Received and for-
warded to Patrick Hamilton, Esquire in Charlestown by

TOBIAS RUDOLPH,

JOS GILPIN.

Baltimore April 27th 1775.—Received at ten o'clock P. M.

JOHN BOYD,

Clerk of the Committee.

A true copy received in Annapolis, Friday April 28th, 1775, half
after nine o'clock A. M. and forwarded at ten per Express.

MAT TILGHMAN

CH. CARROLL OF CARROLTON,

CHARLES CARROLL,

I HALL,

THO^s JOHNSTON, JUN,

SAMUEL CHASE.

Committee of Correspondence for Maryland.

Friday, Alexandria, Eight o'clock P. M.—We received the
enclosed from Annapolis at six o'clock. Please forward to Fred-
ericksburg. I am for self and Committee of Correspondence in this
place, gentlemen your humble servant.

W^m RAMSEY.

To the Committee of Correspondence in Dumfries.

Dumfries, April 30th Sunday—Gentlemen, thé enclosed came to
hand this morning about ten o'clock. In one hour I hired the

bearer to convey it to your place to the different Committees. For self and the Committee of Correspondence in this place, I am, gentlemen, your most obedient humble servant.

WILLIAM CARR.

To the Committee of Correspondence at Fredericksburg by Express.

Fredericksburg Sunday evening, half past Four.—Gentlemen: The enclosed arrived here about an hour ago and is forwarded to your Committee by your very humble servants.

JAMES MERCER,
GEO. THORNTON,
MANN PAGE, JUN,
HUGH MERCER.
Committee.

King William, May 1st 1775.—Gentlemen: The enclosed arrived here to day and is forwarded to your Committee by your most obedient servant,

CARTER BRAXTON.

Surry County, May 2^d 1775.—Gentlemen: The enclosed arrived here this evening and is forwarded by your most obedient servant,

ALLEN COCKE.

Williamsburg, May 2^d 1775.—Gentlemen: The enclosure is this moment come to hand and I forward it to you by express with the request of the Committee of Williamsburg that you will be pleased to forward the papers to the Southward and disperse the material passage through all your parts.

I am very respectfully gentlemen your most obedient servant,
R^d C. NICHOLAS, Chairman.

Smithfield, May 3^d 1775, Five o'clock in the morning.—The enclosed arrived here this morning and is forwarded to your Committee of Correspondence by your humble servants,

ARTHUR SMITH
NATHANIEL BURNNE

To the Committee of the County of Nansemond or any of them —
an express from Boston.

Nansemond, May 3^d 1775.—Gentlemen: The enclosed is this moment come to hand and we forward it to you by express with the request of the Committee of Nansemond and you will be pleased to forward them to the Southward.

We are gentlemen your most obedient servants,

WILLIS RIDDICK

WILLIS COWPER

To the Committee of Chowan, North Carolina.

May 3^d 1775.—Gentlemen: The enclosed papers we have just received and forward them by express to you to be sent to the Southward.

We are gentlemen your obedient servants,

THE COMMITTEE OF THE COUNTY OF CHOWAN.

To the Committee of Correspondence for the Town of Edenton —
by express.

Edenton, May 4th nine o'clock 1775.—Gentlemen: The enclosed is this moment come to hand and we forward to you by express with the request that you will be pleased to forward the papers to the Committee of Craven County immediately and disperse the material passages through all your parts.

We are gentlemen your most obedient humble servants,

JAMES BLOUNT, Chairman

THO. JONES

JOHN HAMILTON

CHARLES BONDFIELD

JNO. GREEN

WILLIAM BENNETT

ROBT. HARDY

ROBT SMITH

S. DICKINSON

To the Committee of Beaufort County.

Beaufort County, May 6th 1775.—Gentlemen: The enclosed is this moment come to hand and we forward to you by express with the request that you will forward the different papers to the Southward immediately.

We are gentlemen your obedient humble servants,

ROGER ORMOND

WILLIAM BROWN

To the Committee of Craven County.

Bath, May 6th 1775.—Dear Sir: In haste have sent to request you will peruse the enclosed papers and you will do by opening the packet herewith sent the moment it comes to your house. Get three or four of your Committee to write a line and send the whole enclosed to the next Southward Committee with the utmost dispatch.

We are dear sir with regard your most humble servants,

WILLIAM BROWN

ROGER ORMOND

To Abner Nash Esquire or either of the Committee for the County of Craven — per express.

Newbern, May 6th 1775.—Gentlemen: the enclosed arrived here about an hour past and is forwarded immediately to you and desire you will keep a copy of James Lockwood's letter and send them on as soon as possible to the Wilmington Committee.

We are gentlemen your obedient servants,

SAMUEL SMITH

A. NASH

R. COGDELL

JOSEPH LEECH

JOHN GREEN

JOHN FONVILLE

WILLIAM TISDALE

WILLIAM STANLY

THOMAS McLIN

JAMES COOR.

N. B. We have enclosed our last paper which gives an account of the first beginning of the battle which please to send to Wilmington &c, and send all the bundle of papers forward as soon as you possibly can.

To the Committee of Onslow County.

Onslow County, Sunday 10 O'clock Morning, May 7th. — Gentlemen: About an hour past I received the enclosed papers. Disperse them to your adjoining counties. Keep a copy of James Lockwood's letter and pray write us what to do. We are, for Onslow,

W^m CRAY,

SETH WARD,

JOS. FRENCH,

EDWARD WARD,

ROBERT SNEAD.

Enclosed is the last Gazette for Brunswick.

To the Wilmington and Brunswick Committees: For Cornelius Harnett, Esquire, Colonel John Ashe, or any one of the Committee for Wilmington (Express.)

New River, May 7th 1775.—Received and forwarded by W^m Cray.

Wilmington, May 8th 1775, 4 O'clock Afternoon.—Dear Sir: I take the liberty to forward by express the enclosed papers which were received at 3 o'clock this afternoon. If you should be at a loss for a man and horse the bearer will proceed as far as the Boundary House. You will please direct Mr Marion or any other gentleman to forward the packet immediately to the Southward with the greatest possible dispatch. I am with esteem, dear sir your most obedient servant,

CORNS. HARNETT.

P. S. For God's sake send the man on without the least delay and write to Mr Marion to forward it by night and day.

To Richard Quince, Esquire, Brunswick.

Brunswick, May 8th 1775, 9 o'clock in the Evening.—Sir: I take the liberty to forward by express the enclosed Papers which I just received from Wilmington and I must entreat you to forward them to your community at Georgetown to be conveyed to Charlestown from yours with all speed. Enclosed is the Newspaper giving an account of the beginning of the battle and a letter of what happened after. Pray don't neglect a moment in forwarding. I am your humble servant,

RICHARD QUINCE.

To Isaac Marion, Esquire, at the Boundary.

May 8th, 1775.—Dear Sir: Though I know you stand in no need of being prompted when your country requires your service, yet I cannot avoid writing to you to beg you to forward the Paper containing such important news and pray order the express you send to ride night and day. I am dear sir in the greatest haste your most obedient servant,

R. HOWE.

Isaac Marion Esquire, Boundary.

Boundary May 9, 1775, Little River.—Gentlemen of the Committee, I have just now received express from the Committees of the

Northward Provinces desiring I would forward the enclosed Packet to the Southward Committees. As your's is the nearest I request for the good of our Country and the welfare of our lives and liberties and fortunes, you will not lose a moment's time but dispatch the same to the Committee of Georgetown to be forwarded to Charlestown.

In mean time am gentlemen your obedient humble servant &c,
ISAAC MARION.

To Dannes Hankins, Josias Allson, and Samuel Dwight Esquires,
and Messrs Francis and John Allston, Gentlemen of the Committee
for Little River.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA, NO. 222.]

Deposition of John Stephen about the Loyalty of Colonel William Dry.

John Stephen, Purser of His Majesty's Sloop *Cruizer*, being sworn the 15th September 1775 on the Holy Evangelist of Almighty God deposeth and saith,

That some time in April last, the day on which William Hooper, one of the Delegates of this Province embarked for Philadelphia to meet the Congress, this Deponent was in Roger's Tavern at Brunswick, when Mr Will^m Dry the Collector of the Customs at that place was in company with the said Delegate, and that upon the said William Dry taking his leave of the said delegate, This Deponent heard the said William Dry (after Wishing him health and safe return) tell the said William Hooper to be resolute, and not give up a single point to them, meaning as this Deponent conceived the People of Great Britain, upon which the said Hooper replied, he hoped they would act with prudence, and further this Deponent saith not.

(Signed)

JOHN STEPHEN.

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

Proceedings of the Safety Committee in Pitt County.

MARTINBOROUGH 1st May 1775.

The Committee then met.

Present: Jno. Simpson, ch^{mn}, John Hardee, John Knowis Jr., Robert Salter, James Graham, Fred^k Gible, Benj. May, Jas. Latham, George Evans, James Lockheart, W^m Bryant, James Lanier, James Armstrong, William Robeson, Amos Atkinson, Edward Salter.

The association of the Continental Congress lately held at Philadelphia was produced and read.

Resolved. unanimously by every member of this committee that we and every of us do highly approve and will strictly observe the said Resolves in Testimony whereof Each Member subscribes the same.

It having been represented to this committee that John Tison hath frequently spoken disrespectfully of the proceedings of the Congress in general and of this committee in particular, on a supposition that such charge is true, it must be owned that the said Tison highly deserves to be stigmatised, but as it is not yet reduced to a certainty whether he is guilty or not or if he is, it may have proceeded from unguarded heat or Ignorance and as it is the firm intention of this committee to proceed in their censures with charity and circumspection, it is therefore ordered that Mr George Evans, Mr. James Lockheart and Mr. Benjamin May or either two of them do attend the said John Tison to remonstrate, cite him to appear before this committee when it shall next sit on the 13th day of this present Inst. then and there to answer above charge.

The committee then adjourned to the 13th day of this Inst.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222.]

Circular from Lord Dartmouth to Governor Martin.

WHITEHALL May 3rd 1775.

SIR,

Your letters of the 26th of January and 10th of March N^o 27 and 28, the latter of which I received only yesterday contain matter of very great importance.

The Addresses from the four counties of Guilford, Dobbs, Rowan and Surry breathe a spirit of loyalty to the King and Attachment to the Authority of Great Britain which cannot be too much encouraged and it will be necessary that you lose no time in acquainting the Inhabitants of those counties that these testimonies of their duty and affection have been most graciously received by his Majesty, that his Majesty will not fail to afford them those marks of his Royal favor which such a meritorious conduct appears to deserve and that as soon as the necessary Forms will admit his Majesty's clemency towards the Insurgents in 1770 will be extended in a Proclamation of general pardon to all except Harmon Husbands. In the mean time it is his Majesty's Pleasure that you do pursue every step that may improve so favorable a symptom in the present state of general frenzy and perhaps you will not find it difficult through the channel of some respectable persons in those counties to procure proper Associations of the People in support of Government, such a measure cannot fail to cast a damper upon the machinations of Faction and disconcert any desperate measures they may have in contemplation. I hope we may yet avoid the necessity of drawing the Sword, but it is prudent to provide as far as we are able against every possible mischief and therefore you will do well to consider in time whether it may not be practicable in such an event to embody and lead forth in support of Government such of the Men in those counties as are able to bear Arms. If matters should come to this issue it is the King's pleasure that you do hold out to Gentlemen of Interest and leading amongst them assurances of his Majesty's Favor in granting them such Commissions as shall be suitable to their Rank and station and every other encouragement and advantage allowed to any other Troops in his Majesty's service as far as is consistent with the established Rules of the Army.

