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SMITHSONIAN DEPOSIT

A CHAPTER

IN THE EARLY

HISTORY OF SOUTH CAROLINA.

BY

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Author of "A Sketch of the History of South Carolina to the close of the
Proprietary Government by the Revolution of 1719."



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To Professor F. A. Porcher, President of the South Carolina Historical Society :

DEAR SIR:—In presenting to you and to the Society this small contribution to your valuable collections, I desire to evince my appreciation of your disinterested efforts to preserve authentic materials for the history of the State. The ensuing chapter was written long ago, and is published now solely on account of the appended papers, some of which are important and of which, I believe, no other copy exists in this country.

On page 164 of the volume I ventured to publish, an error occurs which I take this opportunity to correct. I was permitted by Hon. George Bancroft to use several volumes of abstracts from official records in London made by Chalmers, author of the "Political Annals" of the Colonies, in preparation for that work. Having carefully collated these abstracts, with entire copies of some of the same records which I had obtained from the State Paper Office, and having found them in all cases correct and trustworthy, I credited them in some instances where I lacked other material; and adopted his words "the excellent system of Locke," in allusion to the Fundamental Constitutions. I have since obtained the exact words of the instructions of the Lords Proprietors to Ludwell, 12 April, 1693, (p. 230, vol. 3, N. C. B. T.) which are as follows: "Wee take notice that there is a Comittee apointed to draw up what they would have for a system of Governm^t for the future, but of what use that can be, unless to expose their weakness, and make them sensible of their owne folly wee know not, for since they have so disrespectfully *refused that excellent systeme wee offered in our Constitutions*, wee have thought it best both for ourselves and them to governe by all the powers granted us by our Letters Patent," &c;—signed by Craven, Ashley, Colleton and Amy.

I have been informed that it was the intention of the present Lord Shaftesbury, to give to the London Record Office a volume of MS. letters of the Earl of Shaftesbury, relating to Carolina affairs. Permit me to suggest to the Historical Society to

secure a copy of these letters, or as many of them as we do not already possess. They may serve to explain, besides more important matters, the share (if any) which the practical statesmen had in framing the curious system of government which we generally attribute to the philosopher.

Very truly, yours,

Washington College, Md.

WM. J. RIVERS.

CHAPTER XI.

The Revolution of 1719 continued—Delay in extending the Royal Government over the Colony—Measures of the Revolutionists in maintaining their authority—Ineffectual efforts of Johnson to regain the Government for the Proprietors—The Revolution completed—The form of the New System of Government—Condition of the Colony at that Period.

We have seen in the preceding narrative that the newly elected Assembly resolved themselves into a Convention to accomplish the revolution, the people having previously, through secret associations, pledged themselves to their support. The Convention issued a proclamation authorizing all officers, civil and military, to continue in the discharge of their duties till further orders from them. Governor Johnson was solicited to renounce the interests of the Proprietors, and retain his office in the name of the king. Upon his refusal to do so, James Moore was chosen in his stead, and inaugurated on 21st December, 1719, to act till His Majesty's pleasure could be known.* A council of twelve, after the model of the Royal Governments in the American Colonies, was appointed in place of the old council. The Revolutionary Convention then resumed its functions as a Legislative Assembly, and proceeded to enact such laws as the state of the Province required.†

A vessel being ready to sail for England, the new Council and Assembly, on 24th December, addressed

*See the Declaration of the Convention, Hewitt, 1 Carroll's Collections, p. 241.

†See I Stat. 57, and 2 Carroll's Coll. p. 183.

a letter to the Board of Trade, explanatory of their action in throwing off "the confused, negligent and helpless government of the Lords Proprietors." We need not here repeat the details given by them in justification of their conduct.* Besides the letters received by the Board directly from the Revolutionists, Mr. Boon, who was in England as agent for the Colony, presented a statement of grievances, together with arguments against the continuance of the Proprietary Government. With equal activity, Governor Johnson† and a few other adherents of the Proprietors, were sending adverse communications with the hope that the old form of government would be upheld or re-instated. The Lords Commissioners for Trade and Plantations had no power officially to recognize the new government. They endorsed the communications from the existing authorities as from "Col. Moore, pretended Governor"—"the new pretended Council and Assembly"—"from the persons who have taken upon them the government of South Carolina."

The revolution, notwithstanding the unanimity of the colonists, was not yet complete. Its successful termination depended on the arbitrament of the British Government. If this arbitrament should not be in favor of the Colonists, and should not annul the charter, the rightful authority over the Colony must continue to emanate from the Proprietors. It could hardly be expected that they, who had held power for fifty years, and whose personal interests were involved in the decision, would yield till after a

*Appendix Nos. 1, 2, and 3.

†See his letter, Yonge, 2 Carroll's Coll. p. 184.

strenuous effort to retain the administration of Colonial affairs. King George was at this time absent in Germany. Appeals from the Revolutionists to the Regency in England, if successful at all, would probably result only in provisional measures for the immediate relief and safety of the Province as a matter of necessity, leaving the Proprietary Charter to be revoked by legal process or surrendered on terms by the claimants under the original grant.

Great anxiety was therefore produced by the delay in the mother country to sanction the Revolution. But the Assembly in Carolina steadfastly pursued its policy. To hold office under the new government, it was necessary to renounce the cause of the Proprietors. One of the first removals was that of Chief Justice Trott, to whose office Richard Allein was appointed. No one exercising authority in the Province was permitted to be neutral.* There was,

*I find no official records of the Revolution for December and January. Yonge, in his "Proceedings of the People," &c., 2 Carr. Coll., and Hewit, 1 Carr. Coll., must have had access to papers of this period not now to be found among our State records, and which probably do not exist in London, as my inquiries, through an agent, have failed to discover them there. I suppose the same Representatives elected to conduct the Revolution continued as the Commons House of Assembly until the new election in June, 1721. Their Journals remaining to us begin February, 1720, and the following names are recorded: Thomas Hepworth, Speaker; Col. Geo. Logan, Col. Jno. Fenwick, Maj. Arthur Hall, Daniel Huger, Capt. Roger Moore, Geo. Smith, Capt. Jno. Gendron, Paul Hamilton, Andrew Allen, Richard Smith, Capt. Christopher Wilkinson, Maj. Jonathan Drake, Arthur Middleton, Capt. Benjamin Waring, Wm. Cattell, (appeared and qualified from St. Andrews, February 9th,) Alex. Skene, Sam'l Jones, Capt. Walter Izard; at the meeting, March 8th, occur the additional names of Capt. Wm. Dry, Wm. Elliott,

however, a marked exception in the case of the Comptroller and the Surveyor-General, whose continuance in office was not disturbed, as they were the custodians of the pecuniary interests of their Lordships, against whose political power and control the Revolution was directed, not against their property or emoluments under the charter.

While thus guarding their authority at home, the Assembly and Council were not negligent in securing in England a favorable representation of their actions. Mr. Boon was instructed to act separately from Mr. Tryon, the other agent of the Colony, if the sentiments of the latter should lead him to countenance the cause of the Proprietors. Col. Barnwell was sent to join Mr. Boon, as special agent, to lay before His Majesty the grievances of the people and to implore his protection.

. The Act and Declaration of 23d December, "for

Peter Johnson, Jno. Stanyarne. Ralph Emms, Capt. Richard Harris; at the meeting in June, also, Capt. John Raven, John Ouldfield, Wm. Wilkins, Col. Abraham Eve, John Williams; at the meeting in August, also, Hugh Hext; in November, also, Henry Houser and John Godfrey. These make but thirty-three; according to the Election Act of 1719, there should be thirty-six members.

Of the members of Council who served under James Moore, as Governor, in December, 1719, the following names occur: Sir Hovenden Walker, President; Richard Allein, Sam'l Eveleigh, Geo. Chicken, Thos. Smith, Alex. Parris, Richard Berresford; in January also, Jos. Morton, Thos. Waring, B. Schencking, Sam'l Prioleau, (see App., Nos. 1 and 2.) If on the authority of Yonge, (the Surveyor-General,) we add the name of Jno. Lloyd, it will complete the number of councillors. Maj. Wm. Blakeway was Clerk of Conneil. The Journals of Council remaining to us begin in June, 1721, with Nicholson as Governor, and a new Council whose names are recorded.

preventing all doubts and scruples " concerning the legality of the power of the new government, did not prevent, it seems, the occurrence of such doubts among the timid, the ignorant, and the desponding. There being no intimation that the King's Council would sanction the extraordinary proceedings of the Colonists, the minds of many began to waver; and when six months had now passed, and the Royal protection had not yet been extended over them, and when adverse rumors began to be spread in the Province by adherents of the Proprietors, the Assembly endeavored again to support their officers and to allay the uneasiness of the people by a law* defining their position, declaring all participators in the late Revolution justified and indemnified, and protecting their officers for all acts done, and to be done, in pursuance of the powers granted them.

During this state of anxiety and uncertainty, an attempt was made by the late Governor to regain his authority. At the breaking out of the Revolution, so general had been the combination, so unimpeded its success, and, at the same time, so undiminished had been the good will of the people and of their leaders towards their late Governor, that it seemed to the Proprietors improbable that he could have been, (as no doubt he was,) entirely ignorant of the schemes of those who had by one blow wrested all power from his hands and completely overthrown the government.† But though the Proprietors treated the letters of Governor Johnson with silence and

*June 17, 1720. See 1 Stat., p. 58.