I confess to you, Sir, that this appears to me to be a matter of so much importance that I cannot too earnestly recommend it to your attention and that no time may be lost in case of absolute necessity I have received his Majesty's commands to write to General Gage to apprise him of this favorable circumstance and to instruct him that he do upon application from you send some able and discreet Officer to you in order to concert the measures for carrying so essential a service into effect and if necessary to lead the people forth against any rebellious attempts to disturb the public peace.

There are several other matters in your letters which will require consideration and Instruction, but as the Mail for Charles Town will be made up to night I can only for the present add that

I am &c.,

DARTMOUTH.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. No. 222.]

Letter from Governor Martin to the Earl of Dartmouth.

N^o CAROLINA NEW BERN, May 4th 1775.

MY LORD,

Since my last letter N^o 31, I have had the honor to receive by the last post your Lordship's Dispatch N^o 14, whence I learn with the greatest concern, the unaccountable delay of my letter of the 1st of September last, by which the King and His Majesty's Ministers have been so long unacquainted with the circumstances of this Country, and I regret it the more, as I detailed to your Lordship therein every memorable transaction in this Colony to that time, between which and my return to this place, nothing of the best moment occurred. I can assure you My Lord, that I omit no opportunity of giving your Lordship the most full and faithful accounts of the state, circumstances, and public affairs of this Province, and that I apprehend any delay of my Dispatches must arise from the unfrequency of the Posts between this place and Charles Town, the mail from thence arrives here every fortnight, and is dispatched from hence on the day week succeeding its arrival, if my letters chance to meet that Port just about the time of a Packets sailing, they may get to your Lordship's hands in reasonable time, but if immediately after her departure a long and uncertain interval passes before they are forwarded, depending upon the Passage of the Packets from England to Charles Town.

The very disingenuous and uncandid behaviour of the Council in general, who attended at the time of the convention here in August last, I suspect was governed a good deal by their apprehensions of suspension, upon the representation I had informed them I should make to the King of their extraordinary conduct at the preceding Session of the General Assembly, for which I required and transmitted to your Lordship their reasons in writing, they who persued the blamable conduct in the last instance, being the same members

who transgressed their duty on the former occasion. At the last meeting of the Council, I thought considering the times, and the loose behaviour of some of the members, it was proper that the Board should qualify anew, since which I must do the Council the justice to say, that as far as my observation went, they acquitted themselves with propriety, and although I think the behaviour of the members, in the two cases referred to, has been highly dishonourable, and unjustifiable, I know not at present how to supply their places better, in case of their removal; popular frenzy seeming by degrees to take possession of the first order of People in this Country pretty generally, owing much I believe, to the false impressions they receive continually from the licentious and inflammatory Newspapers monstrously circulated from Brittain, as well as New England. I am bound to say My Lord, however, that I have not yet had occasion to change my sentiments of the Gentlemen recommended by my Dispatch N° 23 to succeed the delinquent members therein mentioned, and they are the only choice that I can make here. Mr McGwire His Majesty's Attorney General took his seat at the Council Board at the last meeting in the room of Mr Marmaduke Jones resigned, and I humbly beg leave to recommend Hugh Finlay Esq^r one of His Majesty's Deputy Postmasters General for N° America to fill the vacancy occasioned by the resignation of Sir Nathaniel Dukenfield, and pursuant to His Majesty's Instructions to name three persons in every case of vacancy, I would join in nomination with Mr Finlay, Robert Munford and Thomas Macknight Esquires. I have the honor to transmit to your Lordship herewith, a Copy of a Proclamation issued by Lord Dunmore, His Majesty's Governor of Virginia, which His Lordship recently sent to me with the enclosed advertisement of Henderson, who it seems is attempting a Settlement upon the Indian Lands in spite of all Lord Dunmore's and my admonitions.

I beg leave to observe to your Lordship, that the Proclamation sets forth, that His Majesty at the request of the Assembly of Virginia, has permitted the Western Boundary of that Colony to be extended according to a Line run by a Colonel Donelson, & other Surveyors appointed for the purpose. The Line My Lord here called the Western Boundary of Virginia, is the dividing Line between that Colony and Lord Granville's District of this Province running from the seashore to the westward. The continuation thereof has been altogether an exparte proceeding, not authorized by His Majesty's

Royal Instructions to the Governors of the Two Provinces, as has been usual in all extensions of the Lines between two Colonies, and as this Colonel Donelson has the reputation of being a land jobber, and is complained of by the occupants settled within the limits of Lord Granville's Grant, (but beyond the present Boundary towards the Cherokee Indians) of having invaded the Rights of Lord Granville in this Province, I most humbly submit to His Majesty's Royal consideration the expediency of suspending the granting of Lands contiguous to the Boundary described by Lord Dunmore's Proclamation, until Commissioners are appointed under His Majesty's authority on the part of the two Provinces with the participation of Lord Granville whose interests may be naturally affected by the Boundary in question, as any Grants which shall be made before that line is properly ascertained may very probably be injurious to the Rights of that Proprietor, and will certainly beget endless animosities among the back Settlers of the two Provinces. I am to inform your Lordship, that M^r Edwards the late Deputy Auditor, whose misbehaviour I formerly represented to your Lordship, died here in January, the unhappy man having persued to the last, the same undutiful conduct. Upon his decease, I appointed M^r Archibald Neilson, a Gentleman of much merit, to succeed him, whom I have recommended to M^r Cholmondeley for his confirmation. M^r Johnston the Deputy Naval officer persists also in his very extraordinary conduct, and your Lordship will observe, he is made very conspicuous in the Proceedings of the two Conventions at this Place, in both which he has been appointed Moderator, in case of the death or default of M^r Harvey. I shall therefore think it proper to supersede him, as your Lordship concurs in that opinion, when I can think of a fit person to take the conduct of the naval officer.

Writing from memory, I find I was guilty of a mistake in my last letter, in representing that the collection of the annual Taxes here is not begun until June, and that it commences in March. This error my Lord does not however at all invalidate my assertion with regard to the deficiency of the Treasury for not one farthing would have come into it, in many months after the 5th of April, if a Law had been passed for laying a contingent Tax the last autumn. And now I have returned to this subject it is proper I observe to your Lordship that the Assembly while it labours to exculpate itself, and to lay blame on me, with respect to the poverty of the Treasury, passes over its own neglect to continue the contingent Tax which

expired in 1773, at the Session in March 1774 (the true cause of the low state of the Treasury) for which I am sure no good reason can be assigned, and with regard to Lists of Taxables, it is well known that there has been no tolerably complete return of them for many years before the suspension of the Inferior Courts, owing to the negligence of the County Court Clerks, but they were not absolutely necessary as a foundation for a Tax, although they are to form a precise judgment of the amount of all the Taxes in the County which are laid upon the Poll.

I have the honor to enclose to your Lordship, the Minutes of Council, and a List of Patents granted upon which previous steps had been taken before the receipt of your Lordship's circular letter accompanying His Majesty's last Instructions with regard to the future disposal of the Crown lands, to which I have conformed, as your Lordship will observe in the strictest manner.

Having by accident omitted to enclose a Duplicate of the Quit Rent Bill with the Copy of my Dispatch No. 29, I now send it herewith.

I have the honor to be &c,

JO. MARTIN.

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

Letter from Henry Montford to Thomas Burke.

HALIFAX TOWN, May 9th 1775.

DEAR SIR,

This is to inform you that I shall attend at your next Hillsborough County Court When I should be glad you will contrive and pay me the £60 which you got from the Sheriff of Orange.

We have just rec^d some very shocking accounts from Boston. The Regulars and the Bostonians Have Had an Engagement, the former were Intirely defeated with the loss of 1200 men, and 800 taken prisoners. This you may rely on as a fact, as we Have had very authentic accounts.

I am Dear Sir with compliments to M^{rs} Burke,

Your most obedient Humble servant,

HENRY MONTFORT.

[B. P. R. O. NO. CAROLINA. B. T. VOL. 19.]

Letter from Robert Palmer Esq^r to the Board of Trade.

SIR,

My health not permitting me to return immediately to North Carolina, I beg leave to communicate to you my desire of having permission to resign my Seat, as one of his Majesty's Council of that Province.

I am Sir, &c.

ROB^t PALMER.

10th May 1775.

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

Letter from Joseph Hewes to Samuel Johnston.

PHILADELPHIA 11th May 1775.

DEAR SIR,

I arrived here the 9th in company with the Virginia delegates. Yesterday the Congress met when all the Provinces that sent delegates before were Represented except Rhode Island; the two Governors from that Colony are expected in a day or two. Mr. Randolph is chosen President and J. C. Thompson Secretary. Doctor Franklin arrived here on Fryday last and on Saturday was appointed a Delegate by the Assembly of this Province; they also added M^r Thomas Willing Jr. and M^r Wilson to the number. Galloway has turned apostate; he struggled hard in the House of Assembly to get a majority to Condemn the Proceedings of the late Congress, and to Petition the King &c. as the Assembly of New York had done; by this step he has lost the Confidence of all ranks of the People. A few days ago a Box was left at his Lodgings in this City directed for Jos. Galloway Esq^r; he opened it before several Gentlemen then present and was much surprised to find it contained a Halter with a note in these words "All the satisfaction you can now give your injured Country is to make a proper use of this and rid the World of a Damned Scoundrel." He is gone off nobody can tell where tho' it is thought to New York. All kinds of business is at a stand here, nothing is heard but the sound of Drum and Fife, all Ranks and Degrees of men are in arms learning the Manual Exercise, Evolutions and management of Artillery; they have now in this City Twenty eight

Companies of Foot of 68 men each including Officers all of whom are out twice every day in Training, several more Companies are forming; they have also two Companies of Light Horse, in short it is impossible to describe the spirit of these people and the alteration they have undergone since I left them December last; all the Quakers except a few, of the old Rigid ones have taken up arms, there is not one Company without several of these people in it, and I am told one or two of the Companies are composed entirely of Quakers. The people of this Province in general are associating in Companies and employing Sarjents to teach them the exercise. I find all the Provinces are in arms except N^o Carolina. New York has been Converted almost as instantaneously as St Paul was of old. A Tory dares not open his mouth either in that Province or this. The Battle near Boston and the Act of Parliament for restraining the Trade of all the Colonies except New York and N. Carolina has wrought the Conversion of New York; I wish to God it may have the same effect on our Province. I tremble for N. Carolina; every County ought to have at least one Company formed and exercised. Pray encourage it, speak to the people, write to them, urge strongly the necessity for it. I had rather perish ten thousand times than they should give up the matter now in the time of trial.

The Bearer M^r Reed is in quest of some Effects of his Father's who died lately in Pitt County, he is related to some of the first Characters here, if you can render him any services you will oblige me. Please to offer my best Comp^{ts} to the Ladies, and to all my friends.

I am D^r Sir your mo. Obed. Serv^t,

JOSEPH HEWES.

M^r Hooper desires his Compliments. This opportunity happened unexpectedly, he has not time to write, nor have I time to write to any other of my friends.

J. H.

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

Letter from Richard Caswell to his son.

PHILADELPHIA, 11th May 1775.