†Yonge states that the Governor was ignorant of these schemes. Proceedings, &c., 2 Carr. Coll., pp. 164, 183.

neglect, he did not abandon their cause. His first effort to keep alive their power was directed against the merchants and ship-owners. As ship and cargo might be forfeited by illegal clearances, he appealed* to Colonel Rhett, the Comptroller of the Customs, to stop the necessary papers from the Custom House unless masters of ships would recognize himself as the lawful Governor, and pay their fees to him, and not to Governor Moore. Having failed in this, his next effort was with the Assembly. As we before mentioned, the Revolution had been consummated at a fortuitous moment when the militia were mustered at Charleston for review, in anticipation of an invasion by the Spaniards. It now became certain that a fleet was collected ready to sail against either South Carolina or the Island of Providence. Though its precise destination was unknown, Governor Moore prepared for an attack. Martial law was proclaimed. The militia were again in arms at Charleston.† At this juncture, Johnson addressed a noble appeal to the Assembly to permit him to lead the forces, for danger threatened, a conflict was imminent, and in virtue of the commission he held, he ought to bear, at such a crisis, the responsibility of the safety and welfare of the Province.‡ Having failed likewise in this, his last effort was a resort to force. To defray the public expenses, which had been greatly augmented by the necessity of fortifying Charleston against the threatened invasion, a tax of £30,000 was levied on lands and negroes. The tax upon his own

*See his letter, Yonge, 2 Carr. Coll., p. 185.

†Appendix No. 4.

‡See this appeal, Hewit, 1 Carr. Coll., p. 247.

property under this law, Johnson refused to pay, as not levied by lawful authority. By his advice and encouragement, about one-third* of the people refused or neglected to pay the tax until executions were issued against them. Besides this apparent defection, the fact that the clergy refused to perform the marriage ceremony without the regular license from him, in accordance with established forms, must have encouraged in his mind a belief that a party existed secretly opposed to the policy of the Revolutionists, and preferring to yield to him as Governor of the Province. But it was not till he received aid from the crews of several English men-of-war that he formed the plan of seizing the government. The Spanish fleet had not approached Carolina, but had invaded the Island of Providence, had been repulsed there by Governor Rogers, and on their return had been scattered and disabled by a storm. After this event the Flamborough, Capt. Hildesley, returned from Providence to Charleston, and the Phoenix, Capt. Pearce, happened also to arrive. Johnson was induced, principally, it appears, by Capt Hildesley, to demand the government from Col. Moore.† “Two of H. M. ships of war,” says he, “being now in the harbor, and the commanders sensible of the difficulties I have labored under, as well as the whole country, by your unjust usurpation of the government, have therefore resolved to assist me with all their forces to re-assume the same.” This was on the 9th May, 1721. Information from the Agents in London had already been received by the Revolutionists

*House Journals, No. 5.

†See Appendix, Nos. 5, 6, 7, and 8.

that the Regency had determined to protect the Colony, and that General F. Nicholson had been appointed Provisional Royal Governor; and this news had been publicly communicated to the people, to quiet their minds and frustrate the designs of Capt. Hildesley.

Johnson and Hildesley, however, having matured their plan, appeared before the town with about 120 men, the greater part of whom were sailors from the Flamborough. The forts opened fire upon them. Whereupon Capt. Pearce, of the Phoenix, was deputed as mediator, who, with a number of Johnson's Council, proposed terms of settlement. The terms being rejected, Johnson requested to see the orders of the Regency, and the letters from Mr. Boon and Colonel Barnwell. As soon as these were read by Johnson, he disbanded his men and gave up all further molestation of the existing government.

The Revolution was now complete. No bloodshed, no brutal violence characterized the movement. A total change in the government had been effected. The people, as a mass, seem to have been actuated by noble principles in throwing off the feeble, inefficient and often tyrannical management of the Proprietors, for the sake of promoting the safety and prosperity of the Colony, and of securing justice and freedom for themselves and their children. They had rid themselves of the charter and the intolerable incubus of Proprietors, as they had before thrown off the shackling restrictions of the Fundamental Constitutions. No longer subject to an intermediate power, they stepped forth, as it were, into the unimpeded light of English constitutional liberty. It was a step forward, apparently nearer to the king, but, in re-

ality, nearer to the full enjoyment of English rights and privileges. With the movement was engendered an increased jealousy in watching over their inner national development, and in directing the peculiar elements of their remote colonial position to the expansion of their own power and prosperity. There is much also to admire in the conduct of those to whose decision the Colonists appealed. A powerful government had long desired the removal of a feeble barrier to its dominion over an immense territory. But without grasping at the prize, without thrusting aside the rights of the delinquent Proprietors, it extended only a temporary protection over the Province, and waited till it was calmly determined how and for what the Proprietors would relinquish their claims to the large territorial property from the Atlantic to the Pacific, granted by the charter of Charles II. The relinquishment was not effected till 1729, and an eighth part was then still reserved to Lord Carteret, who was unwilling to surrender his title.*

Although in this long interval efforts were made by the Proprietors to retain their charter, there was in Carolina no general expectation that the political authority over the Province would ever revert to them. It was, however, a matter of some doubt at the time when the Revolution against the Proprietary Government was first effected, and there was an urgent necessity, both for the contentment of the people and the security of the Province, that the Royal protection promised them by the Regency should, as soon as possible, be put into active operation. The

*See the act for surrender of the Proprietary title. 1 Stat. at Large, p. 60.

arrival of the Provisional Governor, General Nicholson, was anxiously looked for. His commission is dated 26th September, 1720. He arrived in the Colony 23d May, 1721, and was received with great rejoicing by Governor Moore, by the Assembly and by the people.

• Before we narrate what occurred under the administration of Governor Nicholson, let us notice the principal features of the new method of government. The instructions to Governor Ludwell, dated 8th November, 1691, with the additional clause to Governor Smith, in 1693, were the rules of government or constitutional forms adopted by the Proprietors when their Fundamental Constitutions were laid aside. The instructions to Governor Nicholson, of August 1720, embracing 96 articles,* form the basis of the Royal method of government which supplanted the Proprietary system, and continued in force, with some modifications, during the second period of our history, from the Revolution of 1719 till the Revolution for Independence in 1776. The following is a synopsis of the principal articles of the instructions to the first Royal Governor.

He selected his council, twelve in number, and transmitted their names and qualifications to the King's Council in England for approval. He made known to his councillors his commission, administered to them the oaths of office usual in the mother country, and required them to subscribe the decla-

*See the instructions to Ludwell and Smith, and those to Nicholson in Appendix Nos. 9, 10 and 11. For the first constitution adopted by the people in March, 1776, superseding the Royal Government, see 1 Stat. at Large, p. 128.

ration of religious faith. He informed them of such portions of his instructions as it was necessary for them to know. They had freedom of debate and vote on all measures discussed in council. Five was a quorum, except in extraordinary emergencies, when three might act with the Governor, if more could not be assembled. As they were nominated by the Governor, so they could be suspended by him, and even without consultation with the rest of the council, if he thought his reasons for the suspension ought not to be communicated to them.

In case of the death or absence of the Governor, if no commissioned Lieutenant-Governor were in the Province, the eldest councillor, as president, acted in his stead; but could pass no act not immediately necessary, without His Majesty's order for that purpose. Copies of all Acts, of the Treasury Accounts, of the Journals of the Council and of the Assembly were regularly transmitted to England. No public money could be issued or disposed of but by the Governor's warrant, with consent of the council; but the Assembly were permitted "from time to time to view and examine the accounts of money, or value of money, disposed of by virtue of laws made by them."

The members of Assembly were elected only by freeholders. Laws of unusual or extraordinary nature and importance, or those repealing previous laws approved in England, could not be enforced till the King's approbation was given. The enacting clause was "by the Governor, Council and Assembly." The members, (as likewise judges, justices and every person holding any office or place of trust or profit in the Province,) were required to take the same oaths

as the councillors. The Assembly could bestow no gift or present upon the Governor. He was entitled only to a stated salary, as were also the other officers of government. In regard to the claim of certain privileges by other Assemblies in the Colonies, the Governor was instructed, "if, upon your calling an Assembly in Carolina, you find them insist upon any of the above privileges, you are to signify to them that it is His Majesty's express will and pleasure that you do not allow any protection to any member of the Council or Assembly further than in their persons, and that only during the sitting of the Assembly, and that you are not to allow them to adjourn themselves otherwise than *de die in diem*, except Sundays and holidays, without leave from you or the commander-in-chief for the time being first obtained. And that the Council have the like power of framing, mending or altering money bills as the Assembly. And you are hereby expressly enjoined not to allow the members of Assembly in Carolina any power or privilege whatsoever, which is not allowed by His Majesty to members of the House of Commons in Great Britain.

No new courts could be formed without the King's especial order. Judges and other officers of justice were not to be displaced except for good and sufficient reasons, and their commissions were not to be limited in time. No man's life, member or property could be taken but by known laws, and such as were not repugnant to the laws of England. Justice was not to be delayed or partially administered. Appeals in certain civil cases could be made to the Governor and Council, and from them to the King.