MY DEAR SON,

By a Gentleman Bound to Tar river I now write to inform you that, after I parted with you at Halifax, M^r Hewes and myself proceeded

on our journey as follows: Sunday evening we arrived at Petersburg in Virginia, where we met the express, with an account of a battle between the King's troops and the Bostonians; the next day we crossed James River and lodged at Hanover Court House, where we had an account of 1500 men being under arms to proceed to Williamsburg in order to oblige Lord Dunmore to return some powder he had taken out of the magazine and lodged on board of a man of war in James River; what was done in that matter we have not since heard. The next day we were constantly meeting armed men, who had been to escort the delegates for Virginia on their way towards this place. We lodged that night at Port Royal, and were only 2 or 3 hours after the Virginia gentlemen. The next day we got down to Potowmack side before the boats returned that had carried the Virginians over. Here were part of the militia of three counties under arms and in the uniform of hunting shirts; they received us and conducted us on the return of the Boats to the water's edge with all the military honors due to General Officers. We then crossed the river and learned at the ferry on Maryland side that a company of Independents in Charles County had attended the Virginia Delegates from thence under arms. We proceeded and overtook them at port Tobacco, where indeed the Independents made a most glorious appearance. Their company consisted of 68 men beside Officers all genteelly drest in scarlet and well equipped with arms and warlike implements, with drum and fife. Sentinels were placed at the doors and occasionally relieved during the time we stayed there. The next morning we all set out together and were attended by the Independents to the verge of their County, where they delivered us to another Company of Independents in Prince George County, they in like manner to a second and that to a third, which brought us through their County. We lodged that night at Marlborough; and the next day, though we met with a most terrible gust, lightning, thunder, wind, hail and rain, arrived at Baltimore, at the entrance of which Town we were received by four Independent Companies who conducted us with their colors flying, drums beating and fifes playing, to our lodging at the Fountain Tavern (Grants). The next day we were prevailed on to stay at Baltimore where Col. Washington accompanied by the rest of the Delegates reviewed the Troops. They have four Companies of 68 men each complete who go through their exercises extremely clever. They are raising in that Town three other Companies which they

say will soon be full. We were very genteelly entertained here in the Court House. The next day we breakfasted at my old master Cheynes and dined at Susquehannah, crossed the river and lodged at the Ferry House. As I had in some measure been the cause of the Virginia Gent^l going round the Bay by recommending that road and being the only person in the company acquainted with the road I was obliged to keep with them, so that I did not call on my relations. I sent George in to Jos. Dallams, where he left the Letters I brought for our friends, and was informed my Grand Mother and all friends were well except M^r Dallam, who has been poorly some time.

The next day we got to Wilmington, where we fell in with several of the Maryland Delegates and came all into this city to dinner on the 9th Instant. Yesterday the Congress met agreeable to appointment and this day it was resolved that they enter upon the consideration of American grievances on Monday next. Here a greater Martial Spirit prevails if possible than I have been describing in Virginia and Maryland. They have 28 Companies complete which make near 2000 men who march out to the common and go through their exercises twice a day regularly, scarce anything but warlike music is to be heard in the streets. There are several companies of Quakers only and many of them besides enrolled in other companies promiscuously; 'tis said they will in a few days have 3000 men under arms ready to defend their liberties. They are raising men in New York and all the Northern Governments—the Yorkers, I am told by their Delegates, are determined to defend their liberties and since the action between the King's troops and the Provincials scarcely a Tory is to be found amongst them. I herewith enclose you a paper in which is a list of the killed and wounded of King's Troops. But 'tis said this is not genuine, a much greater number being actually killed. On the side of the Bostonians 37 were killed outright, 4 are missing and I forgot the number of wounded, I think thirty odd; thus you have the fullest account I am able to give of these matters and as the account is so long 'twill not be in my power to communicate the same to any other of my countrymen and friends but through you, you may therefore remember me in the strongest manner to your Uncles, Capt. Bright and others of my particular friends. Show them this letter and tell them it will be a reflection on their country to be behind their neighbors, that it is indispensibly necessary for them to arm and form into a Company

or Companies of Independents. When their Companies are full 68 private men each to elect Officers, viz, a Capt, 2 Lieuts, an Ensign and Subalterns and to meet as often as possible and go through the exercises, receive no man but such as can be depended on, at the same time reject none who will not discredit the Company. If I live to return I shall most cheerfully join any of my countrymen even as a rank and file man, and as in the common cause I am here exposed to danger that or any other difficulties I shall not shun whilst I have any blood in my veins but freely offer it in support of the liberties of my Country. Tell your Uncles (the Clerk & Sheriff) it may not be prudent for them so far to engage yet awhile as to risk the loss of their Offices in any Company; But you my dear boy must become a Soldier and risk your life in support of those invaluable blessings which once lost posterity will never be able to regain. Some men I fear will start objections to the enrolling of Companies and exercising the men and will say it will be acting against Government. That may be answered that it is not so, That we are only Qualifying ourselves and preparing to defend our Country and support our liberties. I can say no more at present but that may God Almighty protect you all and His blessing attend your good endeavors is the ardent prayer of, my dear child,

Your affectionate Father,

R. CASWELL.

M^r WILLIAM CASWELL

P. S. Only show this letter to such as I have described above and dont let it be copied. Consult Capt. Bright, &c.

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

Proceedings of the Safety Committee in Pitt County.

MARTINBOROUGH, May 13th, 1775.

The Committee then met and adjourned to the 20th of this inst.

[N. C. LETTER BOOK. S. P. G.]

Letter from R^{ev} M^r Earl to the Secretary. (Extract.)

N^o CAROL^a NEAR EDENTON,

15th May 1775.

REVEREND SIR,

I am sorry that the bad state of my health has not permitted me to visit any of the neighboring parishes this spring who are destitute of a Minister of the Gospel, and much distracted by Sectaries of the Anabaptist kind, but purpose if the Almighty favors me with better health to visit them this Summer.

As some dawn of reconciliation between Great Britain and her colonies and a prospect of mutual intercourse between his Majesty's subjects on both sides of the atlantic seem lately to appear, I have drawn on the Society's Treasurer for a half years salary due on the 25th of March last in favor of Mr. Robert Cary & C^o in order to remit me some necessaries for my family, if Trade should be opened between Great Britain and America, which I am very much in want of, as I have not received a shilling of my Salary from my parish for near three years partly occasioned by the want of Court Laws by which collectors of Taxes are empowered to receive them, and partly by the difference between the parent country and her colonies, nor could I get any remittance for my Salary from the Society since last March was a twelvemonth owing to the present unhappy differences.

Rev^d Sir, yours &c,

DAN^l EARL.

[B. P. R. O. NO. CAROLINA. B. T. VOL. 19.]

Report of Richard Jackson, Esq^{re}, dated May 17th 1775, to the Board of Trade.

May it please your Lordships,

In obedience to your Lordships commands, signified to me by M^r Pownall, in his letter of the 8th of May instant, desiring me to report my opinion upon the Propositions contained in an Inclosed Paper, so far as they relate to the Question of Attachments, and the extension of the jurisdiction of Inferior Courts, I have perused and taken

into consideration a Paper inclosed in the said Letter, intituled "A Bill for dividing the Province into six several Districts, and for Establishing a Superior Court of Justice in each of the said Districts."

And have also perused and considered another Paper, inclosed in the said Letter, intituled the Memorial of Thomas Barker and Alexander Elmsly, on behalf of the Assembly of North Carolina.

And I am humbly of opinion, that no mischief can arise to any of His Majesty's Subjects by the passing a Bill enabling the Judges of North Carolina to issue Attachments in the manner described in the Bill inclosed, in all cases where the Debtor or Defendant shall abscond, or conceal himself to avoid being served with the Process of the Court, in which the suit shall be commenced, or where the Debtor or Defendant shall reside in any Colony next or near adjoining, because in the former case the Defendant must necessarily know that such suit has been commenced against him, and it is to his own fault only that he can attribute any inconvenience such Attachment may subject him to, and in the latter case regulations may be easily framed for the purpose of preventing such a Suit being carried on, without reasonable Information to the Defendant of its commencement.

But I conceive that all Extension of Attachments as they are described in the Bill, beyond these Cases will be liable to great inconvenience, and is altogether inconsistent with the common Law of this Kingdom, and even with the Rules of Justice adopted by most of the States of Europe. It seldom happens that personal Actions can be properly defended by any Man but by the Defendant himself, or under his particular Instructions, and such Actions always require witnesses who are probably to be found where the Cause of Action arises, and not where the Effects of the Defendant happen to lye. For this reason the Rules of Legal Proceeding in most if not all the States of Europe require that a personal suit should be prosecuted only in that Country where the Defendant resides, unless where he has left that residence to avoid the submission he owes to Justice, or at least where the Cause of Action having arisen elsewhere, it may be deemed reasonable to presume that the Plaintiff can there best support his Demand as well as the Defendant controvert it.

The indulgence therefore which your Lordships have been disposed to shew to the Inclination of the Assembly of North Carolina, in the case of the Defendants residing in Virginia or South Carolina

was not, I take it, founded on the probability, that many Causes of Action would frequently arise in those Provinces, but on the facility with which Defendants there residing might if they were able defend themselves against an Action commenced in North Carolina, a ground that does not extend to New England, New York or Great Britain, in each of which however many Causes of Action must arise.

I will suppose the Cause of Action to arise in the Province of New York a case supposed probable by the Memorial. Is it therefore reasonable that the Plaintiff should bring such an Action to trial in North Carolina only because the Defendant happens to have sent a parcel of goods thither, having never been in that Province in his life and perhaps intending without compulsion to satisfy fair creditors with the produce of such goods?

It appears to me therefore with great submission to your Lordship's Wisdom, that it will be more suitable to the Ends of Justice that such a Question should be agitated in the Province of New York, where it is to be presumed that the Cause of Action arises, unless the Plaintiff will at least venture to swear that such Cause arises in North Carolina, in the latter Case it may not be improper to compel the Defendant to submit to a Trial in that Colony nor can it frequently be so, where he resides in an adjoining Province.

If it be proper to extend His Majestys Indulgence beyond the last Instructions, it seems to me that it would answer every end of Justice to permit such Attachments in Cases where the Plaintiff shall swear that the Defendant conceals himself, or absconds from the usual place of his abode, though in Great Britain or in any other Government this would provide for the only remaining Case in which the Plaintiff can be under any difficulty in the recovery of his just debts. It is impossible to deny that frequent injustice must necessarily be the result of an unlimited process by Attachment, besides the use that has been made of that process for the gaining a preference to other Creditors who have proved Debts under a Commission of Bankruptcy, but for the last use some apology may be made, founded on the consideration that should not the Creditors in the Plantations resort to such Attachments they must frequently loose their whole Debts for want of being able to prove them in time, and though there must be frequent instances of Injustice in other Cases, the number of such instances must be much better known to the Merchants trading to that Country than to me, and consequently the Expediency or Inexpediency of yielding to the Earnest request of a

great Body of His Majestys Subjects, at an important juncture, may very properly be rested on Information to be received from that Procession.

I have more than once had the honor to state to your Lordships my sentiments on Inferior Jurisdiction in America in general, and must confess that I always see with concern all Laws for the excluding the jurisdiction of Superior Courts even in the first Instance. It is in the latter Courts only that a uniformity of decision can be expected, and consequently a conformity to the Laws of this Kingdom preserved.

The districts in North America are I believe little (if at all) larger than the largest counties in England, and were they less it is impossible to separate the expence and Inconvenience from Law Suits. Perhaps a County that should contrive to carry on suits without expence or Inconvenience would not have changed its situation for the better, and the worst that can happen from such expence and Inconvenience is the compelling Dealers to be cautious whom they trust, and buyers to restrain a Disposition to Extravagance when they can no longer indulge it on credit.

But after all, your Lordships will consider, whether the present situation of the Province may not require an Indulgence that will grow less necessary hereafter, the roads will become better, means may be devised under some future Law for enabling the Superior Court, or at least one of its Judges to sit once or twice a year in each County, and in the mean time it is certainly obvious that the Inhabitants of a country while it is advancing swiftly in Improvement require a Credit that the greatest frugality will not exempt them from the want of.