Liberty of conscience was granted, except to Papists. The Episcopal was the established Church under jurisdiction of the Bishop of London, by whom or by the Governor, schoolmasters also were licensed to teach.

The inhabitants were to be armed and trained, and an account of the defensive state of the Province and the strength of the neighboring Indians and European settlements was required to be sent to England. But care should be taken to have justice done to the Indians and to secure their friendship. It was also enjoined upon the Governor to send maps of the Province and its fortifications; a list of all officers and offices, and the expenditure of each, and statistics of the inhabitants, men, women and children, free and slave, their yearly increase or decrease, and the number able to bear arms; also of all persons born, christened and buried.

Trade was to be encouraged, particularly that of the Royal African Company. "And as His Majesty is willing to recommend unto the said company that the said Province may have a constant and sufficient supply of merchantable negroes, at moderate rates, in money or commodities, so you are to take especial care that payment be duly made, and within a competent time, according to their agreement;" and to this end courts of justice were to be frequently held, that all His Majesty's subjects, and "particularly the Royal African Company, and others trading to Africa," might have the benefit thereof and meet no undue hindrance in the recovery of their just debts.

In cases not provided for in the instructions or Governor's Commission, he was to act by the advice

of his council ; but not to commence or declare war, except against the Indians, on emergency.*

Such were the principal regulations under which the government of South Carolina was conducted after the displacement of the Proprietors. The new system was less encumbered in its operations, there being now fewer agencies between the chief authority in England and its distant subjects in the Colony. Some of the articles of instruction, however, particularly such as give to the Council legislative powers equal or superior to the powers of the popular Assembly, were not calculated to allay that spirit of political advancement on the part of the people which we have seen exhibited in the recent contests with the Proprietors. Hence the history of the Colony under the Royal Government will be found to be still marked by contests of the Assembly, or representatives of the people, to secure to themselves predominant legislative power in the management of the domestic affairs of the Province. The new government was modeled after that of the mother country ; the Governor representing the King, and the Council the House of Lords. But the Councillors were, for the most part, inhabitants and natives of the Province, neighbors or relatives of the Assemblymen ; and yet five, or even three, of these might, with the Governor, counteract the entire body of the popular representatives. Discordant elements, however, we shall perceive, may exist for a long time in a form of government without ill effects, when a

*See, besides App. No. 11, notices of the Royal Government in Hewitt, 1 Carr. Coll., p. 277, and Judge Brevard's Observations on our Legislative History, 1 Stat., p. 430.

country is prosperous, and the rulers benignant and contented to be no more than watchful guardians of the people's welfare.

The condition of the Colony, at the time of the transition to the Royal Government, was not prosperous. It had never been very prosperous under the management of the Proprietors. Fifty years had passed, and though the lands were fertile and there were slaves to till them—though the harvests were abundant and the settlers enjoyed an ample supply of fish from the waters and game from the forests—though the means of living were easily secured and wealth was a sure reward to industry—yet we find only a narrow strip of the seaboard settled, and the population in 1720 computed to be at most 9,000* whites, of all ages, of whom about 2,000 were men (from 16 to 60 years of age) capable of bearing arms, but scattered 150 miles along the coast. In the eleven parishes there were 1,305 tax-payers, and 11,828 slaves. The Province was a frontier towards the west and south-west, with Spaniards, and French, and hordes of Indians to confront, and often to war with. In the dangers and conflicts of the settlers during a half century, very little protection or help had been received from the Proprietors in England. When we take into account, moreover, the diseases incident to sultry lowlands, it is not surprising that there had been a slow increase of population, and scarcely any from recent immigration. Governor Johnson reckoned that from the Yemassee war in 1715 to 1720, from losses and various adverse causes,

*The computations in App. Nos. 12 and 13 differ from 6,400 to 9,000.

there had been an actual increase of only 100 in the number of white inhabitants. This condition of weakness and insecurity was soon changed under the Royal Government. We shall see a more liberal bestowal of grants of land, renewed immigration, and a stretching upward of the population towards the interior and more healthy portion of the Province.

In 1715 more than 26,000 Indians, dwelling at distances from Charleston varying from 60 to 600 miles, were under the subjection or influence of the government of the Province, and traded with its merchants. Their trade was worth annually above £10,000 sterling. They brought down deer skins, furs and other peltry, and took in exchange guns, ammunition, cloth and iron ware—about 200 Englishmen traded among them as agents for the merchants. In 1720 we had lost half of this lucrative traffic, and the friendship and allegiance of many distant tribes had been by more immediate allurements secured to the Spanish colonists in Florida and to the French in Louisiana. The Province was consequently in constant danger from the Indians, except from such feeble tribes as dwelt to the northward, and who numbered only about 2,800 souls.

Commerce was carried on entirely by British merchants. These supplied the Colonists with all manufactured articles, and with negro slaves, about 1,000 each year. Payment for these was made with money received from the shipping of provisions to the West India Islands, and by exporting rice, peltry, timber and naval stores to England and the northern colonies. Two hundred vessels of all sorts were annually freighted at Charleston. Between January, 1719, and

January, 1720, there were exported to Great Britain, 9,115 barrels of rice, 12,475 barrels of pitch, 15,052 barrels of tar, 80 chests of deer skins, besides staves, cedar, &c.; and to the other Colonies, 3,953 barrels of rice, 4,406 barrels of pitch, 6,273 barrels of tar, together with "masts, booms, bowsprits, barrels of beef, pork, butter, candles, soap, tallow, deerskins, tanned leather, raw hides, corn, peas, cedar plank and pine plank, staves, hoops, boards, shingles, oars, &c."

Greater security against the Indians and Spaniards was all that was needed to protect the Indian trade, to increase the amount of exports and foster a more extended agriculture. (This security will now be afforded by the Royal Government, and a new era of prosperity will dawn upon the Colonists, so long oppressed and disheartened under the inefficient administration of the Lords Proprietors.)

Since the late war of Secession, circumstances have rendered me unable to continue the preparation of a second volume of our history, which would have embraced the period of the Royal Government in South Carolina. Such a volume, I am convinced, (for I have carefully examined all the records in Columbia) can only be properly written from the large collection of materials in the State Paper Office in London. I would therefore beg leave to insert the following article from Russell's Magazine, October, 1858, and to refer to an address before the Historical Society in 1861, to show the prominent design which I had in view, viz: to trace in our Colonial history the development of Republican constitutional self-government which was consummated by the Revolution of 1776.

“A PAGE OF THE STATUTES—HISTORICAL EXPLANATION.”

There is nothing in the histories of our State, except a sentence of Dr. Ramsay, which explains the facts stated in the third volume of the Statutes at Large, page 273, viz: that there are no Acts of Assembly for the year 1730, none for 1729, none for 1728. Perhaps during no equal time in the history of the Colony was the Legislature oftener in session, or greater unanimity displayed by the Assembly for the enactment of at least one law, which they thought most conducive to the welfare of the Province.

In reading the recorded proceedings of those years—such of them as remain to us—more will attract the attention than the simple fact of the failure to enact laws. Something might be

noticed of that perseverance and mutual fidelity by which the people had lately annulled the power of the Proprietors; something to remind us that they were the fathers of those who achieved our independence of the Crown; and if we look neither to the past nor future of that period, there is still much to interest us in the views maintained on certain rights and privileges, and on some subjects of political economy—for a great currency question then agitated the Colony.

The Royal Government in Carolina was based at first on certain articles of instruction. By one of these the administration devolved on the "eldest councillor," in case of the death or absence of the Governor, provided no commissioned Lieutenant-Governor were in the Province. When Nicholson returned to England, in 1725, the Hon. Arthur Middleton, the eldest Councillor, became President of the Council, and Commander-in-Chief of South Carolina. He had been prominent in the Revolution of 1719, in bringing the Colony under the Royal Government. In his present station, he exhibited an undeviating adherence to his duty to the King, and a firm opposition to encroachments by those with whom he had been formerly associated—many of whom had the spirit of progress, liberty and revolution still unsatisfied within them. Whatever may have been said of him by Judge Whitaker, and the complaining Mr. Conllette, and even rudely insinuated by the Assembly in one of their messages to him, we may ascribe to political animosity. It is not necessary to look for the sources of the extraordinary opposition to him, beyond the unflinching antagonism of himself and the Council to a favorite measure of the Assembly and people. He believed it his duty to oppose their plans. They believed it their duty and interest to persist in them. He and they, therefore, in unyielding attitudes, went gradually down, step by step, in trouble, for three years, till Governor Johnson arrived from England.

Nicholson's favorite expression, repeated in almost every address and message to the Commons, was "the two inseparables, his Majesty's interest and service, and that of this Province." Middleton's was, "his Majesty's Royal Prerogative," repeated and adhered to in the strictest sense of duty. Nicholson's "two inseparables" never hindered his kindly yielding to the manifestly good measures of the Commons.

He even indulged them with an increased issue of paper money. While true to the King, he was very generous to all whom he governed. The brave old man, when he came, brought a Prayer Book for each member of the Assembly; when he left, he bestowed a father's benediction upon them. He went away poorer than he came, for he spent more than his income on the Province, and refused to accept a present from the Assembly. Middleton was of a sterner nature, and the encroaching disposition of the recently successful people forced him to raise the barrier of "Royal Prerogative" so high that his heart was hid behind it. But though our present sentiments naturally incline us to sympathize with the people, we must say, with admiration, that in the unequal conflict, Middleton yielded not an inch to their demands when he thought he was bound to resist them, although he saw his opposition bringing his government to the brink of ruin.

In giving a succinct narrative of this legislative contest, it will be best to begin about the time of the passing of the two Acts noticed in the Statutes for the year 1727.—The disagreement between the Upper and Lower Houses, appears to have begun with the arrest of Landgrave Smith, in June of that year, on a charge of high treason.—Smith was, at the time, a member of the Assembly, which was not then in session. On account of popular disturbances, and the petition of many gentlemen, especially the merchants, the Assembly was summoned to meet on August 2d. On the first day of their meeting, they sent to the Upper House a Bill concerning the duties of the Chief Justice, (it was by his warrant that Smith had been arrested) and to secure "the liberties of the subjects within this Province." At the same time Smith petitioned the Assembly to hear him through counsel, at the bar of the House, on the question of the legality of his commitment, and his right to an *Habeas Corpus*. The Council, on the ground that his Majesty's Prerogative was involved, *demanding immediately* a copy of the memorial and petition presented by Smith to the Assembly, and of their resolutions granting him a hearing. The Assembly not answering immediately, the Council, the same day, repeated their demand; "as the King's prerogative is concerned, and you have not thought fit to respond, I therefore, now," said Middleton, "in his Majesty's name, require and

command that you forthwith comply." They replied, but not in time for him to receive their answer until the next day: "Had your Honor *desired* copies of them, instead of demanding, and requiring, and commanding them, we would readily have sent them to your Honor. We have, however, directed our Clerk to deliver copies of them to any person your Honor will order to receive them." Middleton's position was that the crime of High Treason was "examinable and triable only in the King's Courts," and to them belonged the question of granting the *Habeas Corpus*. "I cannot sit at the head of the government and see its rights so notoriously invaded under false notions of liberty," "nor will I suffer such violations of his Majesty's Prerogative in my administration." When Secretary Hart of the Council carried this answer to the Lower House, he found the stairs so crowded that he had much trouble to get into the room above. When he succeeded in getting up, he found Nicholas Trott (not a member, but invited for the purpose) "endeavoring to produce precedents before the House, why Landgrave Thomas Smith ought to be admitted to bail." On hearing this, Middleton instantly broke up their sitting, by proroguing them till September.

We need not notice further this case of high treason, (the second in the history of the Colony,) nor the popular commotions connected with it. The charge was, for Smith's "composing and publishing a seditious libel; for drawing together seditious, riotous and tumultuous assemblies, and gathering together numbers of armed men, and disturbing the peace," &c.—Smith, however, was guilty of nothing but an attempt (with injudicious zeal) to get up a general petition about the grievances of the people. These grievances may be seen in the following sentences, from a "Representation of the Inhabitants of South Carolina," addressed to the Council in June; the chief causes of complaint are, the malice and extortion of a set of men who are in power—that though Courts are in the country, the inhabitants are hauled to town and tried, it may be, a hundred miles from home—the liberty of Englishmen is thus taken away; that of being tried by their peers and neighbors—that they defend and maintain a "government which will not protect" them, and are left a sacrifice to "base judges" and "gripping lawyers, and also to extortioners, who

very often make them pay three or four times as much as is their just due, and this for the want of a Tender Law of country produce, or a sufficient quantity of paper bills for the trade of the Province,"—the unfairness of taxing all negroes alike, "the aged, suckling and decrepid pay the same tax as the best,"—the injustice of the land tax, "some pay 10s. for land, others 15s. for such as is not worth the twentieth part as much," &c. "Who," they conclude, "will, or rather *can*, suffer oppression, when they have it in their power to free themselves? 'Tis contrary to nature; and we must either leave the Province, or redress ourselves as God shall enable and direct us."

. It is necessary to our narrative to quote here certain resolutions of the Representatives of these liberty-loving "inhabitants of South Carolina," passed on the first day of the session of which we have already spoken :

"*Resolved*, That it is the undoubted right of his Majesty's free born subjects within this Province to represent their grievances to the Governor, and Council, and Assembly, for the time being, jointly or separately, and to petition to have them redressed. *Resolved*, That whoever asserts the contrary is a betrayer of the rights and liberties of the people. *Resolved*, That all commitments and prosecutions for such petitioning are illegal. *Resolved*, That by the Election Act now in force, the Assembly in this Province ought to sit once in six months. *Resolved*, That this present Assembly was prorogued from the 11th day of March last to the second Tuesday in October, which is seven months, notwithstanding the Election Act aforementioned. *Resolved*, That this House never proposed to the Council any Bill that was disadvantageous to the public, or contrary to his Majesty's royal orders and instructions, and that all insinuations to the contrary are highly reflecting upon the honor and dignity of this House."

This last resolution was in contradiction to what the President had stated in his Proclamation on the 17th of June.

Before the prorogation till September expired, the Assembly were summoned (24th August) on account of Indian affairs. They took exception to the President's late "unprecedented Proclamation," (August 24th) for proroguing them when they were "only asserting the privileges of those we represent."

After despatching the Indian affairs, by sending agents to the Creeks and Cherokees, and accepting the offer of the gallant Col. Palmer against the Yemassees, (which produced the only Acts for the year 1727;) they proposed a Bill for promoting the currency of gold and silver.

It was *this Bill* which clogged the wheels of legislation for the next three years. On its first reading it was rejected by Council, with the assurance they would pass no such measure. The irritated Assembly wished to know if they were to be reduced to "vassals and slaves," having their Bill rejected before debate, and without consultation between the two Houses. "I care not," said Middleton, "for your unjust and invidious reflections." And the members of Council, apart from the President, thought it proper also to reply through Mr. Izard,—"we are accountable to his Majesty, and not to you; we are not in the least concerned at your invidious reflections upon our refusing to pass your Bill."

An election now occurred for a new Assembly, which convened the following January. There can be no doubt of a popular agitation on the Currency Bill, and of the election of Representatives distinctly on that issue. The provisions of this Bill, as originally reported, are on the Assembly Journal; but its character, and the arguments for it and against it, may be gleaned from what follows.

Col. Wm. Dry, elected Speaker of the Assembly, being presented as usual to the President of the Council, claimed for his House their accustomed privileges, comprised in the expressions, "freedom of debate, protection in our persons, and free access to your Honor." Some members elect, (Thomas Lynch, Charles Lewis, Michael Darby, James Stobo, Wm. McMahan, and John Bee,) would only qualify before the Council by holding up the right hand in swearing, and not upon the Holy Evangelists. Middleton therefore refused them a seat in the Assembly. The other members thereupon passed a Bill enabling them to qualify. This the Council unanimously rejected, because contrary to the Royal Instructions. The instructions to Nicholson,—the constitutional form of the Royal Government in Carolina,—are before us, and no specific form of taking the oaths is therein enjoined. It could not have escaped the memory of Middleton, that when Nicholson met his first Assembly in June, 1721,

Robert Fenwick, Thomas Lynch and Michael Darby, (two of whom were among the present number) took the same ground, and being objected to, the Assembly stated that it had been the *custom*, from the beginning of the Colony, to allow the oaths to be taken according to the persuasion of the person sworn; and Nicholson yielding, until his Majesty's pleasure could be known, appointed Middleton and another of the Council to administer the oaths accordingly. Perhaps Nicholson or the President had received additional instructions on the subject, for the Assembly pressed the matter no further, but sent up again the Bill regulating the currency. It was rejected by Council, who argued that if it fixed the same rates for coins as the Act of the British Parliament, 6 Anne,—it was unnecessary; if different rates, then for that reason it could not pass, the said Act being of force in the Province. The Assembly were also anxious to fix the rate of discount, for a term of years, on their paper money as a protection to the people. A few excellent papers were produced by the discussion, copies of which were transmitted to England. The arguments of the Council were from the pen of Ralph Izard, to whom it appears, the whole subject on their side was committed. We will surely be excused for the space occupied by the following passages, as we have no remains of the oratory of that period.