Which is humbly submitted &c,

RO. JACKSON.

17th May 1775.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NO. 222]

Letter from Governor Martin to the Earl of Dartmouth.

NEW BERN, 18th May 1775.

MY LORD,

By the Post of the 12th instant I had the honor to receive your Lordships very important separate Dispatch accompanying a Copy

of the Resolution of the House of Commons with regard to His Majesty's American Provinces formed in consequence of the Address of the two Houses of Parliament to the King on the 7th of February, and your Lordships two private and circular Letters referring thereto, all bearing date the 3^d of March last.

The Resolution of the House of Commons that is so congenial to His Majestys gracious and indulgent Disposition towards his American Subjects is certainly not only liberal, but founded on their own Propositions and will bring the verity of them to the Test. I most heartily wish My Lord, that the pressages of a sober discussion and grateful acceptance of the Terms proposed in this Resolution were more auspicious than they are, but the frenzy that has been so long growing among the People of these Colonies seems daily I think to spread wider and wider and is continually breaking forth in new and dangerous outrages that at least remove the prospect of Accommodation further off, if they do not absolutely preclude all hopes of it by the desirable means of peacefull reasoning and practicable Negotiation.

The effect of the Propositions contained in the Resolution of the House of Commons on the People of this Continent will depend I apprehend My Lord upon the Light in which it shall be taken up and considered in the Congress now held at Philadelphia for throughout the Provinces every political Body except the Assembly of New York now seems governed absolutely by the sentence of that Assembly. If it shall become a subject of consideration there, as it may be presumed it will, the Provincial Assemblies I cannot doubt will follow any Resolution that Body shall form upon it, either of acceptance or refusal, but I am confident the utmost Address would fail in an attempt to engage the Assembly of this Province to come to any favourable Determination upon it. If it should be even practicable to induce a consideration of the Resolution of the House of Commons before the result of the present Congress is known, and when that shall transpire the Provincial Assemblies your Lordship may depend will take their tone from it as heretofore, and no separate part may be expected to be taken by them, but on points where the Congress shall form no rule, if this be the case, of the Resolution of the House of Commons, and it is passed over without notice there, it may be possible to bring it under the Consideration of the Assemblies, in which event and in every other your Lordship may be assured it will be my most anxious Endeavour to come up to the Expectations

of my Royal Master by employing my best Address to promote His Majestys benignant wishes and Intentions. I have the honor to agree perfectly in sentiment with your Lordship that this Resolution of the House of Commons will stand a lasting Monnment of the Justice, Moderation and Candour of Parliament, and if it should not prove the foundation of lasting Reconciliation, as I most sincerely hope it may, it will surely discover the true principles of the Americans and the extent of their pretensions and designs, and possibly open some other avenue to Accomodation, or at last it will determine with certainty what must be the future Operations of Government.

The Inhabitants of this Country on the Sea Coast, are for the most part infected with the ill spirit that prevails in the adjacent Provinces of Virginia and South Carolina, whose extravagancies they are copying by arming men, electing officers and so forth. In this little Town they are now actually endeavouring to form what they call independant Companies under my nose, & Civil Government becomes more and more prostrate every day.

It is remarkable that as the People here are more remote from the confines of Virginia and South Carolina, they are better affected to Government, and in the Central and Western Counties they are to be found in great numbers yet stedfast in duty and loyalty of which their voluntary Declarations to me in favour of Government that have been signed by 1400 or 1500 men are the best Evidence. But how long these People may resist the unremitted labours of the seditious to alienate them I cannot say.

Notwithstanding the great Majorities which have appeared in both Houses, as your Lordship observes upon every question for maintaining the Supremacy of Parliament and which I believe it almost the only Political Truth that the Newspapers detail to us with respect to the present Contest, the Americans do not thence infer, nor cannot be persuaded to believe, that such Majorities declare the sense of the Nation upon the subject of Parliamentary Right to Tax the Colonies. They take their Creed from the Speeches said to be declined [declaimed] by certain members of Parliament in opposition to Administration, that are industriously circulated in the Colonies, and which it may be presumed are worked up and altered by Newspaper Compilers and the Tools of Faction, in the way that may best serve their purpose of exciting Sedition in America. And your Lordship may depend they rest their hopes of succeeding in the present Contest much more upon the Encouragement thus held

out to them, and to the workings of Faction in Britain than upon their own boasted strength and power of resistance, after all their insulting Gasconades about it, and nothing I believe can convince this People of the futility of their Dependance on the one or the other but the perseverance of Government in such vigorous Measures as their infatuated conduct has unfortunately rendered necessary, to reclaim the Colonies to due obedience to the Constitutional Authority of Parliament and I am therefore satisfied of the Wisdom of the determination against any Relaxation of them.

Intent as I am My Lord to execute His Majesty's Commands to me in the most exact and faithful manner, and fearing to be chargeable with an omission of my Duty in not calling the Assembly immediately to try the practicability of bringing it to form some favourable and acceptable overture on the Resolution of the House of Commons I have advised with the members of the Council in whom I can most confide upon the Subject and I find them clearly in opinion with me of the inefficacy of such a Measure, while the Congress is sitting, and I trust your Lordship considering my reason, will think I postpone the Experiment on proper Grounds, knowing also as your Lordship will by this time the unruly temper of the late Assembly of this Province.

I have the honor &c.,

JO. MARTIN.

[B. P. R. O. AM. & W. IND.: NO. CAROLINA. NOS. 222 AND 229.]

Letter from Governor Martin to the Earl of Dartmouth.

NORTH CAROLINA, NEW BERN, May 18th, 1775.

MY LORD,

I have had the honor to receive your Lordships Dispatch No. 15 informing me of the approbation given by the Lords of the Treasury to the Form of a Bill for the more effectual payment, and collection of the Quit Rents, which I transmitted to your Lordship for consideration, and signifying to me His Majesty's commands to use my endeavours that a Law may be passed conformable thereto in this Province.

I am to assure your Lordship, that nothing on my part shall be wanting to promote this object of so great importance, and that I will use every means in my power to obtain a Provision in the

Law for the case to which the observation of the Lords of the Treasury applies. I shall rejoice to find that the agents employed by the Assembly to make their representations concerning the Law of Attachment, have proposed anything that is acceptable to Government, and likely to lead to a satisfactory determination of the disputes on that head.

I cannot help again strenuously recommending to your Lordship the expediency of the King's doing of himself, that Act of grace which His Majesty was pleased to leave in the power of the Legislature here to do by the Insurgents, it will confirm a large body of people here in loyalty and duty to their Sovereign, who have in this time of disaffection evinced the best dispositions to Government, and will have a far better effect flowing immediately from his Royal Majesty, than if it should be modified by the Legislature in the first instance, as in proportion to the merit the Assembly might take to itself in the case, it would diminish the Graces of the Crown. It might humbly advise, my Lord, the Pardon should be general, with exception only of Hermon Husbands and Rednap Howell, the last of whom I did not mention in my former dispatch on this Subject, but I have since recollected that he is fit to be excepted.

I have long wished to receive the Royal disallowance of the present inadequate system of Court Laws, that effectual Court Laws might be established by the Royal Prerogative, for I fear, my Lord, the Assembly will not suddenly pass a Law for the permanent establishment of any Courts of Justice. Your Lordship will receive herewith enclosed, a Petition of certain people in the County of Anson in this Province, to His Majesty on the Subject of Lands, which I had the honor to mention to your Lordship in a former Dispatch.

I have the honor to be &c,

JO. MARTIN.

Letter from Lieutenant Governor Bull of South Carolina to the Earl of Dartmouth.

CHARLESTOWN May 15th 1775.

MY LORD,

Mr Irving Receiver General of His Majesty's Quit rents for this Province, put into my hands the inclosed petition to the King, with an apology for the paper on which it is written, as truly representing the condition of the petitioners; which I presume to transmit in that humble dress rather than that they should loose time in its being

returned to them in order to make its appearance in a form more suitable to the King's Majesty, being confident that the Royal Goodness will discern and consider any reasonable request it may contain through every cloud of homely undress.

When the temporary Boundary Line between South and North Carolina was run in 1764 many who had received grants of land from the Governor of North Carolina, were found to be south of the line. Upon their application to me, I thought, and so advised them, if they entered their Grants in the Auditor's Office of this Province, with a discharge from the Receiver General of His Majesty's Quit rents in North Carolina, it would give them an equitable right to possess their lands in quiet without further expense, as justice would be done to the King in complying with the terms of the Grant, which many accordingly conformed to. But some persons having by surprize obtained a Grant in this Province for Lands that had been granted by the Governor of North Carolina, an ejectment was brought, and judgment given against the validity of the North Carolina Grant. This encouraged others to obtain Grants in the like ungenerous manner, and the North Carolina Grantee deterred by this precedent yielded his possession. The hardship and equity of their case induced the Governor and Council to give what relief was in their power, by publishing notice that such Grantees should have the preference of new Grants for these lands. Many applied and received new Grants; others relying on the equity of their case obstinately refused. And the Deputy Surveyors were forbid to lay out warrants upon Lands so circumstanced, many Grants were obtained by surprize, as it was difficult for the Governor to discover such practices. By these means many North Carolina Grantees were ruined, all were much prejudiced. And lately a further mode of prevention has been adopted; Exceptions are inserted in Grants to make them void, if they are for Lands formerly granted by North Carolina. As these may nevertheless be eluded, I beg leave humbly to suggest to your Lordship a means that would beyond doubt secure them in their possession which I would not presume to make use of without the Royal Permission as it is disposing of the King's Land. It is to establish and confirm all such Grants to the Grantee or Persons holding under him which have not yet been new granted by the Governor of this Province, by an Act of the General Assembly, which is submitted to your Lordship's consideration.

I have nothing new to add to my last letter relative to the proceedings of the discontented in this Province, they continue in the same temper. The account of the Skirmish or Engagement between the King's Troops and the Provincials of Massachusetts near Lexington on the 19th of last month, seems to produce effects here very different from intimidation.

On the 10th instant Barnard Elliott Esq resigned his Seat as a Member of His Majesty's Council.

I have the honor to be &c.,

W^m BULL.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL,

The humble Petition of some of your Majesty's dutiful and loyal subjects, being Freeholders of Lands by virtue of your Majesty's Letters Patent, under the Great Seal of the Province of North Carolina, which Lands by the extending and establishing the late Boundary Line between the Provinces of North and South Carolina, in pursuance of your Majesty's Orders in Council, have fallen within the limits of the said Province of South Carolina,

Sheweth,

That until the extending and establishing the said Boundary Line to the Westward, as far as the above said Lands the same Lands were generally deemed and taken by the Inhabitants of both the said Provinces, to be within the limits of the said Province of North Carolina.

That prior to any extension of the said Boundary Line, as far westward as the said Lands, your Petitioners in order to settle and subsist themselves and their families applied for and obtained Grants of the same Lands by your Majesty's Letters Patent, under the Great Seal of the said Province of North Carolina, and in consequence thereof, did settle, cultivate and improve the same.

That by the late Establishment of the said Boundary Line, the same Lands thus granted by your Majesty to your Petitioners, have fallen within the limits of the said Province of South Carolina.

That your Petitioners thereupon most humbly conceived, that no further Authentication of your Majesty's said Grants were necessary, for the quieting them in the peaceable enjoyment of their said Lands, than the entering a Memorial thereof, and of the mesne Conveyances thereupon, in the Office of your Majesty's Auditor General of the said Province of South Carolina, as this measure must effectually ascer-

tain where, and by what Authority, your Majesty's Quit Rents, and the Arrearages thereof, due for & accruing on the same Lands, are to be collected and received.