"You would attempt," said Mr. Izard, "to settle the course of Exchange (which is always governed by trade) by an Act of Assembly, a thing never before attempted in any part of Europe, much less in the subordinate governments in America." You would make laws in contravention of Acts of Parliament and in contempt of his Majesty's instructions. "Must we forever make laws to relieve people under their own folly and extravagance, and break the good and wholesome laws of the Province as fast as we make them, for the same reason? But now the people are made uneasy. Something must be done to ease them, or rather to please them. What ease is it to tell a man that if he knows whereby to get twenty-five pounds Proclamation money, he may go and discharge a debt of one hundred pounds this currency, when he has no means whereby he may come at the twenty-five pounds Proclamation money? If he has bills to purchase that Proclamation money, he does not want it, because he may discharge his debt with those bills

according to his contract, without any more trouble. Here's a terrible cry about the bills becoming Proclamation money! Did not the country people, no longer ago than last summer, buy of the merchants above a thousand negroes, and when the merchants bartered for rice, did not the generality refuse it, and contracted for current money? How are these things of a piece? But the further consequence of the Bill before us, can be nothing else than this—that after a debtor has kept his creditor as long out of his debt as he thinks fit, he shall discharge it whenever he pleases by paying £20 Proclamation money for £100 this currency; and let the bills be at what discount they will, the trader shall have no more, though the bond be to pay current bills and the exchange should fall 20 per cent. But 'tis said the people expect great things of the Assembly.—Yes we know very well what they expect. They do expect that you will pass this very Bill. That this currency shall be never of any greater value than it is. And they expect we should pass it too. And when the worst comes to the worst, they can pay a debt of £100 this currency for £25 Proclamation money seven years hence. As to the time they intend to pay it, let them alone for that! The summons Act is taken away, and the Marshal may go a hundred times before they be at leisure to be at home. If the Marshal meet them by chance, 'tis but to oppose him. No, gentlemen, we can't raise the *posse comitatus* every day to get in private debts as we are now forced to do to get in the public taxes. You may see into these things, if you please, as well as we."

The following is a specimen of the reply of the Assembly:

Did not *you* in 1721, in appropriating fees for the public officers, do the very thing we now propose, and thought it then no "breach or contravention" of Acts of Parliament or contempt of his Majesty's Instructions? Did not *you* settle the course of exchange on 23d June, 1722, by your law for raising the salary of the clergy? When you passed that Act you did "not think it an extraordinary attempt contrary to the universal practice of all Europe, to entrust yourselves (as Church commissioners) with settling and adjusting the exchange as occasion should require, though you make it a heavy charge against the late Assembly to lodge such a power in the whole Legislative Body of the Province. Nor can we forbear putting

you in mind that the *same individual persons* who have the honor to compose his Majesty's Council joined with some of the principal merchants in this Province, in pursuance of the authority given them by the before-mentioned Act, thought it just and reasonable unusually to settle the clergy's salaries at 400 per cent. advance, or £500 in paper bills for £100 Proclamation money. But this is a power that we neither desire nor contend for, nor had the late Assembly proposed it, but by the influence and recommendation of some of the gentlemen of his Majesty's Council; and we are, therefore, surprised at your extraordinary conduct in making this the reason for rejecting the Bill. "As we have fully made it appear to you from *your own* arguments, supported and illustrated by *your own* practice and example, that there is nothing intended by the Bill of an unusual and extraordinary nature, so we shall in like manner prove that neither his Majesty's Royal Prerogative, the trade and shipping of the kingdom of Great Britain, or the property of the subjects are affected, injured or invaded."

We have proposed, and we support this Bill from no "sinister motive, no affectation of popularity, no prejudice to any set of men, no interest distinct from the people we represent, nor opposite to the interest of any person of any degree or employment whatever, who regulate their actions by reason and justice. None of these, we say, have been the parents of this Bill, nor would any member of this House be a patron of it, if it discovered the remotest token of such a descent."

The paper money issued by the Assembly, in times of exigency, had reached an amount not easily cancelled by taxation, while the annual taxes for supporting the government and protecting the Province were as much as the people could well bear. The depreciation of this currency, the clamors of merchants at home and in England, and the consequent interference of the Proprietors, and afterwards the King, that they should issue no more, but redeem what was already outstanding,—the small amount of coin at any time in the Province, because their paper money was not wanted abroad while the importation of slaves and manufactures kept the balance of trade against them—the necessity of making rice, pitch and tar a medium of exchange and a legal tender, if they cancelled their currency—all this occasioned great financiering to preserve the public

credit, keep a currency afloat and pass on the ancestral burden of the public debts to the next generation. The Assembly had formed a plan that in their judgment was admirably good, Royal Instructions being no bar to it; and the people warmly supported them because the plan seemed to promise some indefinite way for every man to pay his private debts, while the taxes also were not increased. Since we have digressed from our narrative in making these remarks, we will add that though the Council's opposition thwarted the Assembly's policy at this time, it was so far successful under Governor Johnson in 1736, that the issue of paper bills of credit was largely increased; but Middleton and others of the Council protested, even then, against the acquiescence of the majority. This protest may be seen in Ramsay, vol. 2d.

After the unanimous rejection of their Bill, the Assembly called on Council for a proposition, on their part, for the relief of the people in this matter. With great shrewdness they replied, we will pass your Bill with a saving clause to make the enactment dependent on the concurrence of the King. The Assembly now concluded that they could not pass an Act to raise supplies for the support of the government—but proposed to devote to this end the funds already appropriated for the expedition against the Creek Indians; the saving clause in their Currency Bill had been omitted, they said, because its provisions were of immediate necessity, not because they doubted his Majesty's concurrence. Middleton was glad they had at length acknowledged their duty by some means to furnish supplies, but they had not taken the right course. He declines to divert the appropriated funds from their proper object. Committees of Conference were now appointed; that from the Council with special instruction to consent to no Currency Bill without the saving clause. Seven Bills were agreed upon, one to make the currency of the Province £140,000 (£20,000 sterling;);—another, to promote the currency of silver; another, to raise the necessary supplies. But while Middleton and the Council were anxious to despatch the Supply Bill, the Assembly were equally anxious first to despatch the Currency Bill. The Council took it up and rejected it; its saving clause having been altered or omitted by the Assembly. Fourteen weeks of the session had now elapsed. On the 11th May, 1728, when both Houses were

doubtless weary with unprofitable work, their disputes were terminated for the time by Mr. John Brown, Messenger of the Assembly. He was sent to arrest the Chief Justice for not attending the House to answer for refusing the *Habeas Corpus* to Landgrave Smith. Mr. Brown with his rod of office, rudely opened the door of the Council Chamber, and without addressing any one, went up to the Chief Justice, who was engaged before the Council, and handed him a paper. The President asked, "what he wanted? and how he durst open the door and come into the Council Chamber without leave?" He answered, "he had a warrant for taking the Chief Justice. Whereupon the Honorable, the President, bid him get him down stairs, which he not readily complying with, the President took him by the sleeve and turned him out of the room."

The Hon. Mr. Izard immediately drew up this paper: "It is with the utmost concern to us of his Majesty's Council, to find that after a long and tedious attendance at the Board for the space of fourteen weeks, the Lower House of Assembly have taken no steps, either for guarding the Southern frontiers or for the support of his Majesty's Government, the chief end for which they were called together, and which your Honor chiefly recommended to them in your speech at the first opening of the sessions. That, notwithstanding your Honor has so often repeated to them the ill consequences of their neglect in not providing for the security and support of this Province and his Majesty's Government here, yet still there is not the least prospect of their inclination to pay any regard or obedience to what is so recommended to them, *unless* we do agree with them to pass unwarrantable laws, whereby the trade of this Province, and the property of his Majesty's subjects are greatly affected, and expressly contrary to his Majesty's instructions.

"That ever since the meeting of this Assembly, H. M. Council have been ignominiously treated by the Lower House, in their insulting messages, for refusing our concurrence to such laws whereby they took upon themselves to settle the price of foreign coin in America, with a *non obstante* of any law to the contrary, when, at the same time, we gave them notice of the Statute of the sixth of her late Majesty, Queen Anne, extending to all his Majesty's Plantations; at other times, to settle the course of Exchange by Act of Assembly; and, at other times,

to set a value upon private debts, and giving the debtors liberty to pay their creditors in what specie they please," &c. The Assembly was then unanimously dissolved, and proclamation thereof made at the usual places in Charles Town, with the beating of the drum.

On the 10th July, a new Assembly convened, consisting chiefly of the old Representatives whom the people thought fit to re-elect. Col. Dry was again chosen Speaker, and made the same opening speech, only "demanding" this time a conservation of their privileges. The President rejoined he would not invade their's, and "desired them not to invade his." But do pass the Tax Bill for supplies; the garrisons need their pay; the men at Fort Moore have already given notice of quitting, and, if not paid, the other garrisons will follow their example. The Lords of the Admiralty in England contemplate making Port Royal a place of rendezvous for H. M. ships-of-war. Do whatever is necessary to assist in the survey of that harbor, and never mind the currency; I have news that a Governor will soon be appointed, who will doubtless have instructions to settle that matter. The obdurate Assembly were of the opinion that it was "absolutely necessary" to settle it *now*; and sent up a "Bill to establish a sufficient fund of gold and silver, and also to call in and sink the paper currency of this Province," which the Council immediately rejected. Several members of Assembly, from the excessive heat of the season, were sick, and the rest requested an adjournment till September. This was refused; they must first pass a Tax Bill. But more members were taken sick. One of these was prevailed on to stay, to make their number *nineteen*—a business quorum. They then adjourned themselves to 22d. On that day, only the Speaker and two members met. By the 25th, they all dispersed. As this seemed to be "on set purpose," the President dissolved the Assembly, and new writs were issued, returnable 17th September.

At that date, the people sent back chiefly their old Representatives. But day after day passed, and a sufficient number not assembling to make a House, the President prorogued them to the 6th November. When that time came, the members were reluctant to leave their harvesting, and were prorogued to the 20th, on which day "several" met, and requested an adjournment. The President "was sorry he was obliged to

spend so much of his own and the Council's time to so little purpose. He had waited all this week, and would still wait till to-morrow noon-tide, to see if the gentlemen would come to town to attend their duty." November 23d, "there being no appearance of the meeting of the Lower House this morning, but instead thereof, several members, who were in town, took horse and went away," the dissolution of this Assembly was consequently ordered. New writs issued, returnable January 15th, 1729.

On account of the "extreme coldness of the weather" the new Assembly did not meet till the 18th. The same members were sent and the same Speaker chosen who made the same opening speech. The President took exception to the word "demands;" thinks "requests" would be better. He cannot allow "demanded" to be again used without expressing his dislike of it. His last dissolution of them was with the hope "the people would make such choice of gentlemen to be their Representatives, as would duly meet to raise necessary supplies for the support of his Majesty's government, which had been too long neglected, and for no other reason but out of humor and caprice of those that have been chosen from time to time." He requests them to raise supplies, for some of the officers of government have been two years without pay. The Assembly reply, what preceding Assemblies did, is not before us for comment. We suppose they had good reasons for their conduct. We are ready to join you in any measures necessary for the welfare of the Province. They soon sent up a Bill to "encourage the importation of silver and gold, by making both current in all payments." This was unanimously rejected by Council, with the following message, signed by Mr. Izard: "Mr. Speaker and Gentlemen: We cannot but take notice that notwithstanding you are sufficiently apprised by his Honor, the President's speech, that there has been no provision made, or supplies granted to his Majesty for the support of his government, for near these two years, you are pleased to answer that that part of his Honor's speech related to former Assemblies, and no ways laid before you. And as to the latter part of his Honor's speech which more closely presses you to enter on the consideration of it, you answer in general that you shall spare neither pains nor application in considering of what is just and

equitable to be offered for the general good. The first instance you give of it is to send us a Bill, entitled, a Bill to encourage the importation of silver, &c.; whereas the statute of the sixth of Queen Anne, (as appears by the preamble of it) was made of set purpose to prevent drawing off silver from one Colony to another. The first Bill, indeed, of your House, but the *seventh* of its kind, including those sent up by former Assemblies. So we send it you down rejected. And though you seem to have nothing to do or say about former Assemblies, yet as we are satisfied that the *major part* of the members which did compose the former, do compose the present, we must refer you to your former journals for our reasons; adding further that as the Act of Parliament declares that the foreign coins shall not be forced on the King's subjects even at the prices mentioned in the said Act of Parliament, so much less will we consent to force them at the prices *you* would set upon them by a Carolina Act of Assembly. We would be very glad you would be very plain with us, and let us know whether you intend to grant any supplies for the support of his Majesty's government or not, as we are with you that *we will enter on no business till that is done.*"

The Assembly reply "with the same frankness," that "unless some way can be found to put our currency on some just and equitable footing, it will be impracticable to raise a tax;" and propose a conference. The Council will confer only about raising supplies.

The monotony of this narrative may here be relieved by a few items of statistics. A committee had been appointed in the Lower House to report on the general state of the Province. They found their distressed and calamitous condition "occasioned by the great losses which the inhabitants in general have sustained by the late dreadful hurricane and storms, by the great mortality amongst them and their slaves, by the large and growing debts of the Province, the scarcity of money, and the decay of public credit;" and proposed certain remedies, of which the Currency Bill was the first. The Council objected in the first place to their facts. We really had to enquire what the calamities of the Province are, and "we find the calamitous circumstances of the country from 1726 to 1727 was to export 25,167 barrels of rice, 12,799 barrels of pitch, 11,081 barrels of tar, 67,247 heavy deer skins, 13,218 light deer skins, besides all

the lumber, pork, corn and provisions for the West Indies ; and the calamities of the year 1727 to 1728 was to ship 29,929 barrels of rice, 3,168 barrels of pitch, 2,006 barrels of tar, 59,260 heavy deer skins, and 12,103 light deer skins, besides provisions for the West Indies as before, which amounts to near seven hundred thousand pounds of your Province ; and yet the Assemblies, for near two years past, have not been able, or rather were not willing, to allow one-fifteenth part towards supporting the government, but are letting all the garrisons go to wreck and ruin." Your Bill for silver, &c., is now the eighth of the kind proposed in eighteen months, and we will not even read it.

It was now the 20th February, 1729. Another little diversion occurred, somewhat similar to that occasioned by Mr. John Brown. Mr. Hargrave, Messenger and Clerk of Council, on his way to his duties was met in the street by the Messenger of the Commons and summoned to attend at their bar. As the Council were waiting for him, he thought it best to go first to them and get their permission. This they refused because they needed his services. (When the Assembly sent a message to the Council on ordinary occasions, it was carried generally by two members. The messages from the Council were borne by their Secretary.) The Secretary, Mr. Hart, happened to have his leg or foot ailing that day, and it fell to the lot of Mr. Hargrave to carry a message to the Assembly. The Speaker asked what had kept him so long in obeying their summons. He told them, and was soon after taken into custody by order of the House. The Council resolved not to transact any business, or receive any communication from the Assembly till their Clerk should be released, and having called to their Chamber the whole body of the Commons, informed them of their determination. After they had retired, the Council waited, doing nothing for two hours. Their Clerk not being released, and the Assembly having adjourned, the President forthwith *dissolved* them.

The next Assembly were to meet on 6th August. They came to town very slowly. At length it was found that nineteen, a business quorum, had arrived, and they wished to know when they might attend his Honor, the President. When they appeared, it was discovered that two had slipped off while they were coming. In consequence, the Assembly were prorogued till September, and then again till 14th October.

At this time, Judge Trott, who, in his retirement, had been engaged in compiling the Provincial Laws, and on an Explanation of the Hebrew text of the Bible, stepped suddenly forward as claimant of the office of Chief Justice under his Proprietary commission, and by virtue of the last clause of the Act of Parliament lately passed for the surrender of the title of the Proprietors. He was the survivor of General James Moore, Col. William Rhett, and Col. John Barnwell; who, with him, had been for many years the most distinguished men in the Colony for ability and influence. Hewat and Francis Yonge appear wrong in ascribing to Col. Rhett an effort to please both parties since the struggle in 1719. On the contrary, he seems to have been perfectly consistent in his political course. After that revolution, Moore and Barnwell were the great favorites of the people, whose cause they had vindicated. Had either of them lived, the legislative difficulties between the Council and Assembly would, no doubt, soon have ceased, from their influence with both parties. The stepping forth of the learned old Chief Justice, with his commissions and Acts of Parliament, ridiculous as it was, must have caused no little alarm among the people; for the Council only disallowed his claim till his Majesty's pleasure could be known; and, in the meantime, all the old charges and complaints against him were to be sent on to the Council in England.

To return to our refractory Assembly. A sufficient number convened on the 15th October to form a House. They took the requisite oaths before Council, but apparently with no desire to engage in law-making. The Proclamation of President Middleton will tell their story: "Whereas the majority of the members," "after they had taken the oaths by law prescribed, before me in Council, did, nevertheless (in order further to distress and embarrass the government,) peremptorily refuse to take the qualification oaths prescribed by law to be taken in their own House, with intent to prevent and hinder such of H. M. good and loyal subjects, members of the said House, as were ready to express their zeal," &c., and have departed for the purpose of leaving an insufficient number to proceed on any business, therefore, the present Assembly is *dissolved*.

A new Assembly was called for December 2d, but, on account of the Christmas holidays, prorogued to the 13th of January,

1730. On meeting, Mr. John Lloyd was chosen Speaker. They next chose their Clerk, Mr. John Bailey, and sent him to Council to take the oaths. Middleton refused to permit it, Mr. Bailey being, "by his behavior, no ways to be approved of by the government."

The Assembly said they could not elect another, without surrendering their undoubted rights and privileges. This is by no means in consonance with your Honor's "assurances to cultivate and continue a perfect harmony with the present Assembly." But, says Middleton, you must not prepare "an obnoxious channel," to convey your sentiments to me. My approbation is necessary to your choice of a Clerk. "You cannot but be sensible that the Clerk of the House of Commons in Great Britain is a patent officer, derived immediately from his Majesty's, and no choice of their own; and I am forbid by his Majesty's instructions to allow you any greater privileges than they enjoy." January 22d, the House resolved to abide by their choice. They send messages to the Council on affairs of the Province. Middleton replies, "I shall return no answer to your messages till you recede from the choice of the person you call your Clerk, and present another to me for my approbation." The Assembly would not part with their privileges, and were prorogued till 17th March. No quorum then assembling, they were prorogued till 1st June; but, on the 29th April, were *dissolved*, because, "by their several messages having sufficiently shown they do not intend to proceed on business for the service of the country."

There are no more records of the Council or Assembly till Governor Johnson arrived, December 16th, 1730. He found a new Assembly, lately elected, who had not yet convened. He wisely called them together as his own, allowed them (waiving his approbation for the time) to elect their Clerk, and begged them to forget "former animosities" and attend to business, as the Provincial debts were four years in arrear. Harmony prevailed, and many important laws were passed (1731,) the old flame only breaking out for a while, when the Governor urged them to insert in the Appropriation Bill a proper remuneration to the late President, for his services at the head of the administration.