That your Petitioners have in consequence thereof procured memorials of the said Grants and of the mesne Conveyances thereupon, to be entered, or have tendered the same to be entered, in the said Office of your Majesty's Auditor General of the said Province of South Carolina: But

That your Petitioners to their great concern are notified by Proclamation, and Instructions from your Governor of South Carolina, that the Officers employed in your Majesty's Land Office in that Province, do require that your Petitioners should be at the further trouble and expense of surrendering your Majesty's said Letters Patent for granting the said Lands, under the Great Seal of the said Province of North Carolina and of procuring thereupon new Grants of the same Lands from your Majesty under the Great Seal of the said Province of South Carolina or otherwise, that the said Lands shall be deemed vacant, and liable to be granted to any other Persons applying for the same.

That your Petitioners are apprehensive that such surrender of your Majesty's said old Grants, and procuring of such new Grants, will not only be attended with great trouble and expense, but with manifest injustice and oppression to your Petitioners, as such a measure will probably open a door to great litigation, suits and controversies relative to the title of the said Lands, by reason that Grants thereof may have been obtained by other Persons, under the Great Seal of the Province of South Carolina, subsequent to your said Majesty's old Grants, but prior to such new Grants.

That your Petitioners conceive that in consequence of such new Grants, the Revenue arising to your Majesty from the Quit rents due and accruing on the said Lands, may suffer considerable diminution, as many years quit rents on some of the said old Grants are now in arrear; and therefore that the aforesaid Officers employed in your Majesty's said Land office in South Carolina will be the only Persons benefitted thereby.

Your Petitioners therefore most humbly pray, that in consideration of the Premises, your Majesty will be graciously pleased to make such an order in Council for the relief of your Petitioners as may effectually tend to quiet and establish them in the peaceable

possession and enjoyment of their said Lands and their Habitations and improvements thereon.

And your petitioners as in Duty bound shall ever pray &c,

Robert Thomas	James Lusk	Moses Quawls
Elijah Walls	William Smith	Ephraim Clark
John Portman	John Goudyboek	Henry Clark jun ^r
Tobias Poastton	Toby Dewbery	Isaac Parker
Geo. Blanton	James McDade	Jacob Barns
John Grindle	Hugh Ross	Jonathan Kilkee
Thomas Nichols	William Johnson	Jn ^o Alexander
Charles Hames	George Webb	Rob ^t Patterson
Robert Wilkins	Adam Goudyboek	Rob ^t Patterson jun ^r
William Fawcett	Hugh Guin	William Lauehlin
Javas Evans	W ^m Soldies	Nathaniel Porter
John Denard	William Gaston	James Reed
John Scrugs	John Thomas	W ^m M ^o Adow sen ^r
John Timmons	Robert Patton	Peter Patterson
Thomas Timmons	Robert More	James Patterson
Joseph Burtchfield	John Clark	Robert Black
John Weddingman	Alexander Kilpatrick	Robert Lowery
David Allin	John M ^o Gui	Thomas Wade
Jo ^s M. Cool	Patrick Mory	John Beard
Christopher Snead	John Mayfield	W ^m Clinton
John Young	James Stein	David Neel
Jeames Wood	Mathew Robertson	Nubery Stockton
John Wood	John Moore	Robert Lowry
Moses Wood	Robert Evans	Matt. Floyd
William Wood	James M ^o Bee	James Hope
Jeames Burtchfield	Elijah Watts	James Wilson
Obediah Oliphant	John Stein	David Watson
Alex: Martin	John Shippey	James Paterson
Sam ^l Speneer	Thomas Morton	W ^m M ^o Elver
John Fagort	Samuel Blan	James Tempelton
Jn ^o Kirkeonell	Robert M ^o Millan	Thomas Clark
Tho ^s Neel	Thomas Keen	John Watson
John Dunn	Matthew Porter	William Watson
James Cook	William Vines	John Chambers
Henry Wright	John Moss	James Smith
Rob ^t Lusk	Matthew Moss	Richard Price
Joseph Moon	Samuel Moss	William Wilson

John Maner	Tho ^s Brandon	John M ^c Umlon
John Duhn	Jn ^o Thompson	Will ^m M ^c Coun
Thomas Maner	Ja ^s Sten	Geo. M ^c Coun
Hugh Horton	Jn ^o Sten	John Morehead
Robert Black	Will ^m Sten	Richard Rose
George Julian	William Beard	Hugh Rose
William Carr	William Stuard	Robert Luske
Henry Smith	James Albourn	Jn ^o Hindman
Abraham Smith	John Patton	James Scott
William Smith	Thomas Polk	Jas. Davidson
Jn ^o Smith	Joseph Harden	John Kirkconnell
Will ^m M ^c Adou	Charles M ^c Lean	John Moffat
David M ^c Adou	William Moore	John M ^c Kenny
Arter M ^c Adou	John Robinson	Zach. Bullock
James M ^c Adou	Rich ^d Lamkin	Will ^m Sharp
David Byers	Will ^m Alston	Rich ^d Price
Daniel M ^c Casson	James Mullen	James Darven
Daniel M ^c Claren	Gide Smith	Thomas Branden
David Porter	Daniel Smith	Will Carr
Charles Gillham	Jn ^o Shipecy	Jno Smith
Ezekiel Gillham	Jacob Garner	Saml Wilson
Gilbert Dunlap	Will ^m Willson	Jno Weighdingham
Thomas Gillham	Joseph Killpatrick	James Nickols
William Gillham	Matt Floyd	John Wilson
James Gillham	W ^m M ^c Mullen	John Barber
Thomas Gillham sen ^r	Nathaniel Gretten	Will ^m Brown
John Davidson	Jn ^o Lovladay	Will ^m Byers
Robert M ^c Corday	Marschel Loveledy	William Pegues
Robert Lockery	Francis Wilkey	John Speed
J ⁿ Dawen	David Wilkey	Jno Thompson

[REPRINTED FROM THE REVISED STATUTES OF NORTH CAROLINA.]

The Mecklenburg Declaration of 20th May, 1775.

DECLARATION.

NAMES OF THE DELEGATES PRESENT.

Col. THOMAS POLK
EPHRAIM BREVARD

JOHN M^cKNITT ALEXANDER
HEZEKIAH ALEXANDER

HEZEKIAH J. BALCH
JOHN PHIFER
JAMES HARRIS
WILLIAM KENNON
JOHN FORD
RICHARD BARRY
HENRY DOWNS
EZRA ALEXANDER
WILLIAM GRAHAM
JOHN QUARY
ABRAHAM ALEXANDER

ADAM ALEXANDER*
CHARLES ALEXANDER
ZACHEUS WILSON, Sen.
WAIGHTSTIL AVERY
BENJAMIN PATTON
MATHEW McCLURE
NEIL MORRISON
ROBERT IRWIN
JOHN FLENNIKEN
DAVID REESE
RICHARD HARRIS, Sen.

ABRAHAM ALEXANDER was appointed Chairman, and JOHN McKNITT ALEXANDER, Clerk. The following resolutions were offered, viz:

1 Resolved That whosoever directly or indirectly abetted or in any way form or manner countenanced the unchartered and dangerous invasion of our rights as claimed by Great Britain is an enemy to this country to America and to the inherent and inalienable rights of man.

2 Resolved That we the citizens of Mecklenburg County do hereby dissolve the political bands which have connected us to the mother country and hereby absolve ourselves from all allegiance to the British Crown and abjure all political connection contract or association with that nation who have wantonly trampled on our rights and liberties and inhumanly shed the blood of American patriots at Lexington.

3 Resolved That we do hereby declare ourselves a free and independent people, are and of right ought to be a sovereign and self-governing association under the control of no power other than that of our God and the General Government of the Congress to the maintenance of which independence we solemnly pledge to each other our mutual co-operation our lives our fortunes and our most sacred honor.

4 Resolved That as we now acknowledge the existence and control of no law or legal officer civil or military within this County we do hereby ordain and adopt as a rule of life all each and every of our former laws — wherein nevertheless the Crown of Great Britain never can be considered as holding rights privileges immunities or authority therein.

5th, Resolved, That it is further decreed that all, each and every Military Officer in this Country is hereby reinstated in his former command and authority he acting conformably to these regulations. And that every member present of this delegation shall henceforth be a civil officer viz, a justice of the peace in the character of a "committee man" to issue process, hear and determine all matters of controversy according to said adopted laws and to preserve peace, union and harmony in said county, and to use every exertion to spread the love of Country and fire of freedom throughout America, until a more general and organized government be established in this Province.

After discussing the foregoing resolves and arranging by-laws and regulations for the government of a Standing Committee of public safety who were selected from these delegates the whole proceedings were unanimously adopted and signed. A Select Committee was then appointed to draw a more full and definite statement of grievances and a more formal declaration of independence. The delegation then adjourned about 2 o'clock a. m. May 20th.

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

Proceedings of the Safety Committee at Wilmington.

SATURDAY, May 20th, 1775.

The committee met according to adjournment.

Present: Cornelius Harnett, Chairman, Francis Clayton, Deputy Chairman, George Moore, John Ashe, Sam'l Marshall, John Devane, John Colvin, Sampson Moseley, James Wright, Robert Hogg, John Hollingsworth, James Blythe, And'w Ronaldson, John Robeson, Thos. Bloodworth, Samuel Ashe, Fred'k Jones, Archibald Maclaine, James Moore, William Robeson, William Ewins, William Jones, Sam'l Collier, Timothy Bloodworth, Alexander Lillington, James Walker, Jno. Ancrum, Jno. Quince.

Ordered, That this committee meet at 11 o'clock, in the forenoon, on the 20th day of every month, otherwise to be subject to the fine agreed to be paid by absentees.

Resolved, That the committees of the respective counties in this District be invited to meet in Wilmington on the 20th of June next,

in order to deliberate on several matters of importance that will be laid before them, respecting the general cause of America.

Ordered, That the Resolve entered on the journals of this committee on the last meeting, respecting the application to the committee for liberty to Mr. Elliott to import his house servants, be recinded.

Resolved, A paper containing the reasons of the Magistrates of Chatham county for not signing the Association, presented to them by one Doctor Piles, is highly approved of by this committee, and is ordered to be published in the *Cape Fear Mercury*.

Account of Money paid and received for the use of the committee this meeting.

	£	s.	d.
Rec'd from Jno. Ashe, 15s.; Jno. Hollingsworth, 8s.; Francis Clayton, 8s.; Wm. Robeson, 8s.; Wm. Jones, 8s.; Jno. Quince, 16s., fines for being absent-----	3	3	
Paid to Wm. Mactier for 200 lbs. Gunpowder, at 3s-----	30		
To James Harper's Boy, at twice in part of two Expresses, one to the Southward and the other to the Northward--	1	10	
To James Grant in full to this meeting-----	2	8	
To expenses for paper-----		2	8
	37	3	8

The committee then adjourned to the next meeting.

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

Proceedings of the Safety Committee in Pitt County.

MARTINBOROUGH May 20th 1775.

The Committee then met. Present, John Simpson, chairman; John Hardee, Robert Salter, James Gorham, James Lockheart, James Armstrong, James Lanier, William Robeson, Amos Atkinson, Benjamin May, William Bryant & Edmond Williams.

Resolved That John Tison be advertised in the public papers.

The Committee then adjourned to the 27th of this Inst.

[REPRINTED FROM THE AMERICAN ARCHIVES. VOL. 4. PAGE 546.]