We have thus cursorily explained why there are no laws for

1728, '29, and '30, and will leave the reader to decide which party, the President and Council, or the Assembly, were more actuated by the spirit of justice, and patriotism; or whether both were not true to principles, the divergence having already begun between Royalty and Republicanism; the latter yet feeble, and existing in uncollected elements, but prompting to resistance against the stronger power.

APPENDIX.—No. I.

Proprieties.
B. T. Vol. 10.

Q. 199,
State Paper Office.

“L^{re} from the new pretended Council and Assembly of Carolina, dated at Charles Town, the 24 Dec^r, 1719, relating to their having deposed

their Gov^r, &c.

Rec^d. and Read Feb^r. 18th, 17¹⁹/₂₀.

May it Please Y^r Lordsh^{ps}:

The great Extremitys his Majesties Subjects of South Carolina were reduced to by the confused, negligent and helpless Government of the Lords Proprietors over them, endangering the utter loss of this part of his Majesties Dominions in America, forced us, as the only means for our preservation, to renounce all obedience to the Lords, and to throw ourselves at the foot of the throne of his most sacred Majesty, King George; humbly imploring him that he will be pleased to take us into his immediate protection and Government; and as the pressing necessitys the said Inhabitants lay under admitted of no delays, they made choice of their Representatives to meet in convention, to proceed in this affair with all possible decorum which so speedy a remedy could admit of.

The Danger which we expect this Settlement may suddenly fall under, pressing us to be very expeditious in our resolves, and being very desirous that Your Lordships should be made acquainted with the steps we have taken for our preservation, and that our ardent zeal and good inclinations to his Majesty, and that the perilous condition of this settlement may be laid before his Majesty, we would not omit giving Your Lordships some short account of our Grievances and proceedings, by a Ship which is ready to sail for Great Britain; and do intend by the very next opportunity to inform Your Lordships of all

the Miserys and Misfortunes which have attended us under the Proprietors Government.

The continued incursions and depredations on our Frontiers made by the Spaniards and Indians, (who seldom give any *Quarters*,) incited and encouraged thereto by the Spanish Garrison at St. Augustine, and the repeated advices we have received of the warlike preparations making at the Havana, and several other Spanish Ports, in order to subdue and make a compleat conquest of this Province, now in a feeble condition to make resistance, being exhausted by the late terrible Indian War, the vast expence we have been at in subduing the Pyrates for the defence of trade, and the wretched condition our Fortifications are in being demolished by Hurricanes, and the small means we have left of putting ourselves in a posture of defence, being defeated and deprived of the means thereof by the confused constitution of the Lords Proprietors Government over us, are but Branches and Parts of our misfortunes.

The powerful settlement the French are now making within the limits of the Lords Proprietors Charters, and their building Forts within the Territories of this Province, notwithstanding many applications made to the Lords Propriet^r to prevent it, and to send us succours for our defence, has already had this very ill effect; that almost all the Nations of Indians to the Southwest of this Settlement have withdrawn their obedience from the British Government, and depend wholly on the Crown of France, whereby under God nothing can save this Settlement from falling into the hands of France upon the first Warr with that Crown, and even Virginia, and other his Majesties Dominions in North America, will thereby be in very great Danger.

As for the many other insupportable Grievances We lye under with respect to the Lords Proprietors Government, care shall be taken to transmit them to Your Lordships by the first opportunity.

The Representatives of his Majesties Subjects in South Carolina, meeting in Convention, having taken these things into their serious consideration, have unanimously renounced all obedience to the Lords Proprietors and their power and thrown themselves under His Majesties imediate Goverment, and they having first offered the administration thereof, exclusive of the

Lords Proprietors, to the Hon^{ble} Robert Johnson, Esq., their then Governour, and he refusing the same, have prevailed upon the Hon^{ble} Col. James Moore, Esq., a person zealous for and well affected to his Majesties person, to accept of the Government of this Settlement on his Majesties behalf, until his Majesties pleasure be further declared therein.

These, with great submission, we esteem to be the onely proceedings we could make towards preserving this, His Majesties Colony, and untill we can send them to your Lordships at large. We hope that no false glosses or misrepresentations that may be put upon and made of our actions will induce your Lordships to believe that we had any other views in this affair, but the hon^r of his most sacred Majesty, King George, as a truly loyal people, and the safety and preservation of this settlement.

We are,

My Lords,

Your Lords^{ps} most obedient servants,

S^o. Carolina,
Charles Town,
December 24th, 1719.

Council.

{ HOVENDEN WALKER.
RICH^d ALLEIN.
SAM EVELEIGH.
GEORGE CHICKEN.
THOS. SMITH.
ALEXAND^r PARRIS.
RICH^d BERESFORD.

Signed by order of the Commons
House of Assembly.

HEPWORTH,

Speaker.

APPENDIX.—No. II.

(INDORSED.)

Proprieties.
B. T. Vol. 10.
Q. 204.

State Paper Office.

L^r. from y^e Persons who have taken upon them
the Government of South Carolina, dated 29
Jan^y, 1719—'20, with answers to Queries sent by
the Board to Col. Johnson, relating to y^e state of that Province
Rec'd 28th March, 1720. Read July 7, 1720.

May it Please Your Lords^{ps}.

We did ourselves the hon^r to write to you on the twenty-fourth day of December last, to make your Lordships acquainted with the steps we had taken towards the preservation

of these parts of his Ma'tys Dominions, and as we were then very short in laying before your Lordships the many Grievances We had so long labour'd under, so We now beg your Lordships favourable acceptance of our general Representation which comes herewith. Our hopes of your approbation of the transactions in this country are greatly increased since We have been informed that six months past your Lordships were pleased to state some Queries to Col. Johnson, the Proprietors late Governour, which nearly concern'd the welfare of North America, wherein your Lordships great and tender regard to his Majesties Subjects of this Settlement are made manifest.

We are deeply concerned that the answering Queries of such and so great importance have been so long neglected, and that no obedience has been paid to your Lordships request, tho' it is no surprise to us when we consider it fell into the hands of the Proprietors Governour, who no doubt thought your Lordships had in view to gett this Settlement under his Majesties imediate care and protection, it being of the highest consequence to the Crown of Great Britain, that it should be so, considering as well the present Warr with Spain as the powerful settlement of the French on all sides of us. So for fear of disobliging his Masters and losing the Government, they have been lock'd up by him ever since. Thus this poor unhappy country may have been accounted neglectful of your Lordships commands, which imputations We take all just measures to acquit ourselves of, and so soon as We were informed things in the settlement, We left no stone unturn'd in endeavoring to procure a sight of them, and have at last, tho' without the knowledge of Col. Johnson, obtained it. And We beg your Lordships will believe that We have returned you a just answer to every question, the affairs relating to the Indians, being reported by a Gentleman who has been employed by the Publick and has lived many years amongst them. The account of the Garrison at St. Augustine being taken from credible persons that have been there, and every other matter and thing therein contained, your Lordships may depend upon the truth of.

We hope and doubt not but your Lordships will be pleased to put a right construction upon our actions, and be assured that We have no other view in all we have done but the general

good of his Majesty's Subjects and Dominions, which we shall at all times make appear by our firm Loyalty and due obedience to his most Sacred Majesty, and by always observing such commands as your Lordships will be pleased to lay on.

May it please y^r Lords^{ps},

Your Lordships

Most obedient and

Most humble Servants,

HOVENDEN WALKER.

ALEXANDER PARRIS.

B. SCHENCKINGH.

GEORGE CHICKEN.

SAMUEL PRIOLEAU.

JA. MOORE.

RICH^d ALLEN.

RICH^d BERESFORD.

JOS. MORTON.

THO. WARING.

THO. SMITH.

SAM. EVELEIGH.

Signed by order of the Common House of Assembly.

HEPWORTH, *Speaker*.

South Carolina, January the 29th, 1719.

APPENDIX.—No. III.

Rece'd from Mr. Boon, June 16, 1720.

Proprieties. A true State of the Case between the Inhabi-
 B. T. Vol. 10. tants of South Carolina and the Lords Proprie-
 Q. 203. tors of that Province, containing an account of
 State Paper Office. the Grievances under which they labour.

That his late Majesty, King Charles the Second, by his Charter, dated the 24th of March, in the 15th year of his reign, granted unto the Lords Proprietors, and to their Heirs and Assigns, the Province of Carolina, with privileges and jurisdictions requisite for the Government and safety thereof, and made them absolute Lords and Proprietors of the same; who, having besought leave of his Majesty by their Industry and charge, to

transport and make a colony of his Majesty's Subjects into the said County, (at that time inhabited only by people who had no knowledge of God,) being thereunto excited with a zeal for the propagation of the Christian Faith, and enlargement of his Majesty's Dominions, as is amply set forth in the said Charter.

Notwithstanding which, the Lords Proprietors have not, to this day, been at any charge, or used any Endeavours to propagate the Gospel amongst the said barbarous people; neither have been industrious at their charge, to transport and make a Colony of his Majesty's Subjects in the said Province, but have hindered the peopling the same by violating their Covenants made with them, who, by their promises, were invited to be at the charge of transporting themselves thither.