A JOURNAL OF THE PROCEEDINGS OF THE HOUSE OF DELEGATES OR REPRESENTATIVES OF THE COLONY OF PENNSYLVANIA BEGUN ON WEDNESDAY (TUESDAY), THE 23rd OF MAY, IN THE YEAR OF OUR LORD CHRIST 1775, AND IN THE FIFTEENTH YEAR OF THE REIGN OF HIS MAJESTY GEORGE THE THIRD KING OF GREAT BRITAIN.

The Proprietors of said Colony having called and required an election of Delegates or Representatives to be made, for the purpose of legislation, or making and ordaining laws and regulations for the future conduct of the inhabitants thereof, that is to say for the town of Boonesborough, six members; for Harrodsburgh, four; for the Boiling Spring Settlement, four; for the town of St. Asaph, four; and appointed their meeting for the purpose aforesaid, on the aforesaid 23^d of May, Anno Domini 1775, and,

It being certified to us here this day by the Secretary, that the following persons were returned as duly elected for the several towns and settlements, to wit:

For Boonesborough—Squire Boone, Daniel Boone, William Cocke, Samuel Henderson, William Moore, and Richard Calloway.

Harrodsburgh—Thomas Slaughter, John Lythe, Valentine Hammond, and James Douglas.

Boiling Spring Settlement—James Harrod, Nathan Hammond, Isaac Hite and Azariah Davis,

The Town of St. Asaph—John Todd, Alexander Spotswood Dandridge, John Floyd, and Samuel Wood.

Present: Squire Boone, Daniel Boone, Samuel Henderson, William Moore, Richard Calloway, Thomas Slaughter, John Lythe, Valentine Hammond, James Douglas, James Harrod, Nathan Hammond, Isaac Hite, Azariah Davis, John Todd, Alexander Spotswood Dandridge, John Floyd, and Samuel Wood, who took their seats at Convention.

The House unanimously chose Colonel Thomas Slaughter, Chairman, and Matthew Jewett, Clerk; and after divine service was performed by the Reverend John Lythe, the House waited on the Proprietors, and acquainted them that they had chosen Mr Thomas

Slaughter, Chairman, and Matthew Jewett, Clerk, of which they approved, and,

Colonel Richard Henderson in behalf of himself and the rest of the Proprietors, opened the Convention with a speech, a copy of which, to prevent mistakes, the Chairman procured.

Ordered, the same Speech be read. Read the same, which is as follows:

MR. CHAIRMAN, AND GENTLEMEN OF THE CONVENTION:

You are called and assembled at this time for a noble and an honourable purpose — a purpose, however ridiculous or idle it may appear at first view, to superficial minds, yet, is of the most solid consequence; and if prudence, firmness, and wisdom, are suffered to influence your councils and direct your conduct, the peace and harmony of thousands may be expected to result from your deliberations; in short, you are about a work of the utmost importance to the well-being of this country in general, in which the interest and security of each and every individual is inseparably connected; for that State is truly sickly, politically speaking, whose laws or edicts are not careful, equally, of the different members, and most distant branches, which constitute the one united whole. Nay, it is not only a solecism in politics, but an insult to common sense, to attempt the happiness of any community, or composing laws for their benefit without securing to each individual his full proportion of advantage arising out of the general mass; thereby making his interest (that most powerful incentive to the actions of mankind) the consequence of obedience. This, at once, not only gives force and energy to legislation, but as justice is, and must be eternally the same, so your laws, founded in wisdom, will gather strength by time, and find an advocate in every wise and well-disposed person.

You, perhaps, are fixing the palladium, or placing the first cornerstone of an edifice, the height and magnificence of whose superstructure is now in the womb of futurity, and can only become great and glorious in proportion to the excellence of its foundation. These considerations, gentlemen, will, no doubt, animate and inspire you with sentiments worthy the grandeur of the subject.

Our peculiar circumstances, in this remote country, surrounded on all sides with difficulties, and equally subject to one common danger, which threatens our common overthrow, must, I think, in their effects, secure to us an union of interests, and consequently,

that harmony in opinion, so essential to the forming good, wise and wholesome laws.

If any doubt remain amongst you with respect to the force or efficacy of whatever laws you now, or hereafter make, be pleased to consider that all power is originally in the people; therefore, make it their interest by impartial and beneficial laws, and you may be sure of their inclination to see them enforced. For it is not to be supposed that a people, anxious and desirous of having laws made, who approve of the method of choosing Delegates or Representatives to meet in General Convention for that purpose, can want the necessary and concomitant virtue to carry them into execution.

Nay, gentlemen, for argument's sake, let us set virtue, for a moment, out of the question, and see how the matter will then stand. You must admit, that it is, and ever will be, the interest of a large majority, that the laws should be esteemed and held sacred. If so, surely this large majority can never want inclination or power to give sanction and efficacy to those very laws which advance their interest and secure their property.

And now, Mr Chairman and gentlemen of the Convention, as it is indispensably necessary that laws should be composed for the regulation of our conduct—as we have a right to make such laws without giving offence to Great Britain, or any of the American Colonies—without disturbing the repose of any society or community under Heaven—if it is probable, nay, certain, that the laws may derive force and efficacy from our mutual consent, and that consent resulting from our own virtue, interest, and convenience, nothing remains but to set about the business immediately, and let the event determine the wisdom of the undertaking.

Among the many objects that must present themselves for your consideration, the first in order must, from its importance, be that of establishing Courts of justice or tribunals, for the punishment of such as may offend against the laws you are about to make. As this law will be the chief corner-stone in the ground work or basis of our Constitution, let us, in a particular manner, recommend the most dispassionate attention; while you take for your guide as much of the spirit and genius of the laws of England as can be interwoven with those of this country. We are all Englishmen, or, what amounts to the same, ourselves and our fathers have, for many generations, experienced the invaluable blessings of that most excellent Constitution, and surely we cannot want motives to copy from so noble an original.

Many things, no doubt, crowd upon your minds, and seem equally to demand your attention. But next to that of restraining vice and immorality, surely nothing can be of more importance than establishing some plain and easy method for the recovery of debts, and determining matters of dispute with respect to property, contracts, torts, injuries, &c. These things are so essential, that if not strictly attended to, our name will become odious abroad, and our peace of short and precarious duration. It would give honest and disinterested persons cause to suspect that there was some colourable reason, at least for the unworthy and scandalous assertions, together with the groundless insinuations contained in an infamous and scurrilous libel lately printed and published, concerning the settlement of this country, the author of which avails himself of his station, and under the specious pretence of proclamation, pompously dressed up and decorated in the garb of authority, has uttered invectives of the most malignant kind, and endeavors to wound the good name of persons, whose moral character would derive little advantage by being placed in computation with his, charging them, amongst other things equally untrue, with a design of "forming an Asylum for debtors, and other persons of desperate circumstances"; placing the proprietors of the soil at the head of a lawless train of abandoned villains, against whom the regal authority ought to be exerted, and every possible measure taken to put an immediate stop to so dangerous an enterprise.

I have not the least doubt, gentlemen, but that your conduct, in this Convention, will manifest the honest and laudable intentions of the present adventurers, whilst a conscious blush confounds the wilful calumniators and officious detractors of our infant, and, as yet, little community.

Next to the establishment of courts or tribunals, as well for the punishment of publick offenders, as the recovering of just debts, that of establishing and regulating a Militia seems of the greatest importance. It is apparent that, without some wise institution, respecting our mutual defence, the different towns or settlements are, every day, exposed to the most imminent danger, and liable to be destroyed at the mere will of the Savage Indians.

Nothing, I am persuaded, but their entire ignorance of our weakness and want of order, has, hitherto, preserved us from the destructive and rapacious hands of cruelty, and given us an opportunity, at this time, of forming secure, defensive plans, to be supported and

carried into execution by the authority and sanction of a well digested law.

There are sundry other things highly worthy your consideration, and demand redress, such as the wanton destruction of our game, the only support of life amongst many of us, and for want of which the country would be abandoned ere to-morrow, and scarcely a probability remain of its ever becoming the habitation of any Christian people. This, together with the practice of many foreigners, who make a business of hunting in our country, killing, driving off, and lessening the number of wild cattle and other game, whilst the value of the skins and furs is appropriated to the benefit of persons not concerned or interested in our settlements. These are evils, I say, that I am convinced cannot escape your notice and attention.

Mr. Chairman and Gentlemen of the Convention, you may assure yourselves that this new-born country is an object of the most particular attention of the Proprietors here on the spot, as well as those on the other side of the Mountains, and that they will most cheerfully concur in every measure which can, in the most distant and remote degree, promote its happiness or contribute to its grandeur.

RICHARD HENDERSON.

Ordered, That Colonel Calloway, Mr. Lythe, Mr. Todd, Mr. Dandridge, and Mr. Samuel Henderson, be a Committee to draw up an answer to the Proprietor's Speech.

May 25th 1775.

Mr Todd produced to the House an Answer (drawn up by the Committee) to the Proprietor's Speech, and being approved of by the Committee, Ordered, that Mr Todd, Mr Cocke, and Mr Harrod wait on the Proprietors with an answer to their Address, which is as follows:

COLONEL RICHARD HENDERSON AND COMPANY,

Gentlemen: We received your speech with minds truly thankful for the care and attention you express towards the good people of this infant country, whom we represent. Well aware of the confusion which would ensue the want of rules for our conduct in life, and deeply impressed with a sense of the importance of the trust our constituents have reposed in us, though labouring under a thousand disadvantages, which attend prescribing remedies for disorders

which already call for our assistance, as well as those that are lodged in the womb of futurity; Yet the task, arduous as it is, we will attempt with vigour, not doubting but unanimity will insure us success.

That we have an absolute right, as a political body, without giving umbrage to Great Britain or any of the Colonies, to frame rules for the government of our little society, cannot be doubted by any sensible, unbiassed mind; and, being without the jurisdiction of, and not answerable to, any of His Majesty's Courts, the constituting tribunals of justice shall be a matter of our first contemplation; and, as this will be a matter of the greatest importance, we will still keep in the genius and spirit of the English laws, which happy pattern it shall be our chief care to copy after.

Next to the restraint of immorality, our attention shall be directed towards the relief of the injured, as well as the creditor; nor will we put it into the power of calumny and scurrility to say, that our country is an asylum for debtors, or any disorderly persons.

Nor shall we neglect, by regulating a Militia, as well as the infancy of our country will permit, to guard against the hostilities and incursions of our savage enemies, and, at the same time, to be cautious to preserve the game of our country, so essentially necessary for the subsistence of the first adventurers.

Conscious, gentlemen, of your veracity, we cannot express the satisfaction we experience, that the Proprietors of this promising Colony are so ready to concur with us in any measure which may tend to promote its happiness and contribute to its grandeur.

THOMAS SLAUGHTER, Chairman.

To which Colonel Henderson returned the following Answer,

MR CHAIRMAN AND GENTLEMEN OF THE CONVENTION,

From the just sense of the nature and importance of the trust reposed in you by your constituents, and your laudable and truly patriotick resolution of exerting your abilities in the service of your country, we derive the most sanguine hopes.

Arduous as the task is, every difficulty must give way to perseverance, whilst your zeal for the publick good is tempered with that moderation and unanimity of opinion so apparent in your conduct.

We, gentlemen, look with infinite satisfaction on this happy presage of the future felicity of your infant country, and hope to merit a

continuation of that confidence you are pleased to express in our veracity and good intentions. While our transactions have credit for the integrity of our desires, we cannot fail uniting with the Delegates of the good people of this country, fully persuaded that the Proprietors are jealously inclined to contribute every thing in their power which may tend to render it easy, prosperous and flourishing.

RICHARD HENDERSON,

For himself and the Company.

On motion made, Ordered, that Mr Todd have leave to bring in a bill for the establishment of Courts of Judicature, and regulating the practice therein.

Ordered, That Mr Todd, Mr Dandridge, Mr Calloway and Mr Henderson, do bring in a bill for that purpose.

On motion of Mr Douglass, leave is given to bring in a bill for Regulating a Militia.

Ordered, That Mr Floyd, Mr Harrod, Mr Cocke, Mr Douglass, and Mr Hite, be a Committee for that purpose.

On motion of Mr Daniel Boone, leave is given to bring in a bill for Preserving Game &c.

Ordered, That Mr Boone, Mr Davis, Mr Harmon, Mr Hammond, and Mr Moore, be a Committee for that purpose.

The Bill for establishing Courts of Judicature, and regulating the practice therein, brought in by the Committee and read by Mr Todd and passed the first time; ordered to be referred for a second reading.

The Bill for establishing and Regulating a Militia brought in by the Committee, read by Mr Floyd, ordered to be read by the Clerk, passed the first time; ordered to be referred for a second reading.

The Bill for Preserving Game, brought in by the Committee, ordered to be read by the Clerk; read and passed the first time, and ordered to be referred for a second reading.

Ordered, That the Convention be adjourned until to-morrow, six o'clock.

May 26th, 1775.

Met according to adjournment.

Mr Robert M^oAfee appointed Sergeant-at-Arms.

Ordered, That the Sergeant-at-Arms bring John Guess before this Convention, to answer for an insult offered Colonel Richard Calloway.

The Bill for Regulating a Militia, read the second time, and ordered to be engrossed.

The Bill for Establishing Courts of Judicature, and regulating the practice therein, read a second time, ordered to be recommitted: and that Mr Dandridge, Mr Todd, Mr Henderson, and Mr Calloway, be a Committee to take it into consideration.

On motion of Mr Todd, leave is given to bring in an Attachment Bill.

Ordered, That Mr Todd, Mr Dandridge, and Mr Douglass, be a Committee for that purpose.

The Bill for Establishing Writs of Attachment, read by the Clerk, and passed the first time; ordered to be referred for a second reading.

On motion of Mr Dandridge, leave is given to bring in a Bill to ascertain Clerks' and Sheriffs' Fees.

The said Bill was read, and passed the first time; ordered to be referred for the second reading.

On motion made by Mr Todd, Ordered, That Mr Todd, Mr Lythe, Mr Douglass, and Mr Hite, be a Committee to draw up a compact between the Proprietors and the people of this Colony.

On motion of Mr Lythe, leave is given to bring in a bill to Prevent Profane Swearing and Sabbath Breaking. The same was read by the Clerk.

Ordered, That it be recommitted, and that Mr Lythe, Mr Todd, and Mr Harrod, be a Committee to make amendments.

Mr Guess was brought before the Convention, and reprimanded by the Chairman.

Ordered, That Mr Todd and Mr Harrod wait on the Proprietors, to know what name for this Colony would be agreeable.

Mr Todd and Mr Harrod reported, that it was their pleasure that it should be called Transylvania.

The Bill for ascertaining Clerks' and Sheriffs' Fees read a second time, passed, and ordered to be engrossed.

The Attachment Bill read a second time and ordered to be engrossed.

A Bill for Preserving Game, read the second time and passed; ordered to be recommitted, and that Mr Todd, Mr Boone, and Mr Harrod, be a Committee to take it into consideration.

The Militia Bill read a third time, and passed.

On motion of Mr Todd, leave is given to bring in a bill for the Punishment of Criminals.

Ordered, That Mr Todd, Mr Dandridge, and Mr Lythe, be a Committee for that purpose.

The Bill for establishing Courts of Judicature, and regulating the practice therein, read a second time, and ordered to be engrossed.

On motion of Mr Boone, leave is given to bring in a bill for Improving the breed of Horses.

Ordered, That Mr Boone, Mr Davis, and Mr Hammond, bring in a bill for that purpose.

The Bill for ascertaining Clerks' and Sheriffs' Fees, read a third time and passed.

The Bill for establishing Writs of Attachment, read a third time and passed.

On motion, Ordered, That Mr Todd have leave to absent himself from this House.

The Bill for the Punishment of Criminals, brought in by the Committee, read by the Clerk, passed the first time, and ordered to be read a second time.

The Bill for establishing Courts of Judicature and regulating the practice therein, read the third time with amendments, and passed.

The Bill for Improving the breed of Horses, brought in by Captain Boone, read the first time, passed, and ordered for consideration, &c.

Ordered, That the Convention adjourn until to-morrow, six o'clock.

May 27th, 1775.

Met according to adjournment.

The Bill to Prevent Profane Swearing and Sabbath Breaking, read the second time, with amendments; ordered to be engrossed.

The Bill for the Punishment of Criminals, brought in and read, passed the second time; ordered to be engrossed.

The Bill for the Improvement of the breed of Horses was read a second time, and ordered to be engrossed.

Ordered, That Mr Harrod, Mr Boone, and Mr Cocke, wait on the Proprietors and beg they will not indulge any person whatever in granting them Lands on the present terms, unless they comply with the former proposals of settling the Country, &c.

On motion of Squire Boone, leave is given to bring in a bill to Preserve the Range.

Ordered, That he have leave to bring in a bill for that purpose.

The following Message was received from the Proprietors, to-wit:

To give every possible satisfaction to the good people, your constituents, we desire to exhibit our title deed from the Aborigines and

first owners of the soil in Transylvania, and hope you will cause an entry to be made of the exhibition in your journals, including the corners and abutments of the lands or country contained therein, so that the boundaries of our Colony may be known and kept on record.

RICHARD HENDERSON.

Transylvania, May 27th, 1775.

Ordered, That Mr Todd, Mr Douglass, and Mr Hite, inform the Proprietors that their request will be complied with.

To which Colonel Henderson, in behalf of himself and Company, produced his Deed, which is bounded and abutted as follows, viz:

Beginning on the Ohio River, at the mouth of the Cantuckey Chirra, or what, by the English, is called Louisa River; from thence running up the said river, and the most northwardly branch, to the head Spring thereof; thence a southeast course to the top ridge of Powell's Mountain; thence westwardly along the ridge of Powell's Mountain, unto a point from which a northwest course will strike or hit the head Spring, or the most southwardly branch of Cumberland River; thence down the said river, including all its waters, to the Ohio River; thence up the said river to the beginning.

A Bill for Preserving the Range, brought in by the Committee and read, passed the first time; ordered to be laid by for second consideration.

The Bill to Prevent Profane Swearing and Sabbath Breaking, read the third time and passed.

Ordered, That Mr Calloway and Mr Cocke wait on the Proprietors with the Laws that have passed for their perusal and approbation.

The Committee appointed to draw up the Compact between the Proprietors and the People, brought in and read it, as follows, viz:

Whereas, it is highly necessary, for the peace of the Proprietors and the security of the People of this Colony, that the powers of the one and the liberties of the other be ascertained, we, Richard Henderson, Nathaniel Hart, and J. Luttrell, on behalf of ourselves, as well as the other Proprietors of the Colony of Transylvania, of the one part, and the Representatives of the People of said Colony, in Convention assembled, of the other part, do most solemnly enter into the following contract or agreement, to-wit:

1. That the election of Delegates in this Colony be annual.

2. That the Convention may adjourn, and meet again on their own adjournment: Provided, That, in cases of great emergency, the Pro-

prietors may call together the Delegates before the time adjourned to; and, if a majority do not attend, they may dissolve them and call a new one.

3. That, to prevent dissention and delay of business, one Proprietor shall act for the whole, or some one delegated by them for that purpose, who shall always reside in the Colony.

4. That there be perfect religious freedom and general toleration: Provided, That the propagators of any doctrine or tenets, evidently tending to the subversion of our laws, shall, for such conduct, be amenable to, and punished by, the Civil Courts.

5. That the Judges of the Superior or Supreme Courts be appointed by the Proprietors, but be supported by the People, and to them be answerable for their malconduct.

6. That the quit-rents never exceed two shillings, sterling, per hundred acres.

7. That the Proprietors appoint a Sheriff, who shall be one of three persons recommended by the Court.

8. That the Judges of the Superior Courts have, without fee or reward, the appointment of the Clerks of this Colony.

9. That the Judges of the Inferior Courts be recommended by the people, and approved by the Proprietors, and by them commissioned.

10. That all other civil and military officers be within the appointment of the Proprietors.

11. That the office of Surveyor-General belong to no person interested, or a partner, in this purchase.

12. That the legislative authority, after the strength and maturity of the Colony will permit, consist of three branches, to-wit: The Delegates, or Representatives, chosen by the people; a Council, not exceeding twelve men, possessed of landed estate, who reside in the Colony; and the Proprietors.

13. That nothing, with respect to the number of Delegates from any town or settlement, shall, hereafter, be drawn into precedent, but that the number of Representatives shall be ascertained by law, when the State of the Colony will admit of amendment.

14. That the Land Office be always open.

15. That commissions without profit, be granted without fee.

16. That the fees and salaries of all officers appointed by the Proprietors, be settled and regulated by the laws of the country.

17. That the Convention have the sole power of raising and appropriating all public moneys, and electing their Treasurer.

18. That, for a short time, till the state of the Colony will permit to fix some place of holding the Convention, which shall be permanent, the place of meeting shall be agreed upon between the Proprietors and the Convention.

To the faithful, and religious, and perpetual observance of all and every of the above articles, the said Proprietors, on behalf of themselves, as well as those absent, and the Chairman of the Convention, on behalf of them and their constituents, have hereunto interchangeably set their hands, and affixed their seals, the twenty-seventh day of May, one thousand seven hundred and seventy-six.

RICHARD HENDERSON [Seal].

NATHANIEL HART [Seal].

J. LUTTRELL [Seal].

T. SLAUGHTER, Chair'n [Seal].

A Bill for Improving the breed of Horses. Read the third time and passed.

The Bill for the Punishment of Criminals. Read the third time, and passed.

The Bill to Preserve the Range. Read the second time, and ordered to be engrossed.

Ordered, That Mr. Lythe wait on Colonel Henderson, and the rest of the Proprietors, with the Bill for establishing Courts of Justice, and regulating the practice therein.

The Bill to Preserve the Range. Read the third time, and passed.

Ordered, That Colonel Calloway wait on the Proprietors, with the Bill for Preserving the Range.

Ordered, That a fair copy of the several Bills, passed into laws, be transmitted to every settlement in this Colony that is represented.

Ordered, That the Delegates of Boonesborough be a Committee to see that all the Bills that are passed be transcribed in a fair hand into a book for that purpose.

Ordered, That the Proprietors be waited on by the Chairman, acquainting them that all the Bills are ready for signing.

The following Bills this day passed and [were] signed by the Proprietors, on behalf of themselves and their partners, and the Chairman of the Convention, on behalf of himself and the other Delegates:

1. An Act for establishing Courts of Judicature and regulating the practice therein.

2. An Act for regulating a Militia

3. An Act for the Punishment of Criminals.
4. An Act to Prevent Profane Swearing and Sabbath Breaking.
5. An Act for Writs of Attachment.
6. An Act for ascertaining Clerks' and Sheriffs' Fees.
7. An Act to Preserve the Range.
8. An Act for Improving the breed of Horses.
9. An Act for Preserving Game.

All the above-mentioned Acts were signed by the Chairman and Proprietors, except the Act for ascertaining the Clerks' and Sheriffs' Fees, which was omitted by the Clerk's not giving it with the rest.

Ordered, That at the next meeting of Delegates, if any member be absent and doth not attend, that the people choose one to serve in the room of such absent member.

Ordered, That the Convention be adjourned until the first Thursday in September next, then to meet at Boonesborough.

MATTHEW JEWETT, Clerk.

[REPRINTED FROM AMERICAN ARCHIVES, VOL. 2. PAGE 679.]

Letter from William Hooper to Samuel Johnston.

PHILADELPHIA, May 23rd, 1775.

DEAR JOHNSTON:

The close attention which I am compelled to pay to the business of the Congress, scarce gives me an opportunity to pay my duty to my friends. As we meet at nine A. M. and sit till four P. M., you will readily conceive that the little leisure we have is not sufficient for the common functions of life and exercise to keep us in health. While I am writing I encroach upon Congress hours, and if I could furnish you with anything interesting it might be some apology for the transgression. But the strict secrecy which is enjoined upon the members, leaves us at large to communicate nothing worthy attention that happens within the walls of the State House. Let it suffice, that the most perfect harmony subsists among the members.

The character of the New Yorkers is no longer suspicious. They take a forward and an active share in the opposition; all ranks of people among them are embarked in the common cause, and are sacredly resolved to preserve the cargo or perish with the ship. The few Tories among them are silent; the cry of liberty is irresistible.

The ----- who are never happy except when dabbling in faction, have met a just reward for their misguided zeal and have been compelled (six of them) to seek protection on board a King's ship. Rivington follows their fortunes, and his printing shop, which forged calumny and sedition for the whole Continent, is shut up. New York must now become the seat of War. The taking of Ticonderoga will divert the attention of Government to that quarter, and the New Yorkers will not long be suffered to be indifferent spectators of its operations. Believe me, I do not think they wish to be. Their city is filled with armed men, whom they have raised and disciplined, to be called into action when hostilities begun on the part of Lord North's troops shall render it necessary.

Government has sent them the *Asia*, man-of-war, we suppose to protect their trade, or rather to give spirit to the Tories; but that day is past; they are sunk, never to rise again.

This City has taken a deep share in the insurrection which is so generally diffused through the Continent. Men, women, and children feel the patriotick glow, and think every man in a state of reprobation beyond the power of heavenly mercy to forgive, who is not willing to meet death rather than concede a title of the Congress creed.

Quakerism has received a shock from which it will never recover. An attempt to restrain the other Sects in their Spirited Conduct, has only shown the weakness of their efforts, and the insignificancy of their numbers, when in competition with those who think and act differently from them. The Testimony, to their eternal dishonour, accompanied with the proceedings of the New York Assembly, gave encouragement to Administration to adopt the present compulsory measures, which at this hour, we all lament; for certain it is, till those got to hand, the plan prepared by the Administration was conciliatory.

If it should be thought expedient to raise troops in each Colony, and money of course must be supplied, from whence must it come in our Province? Would the Provincial Convention think it prudent to emit for that purpose, or are not the circumstances such as to leave no alternative to their choice? Whether this, or what, will be recommended, is still in suspense. This, however, is certain, that that it will be necessary that a Convention should be held immediately upon the return of the Delegates. I would, therefore, advise Mr Harvey to warn the several Counties immediately to elect Rep-

representatives to sit in Convention, and I would propose that each County should send ten at least. This is consistent with the New York policy, which thereby has given strength to the cause, by interesting so many in the protection of it. Every man, let his property be ever so small, has still his rights to preserve, and claims a share in the publick consultation, which must eventually affect him. Such a step with us would be prudent. The Spirit wants more in North Carolina, I think; perhaps you may think ten too many.

Hewes sends you the newspapers. Pray make my compliments acceptable to every branch of your worthy family. Remember me affectionately to Mr Iredell. I refer you to James Charleston for everything which is not related in the newspapers. Only let me add to the members of the Committees, that a resolve has passed the Congress, and ordered to be published, that no vessel shall be suffered to load for Newfoundland, St. John's, or Nova Scotia, to supply the British fisheries there, or anywhere else along the Coast of America. This is much to be noticed; it is a just retaliation for restraining the American fishery.

Hewes orders me to Congress that he may have an opportunity to dispatch his vessel; and as Caswell is indisposed I must obey, and thereby save your patience a further trial. I am your affectionate friend and obedient humble servant, WILLIAM HOOPER.

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

Proceedings of the Safety Committee in Pitt County.

MARTINBOROUGH, 27th May 1775.

The Committee then met.

Present: John Simpson, chairman; John Hardee, James Lanier, William Robeson, James Lockheart, Amos Atkinson, Benj^a May, James Armstrong, William Bryant.

The Chairman rec^d for the use of the town of Boston from Will^m Robeson 12^s, from W^m Bryant, John Evans & Avent Pope 20^s, James Robeson 1^s.

The Committee then adjourned till the 10th June Next.

[FROM THE SOUTH CAROLINA GAZETTE AND COUNTRY JOURNAL OF 13th JUNE, 1775.]

Mecklenburg Committee Resolves of 31st May, 1775.*

CHARLOTTE TOWN
MECKLENEBURG COUNTY, May 31. 1775.

This day the Committee of this county met and passed the following resolves:

Whereas by an address presented to his majesty by both Houses of Parliament in February last, the American colonies are declared to be in a state of actual rebellion, we conceive that all laws and commissions confirmed by or derived from the authority of the King and Parliament are annulled and vacated and the former civil constitution of these colonies for the present wholly suspended. To provide in some degree for the exigencies of this county, in the present alarming period, we deem it proper and necessary to pass the following resolves, viz:

1. That all commissions civil and military heretofore granted by the Crown to be exercised in these colonies are null and void and the constitution of each particular colony wholly suspended.

2. That the Provincial Congress of each Province under the direction of the great Continental Congress is invested with all legislative and executive powers within their respective Provinces and that no other legislative or executive power does or can exist at this time in any of these colonies.

3. As all former laws are now suspended in this Province and the Congress have not yet provided others we judge it necessary for the better preservation of good order, to form certain rules and regulations for the internal government of this county until laws shall be provided for us by the Congress.

4. That the inhabitants of this county do meet on a certain day appointed by the committee and having formed themselves into nine companies (to wit) eight in the county and one in the town of Charlotte do choose a Colonel and other military officers who shall hold and exercise their several powers by virtue of this choice and independent of the Crown of Great Britain and former constitution of this Province.

5. That for the better preservation of the peace and administration of justice each of those companies do choose from their own body two discreet freeholders who shall be empowered each by himself and singly to decide and determine all matters of controversy arising

* Enclosed in dispatch No. 51, from Governor Wright, of Georgia, dated 20 June, 1775. B. P. R. O. Am. & W. I., Vol. 236.—EDITOR.]

within said company under the sum of twenty shillings and jointly and together all controversies under the sum of forty shillings, that so as their decisions may admit of appeal to the convention of the selectmen of the county and also that any one of these men shall have power to examine and commit to confinement persons accused of petit larceny.

6. That those two selectmen thus chosen do jointly and together choose from the body of their particular body two persons properly qualified to act as constables who may assist them in the execution of their office.

7. That upon the complaint of any persons to either of these selectmen he do issue his warrant directed to the constable commanding him to bring the aggressor before him or them to answer said complaint

8. That these eighteen selectmen thus appointed do meet every third Thursday in January, April, July and October, at the Court House in Charlotte, to hear and determine all matters of controversy for sums exceeding forty shillings, also appeals, and in cases of felony to commit the person or persons convicted thereof to close confinement until the Provincial Congress shall provide and establish laws and modes of proceedings in all such cases.

9. That these eighteen selectmen thus convened do choose a clerk to record the transactions of said convention and that said clerk upon the application of any person or persons aggrieved do issue his warrant to one of the constables of the company to which the offender belongs, directing said constable to summon and warn said offender to appear before the convention at their next sitting to answer the aforesaid complaint.

10. That any person making complaint upon oath to the clerk or any member of the convention that he has reason to suspect that any person or persons indebted to him in a sum above forty shillings intends clandestinely to withdraw from the county without paying such debt the clerk or such member shall issue his warrant to the constable commanding him to take such person into safe custody until the next sitting of the convention.

11. That when a debtor for a sum above forty shillings shall abscond and leave the county the warrant granted as aforesaid shall extend to any goods or chattels of said debtor as may be found and such goods or chattels be seized and held in custody by the constable for the space of thirty days, in which time if the debtor

fail to return and discharge the debt the constable shall return the warrant to one of the selectmen of the company where the goods are found, who shall issue orders to the constable to sell such part of said goods as shall amount to the sum due, that when the debt exceeds forty shillings the return shall be made to the convention who shall issue orders for sale.

12. That all receivers and collectors of quit rents, public and county taxes, do pay the same into the hands of the chairman of this committee to be by them disbursed as the public exigencies may require, and that such receivers and collectors proceed no further in their office until they be approved of by and have given to this committee good and sufficient security for a faithful return of such monies when collected.

13. That the committee be accountable to the county for the application of all monies received from such public officers.

14. That all the officers hold their commissions during the pleasure of their several constituents.

15. That this committee will sustain all damages that ever hereafter may accrue to all or any of these officers thus appointed and thus acting on account of their obedience and conformity of these resolves.

16. That whatever person hereafter shall receive a commission from the Crown or attempt to exercise any such commission heretofore received shall be deemed an enemy to his country and upon information being made to the captain of the company in which he resides, the said company shall cause him to be apprehended and conveyed before the two selectmen of the said company, who upon proof of the fact, shall commit him the said offender to safe custody until the next sitting of the committee, who shall deal with him as prudence may direct.

17. That any person refusing to yield obedience to the above resolves shall be considered equally criminal and liable to the same punishment as the offenders above last mentioned.

18. That these resolves be in full force and virtue until instructions from the Provincial Congress regulating the jurisprudence of the Province shall provide otherwise or the legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America.

19. That the eight Militia companies in this county provide themselves with proper arms and accoutrements and hold themselves in

readiness to execute the commands and directions of the General Congress of this Province and of this Committee.

20. That the committee appoint Colonel Thomas Polk and Dr. Joseph Kennedy to purchase three hundred pounds of powder, six hundred pounds of lead and one thousand flints for the use of the militia of this county and deposit the same in such place as the committee hereafter may direct.

Signed by order of the Committee.

EPHRAIM BREVARD,
Clerk of Committee.

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

Letter from the Safety Committee at Wilmington to Samuel Johnston Esq.,

DEAR SIR,

We take the liberty to enclose a copy of Mr Hooper's letter to Mr Harnett; on the perusal of which you will no doubt perceive the expediency of calling (as soon as possible) a Provincial Convention. We have the greatest reason to expect Interesting accounts from the Continental Congress in a short time and you will, we are convinced, think with us, that a convention ought to meet as soon as proper notice can be given, to the several counties, which we beg leave strenuously to recommend to your attention.

We have not the least doubt, that the next meeting of our Committee an immediate stop will be put to the Exportation of provisions, &c., from this Port to Newfoundland.

We sincerely condole with all the friends of American Liberty in this Province on the Death of our worthy friend Col. Harvey. We regret it as a public loss, especially at this critical juncture.

We are with great regard, Dear Sir,

Your most Obed^t Serv^{ts}

R. HOWE,
CORN^r HARNETT,
JOHN ASHE.

Wilmington May 31st 1775.

To SAM^l JOHNSTON Esq.

[Endorsement.]

Rec M^dy June 5th & forwarded Tuesday 6th.

W. C.



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