And tho' one principal design of his said Majesty, in granting the said Charter, was for the good Government and safety of his subjects in the said Province, yet the Lords Proprietors have so abused the trust and confidence thereby reposed in them, by their confused administration over his present Majesty's subjects there, that they are neither safe in their Liberties or Properties, the Government being abandoned to evil Ministers, and the Inhabitants exposed to the ravages of most barbarous enemies.

That the Lords Proprietors were, by their Charter, impower'd to build and found Churches, Chappels and Oratories, within the Bounds of the said Province, and to cause them to be consecrated according to the Ecclesiastical Laws of England, with full Privileges, Prerogatives and Franchises necessary for the same; yet they have not, to this day, erected any Church, Chappel, or Oratory, for divine worship, nor any school for the education of youth in the Principles of the Christian Religion; nor ever reserved any places for the same in any parts where they have sold Lands; nor procured the consecration, according to the Ecclesiastical Laws of England, of any of those built by the Inhabitants.

That the Lords Proprietors are, by the said Charter, impower'd to confer Titles of Honour upon such of the Inhabitants there as were capable of the same, and who for their deserts might expect the same; but, instead thereof, they sent over blank Patents to their Governour and Receiver-General, for creating Landgraves and Cassiques, in order to have them sold

at a certain price. So that the persons intitled by their deserts to any marks of Honour, thought this procedure so mean that it was beneath them to accept thereof.

That the Lords Proprietors are, by the said Charter, impower'd to erect within the said Province such Forts, Castles, Cities, Towns, Boroughs, Villages, and other Fortifications, and the same to furnish with Ordnance and other Habiliments of War, for the safety and welfare of the said Province; but the Lords Proprietors have never set apart any of their Lands for erecting Towns, Villages or Fortifications, nor contributed one penny towards the raising any Forts or other Fortifications, which the Inhabitants, almost to their ruin, have been obliged to build; otherwise, by the incapacity of the Lords Proprietors to assist them, that part of his Majesty's Dominions had been lost to his Empire.

That the Lords Proprietors, contrary to express powers in their charter, not to make any Laws in the said Province, but what were consonant to reason, and as near as might be agreeable to the Laws of England, and so not to extend to the binding, charging or taking away the right of any person or persons in their goods or chattels; yet they did in the year 1704, under their Hands and Seals, ratify two Acts of Assembly of that Province, one entituled An Act for establishing religious Worship in that Province, according to the Church of England, and for erecting of churches for the publick worship of God, and also for the maintenance of Ministers, and building Houses for them, wherein they established a Commission for displacing of Rectors or Ministers there: and the other entituled, An Act for the more effectual preservation of the Government of that Province, by requiring all that should be chosen Members of the Commons-House of Assembly, and sit there, to take the Oaths, and subscribe the Declaration appointed by the Act, and to conform to the religious worship of that Province, by which Act a great part of the Inhabitants were excluded from being Members of the Assembly. And tho' it was represented to the Proprietors, that corrupt practices were used by their Government to have those Acts passed, that it was contrary to the rights and liberties of his Majesty's Subjects, yet they refused any redress, until Application was made to the House of Lords of England, who, after weighing the nature of the said.

Acts, addressed her late Majesty Queen Anne, setting forth that the first Act was not warranted by the Lords Proprietors Charter, being not consonant to reason, but repugnant to the Laws of England, and destructive to the constitution of the Church of England, and that the latter was founded upon falsity in fact, repugnant to the Laws of England, contrary to their Charter, an incouragement to Atheism and Irreligion, destructive to Trade, and tending to depopulate and ruin the Province; and besought her Majesty to deliver the said Province from the arbitrary Oppression under which it lay, and to order the Authors thereof to be prosecuted. Which matter being referred to the Lords Commissioners of Trade, they, May 24, 1706, represented to Her Majesty that the making such Laws was an abuse of the powers granted to the Lords Proprietors by their Charter, and a forfeiture of such power, and humbly offer'd to her Majesty that she would be pleased to give directions for re-assuming the same into her Majesty's hands. Which Representation her Majesty approved the 10th of June, and declared the Laws mentioned therein, should be made void by the powers that made them, and order'd that for the more effectual proceeding against the said Charter, Mr. Attorney and Mr. Solicitor-General should inform themselves concerning what might be most necessary to effect the same.

That by the said Charter, his then Majesty saved the Faith, Allegiance and sovereign Dominion due to him, his Heirs and Successors for the said Province, and the right and interest of the English Subjects in the same, and declares them Liege people of the Crown of England, and to have right to all the libertys of Englishmen born in England, yet the Lords Proprietors have assumed a despotic authority exceeding the Royal Power in Great Britain, in repealing and abrogating, by themselves alone, several beneficial Laws, after a most solemn ratification of the same by their Deputies, with the consent of the Representatives of the Freemen met in Assembly, and thereby trampling upon the rights and liberties of his Majestys Subjects. And this sometimes is done by two or three of the Proprietors, who have proxies from the absent ones, or from the Guardians of those under age, tho' the same Proprietors or Guardians give proxies to their representatives in this Province, who on their behalfs ratify the said Laws contrary to any power in their

Charter, endangering the safety of his Majesty's Subjects there, and the derogation of the usual method theretofore practised in the like cases, tho' their Deputies and Freemen there never denied to repeal any Laws when recommended by the Proprietors. This, with the uncertainty of the Administration of the Government, by reason of several alterations from time to time in the same, hath put us under unspeakable hardships, destroying all publick Credit, so necessary here to defend us against our Enemies, and defeating measures taken for the preservation and good Government of the Province.

That the exercise of their Government is injurious to his Majesty's Subjects; for that they whose powers and prerogatives are united in them all, not to be disjointed, take upon them to send a Governour, as the Palatine's Deputy, and each other Proprietor a Deputy, which vote as a Council of the Province; a Body which, in all other his Majesty's Colonies, is found to be a Barrier between the Governour and People. But here they are wholly dependent upon their Constituents, and think themselves obliged to carry everything in favor of the Proprietors, and obliged, by an oath, to do nothing repugnant to their Interests, without any regard to the public good of the Colony. And when any of their Deputies vote against them, or their Governour's private interest, they are turned out. These Deputies have power to reject any law; but if it passes them, the Governour pretends another negative upon them, and sometimes a negative hath been appointed upon the Governour; and the Lords Proprietors assume a power of repealing those acts, ratified by their Governour and Deputies. So that the Lords Proprietors, who, by their Charter, ought to have but one, assume three and four negatives upon the Laws agreed to by the Assembly; and, having no Council between them and the People, they suffer no law to pass, or any longer to be in force, than suits with their private views, to the loss of publick credit, and destruction of the liberties and properties of his Majesty's Subjects.

That they are impower'd by their Charter to erect Cities, Boroughs, Towns or Villages, by granting Charters of Incorporation to any body of people, yet they have neglected so to do; neither have they settled any County Jurisdiction, Court Baron or Court Leet, for the conservation of the peace of this Colony,

but have abandoned all to disorder and confusion, under the management of one person, who solely holds all Courts of King's Bench, Common Pleas and Exchequer, Assize, County Courts, and Sessions in Charles Town, the only place of Indicture in the whole Province; who makes what Lawyers and takes what fees he pleases, summoning all parties to attend his Courts. No appeals but from himself to himself, nor any method of appeals settled to his Majesty and Council, as in other Colonies: no process issues in his Majesty's name, all the officers taking what fees they please: he adjourning Courts and putting off Tryals, to multiply his perquisites, which are arbitrary; daily exacting new Fees, undertaking himself to draw writings, and after judging of the validity of them, sending for the Lawyers, and giving secret advice to them and their clients; and insists that no authority there can call him to account, or remove him, nor the Proprietors themselves, unless proved guilty of misdemeanours before them in London, he having words in his Commission to that purpose. But the Lords Proprietors have had no regard to the publick or private persons injured by him, and would not be induced to remove him.

That when, in 1715, the Yamasee Indians had, at the instigation of the Spaniards at St. Augustine, cruelly massacred his Majesty's Subjects in those Frontiers, and committed most barbarous Depredations in the very Heart of the Settlement; upon being repulsed, the Spanish Garrison protected them, and bought their plunder, and furnished them with Arms (though then at peace with Spain,) to renew their depredations; which, being represented to the Proprietors, they never regarded the lives and estates of his Majesty's Subjects. And it was also represented to them, that the said Garrison protected Rebels, Felons, Debtors and Negroes that fled thither, which forced us to guard that Frontier in time of peace, but to no purpose, the Lords Proprietors never giving any answer to the same.

That notwithstanding the great expence of the War with the Yamasee Indians, which not only preserved the Proprietors Lands not yet settled, but also such Lands as they have appropriated to their own use, they have contributed to no part of the charge thereof, (except about 150 small Arms,) and upon application made to them, declared their incapacity to assist us.

That when a bloody Indian war broke out at North Carolina,

it was insinuated to the Assembly by the Lords Proprietors Deputies, that if they would raise money and send assistance thither, they should be re-imbursed out of the Quit-Rents; yet notwithstanding thereby that Province was saved to the Lords Proprietors, they never, to this day, refunded one penny of all that expence.

That in 1718, one Thatch, a notorious Pirate, took several ships trading to this Province, and several of our Inhabitants Prisoners, and went directly to North Carolina, where, under pretence of accepting his Majesty's pardon, by the connivance of the Proprietors Governors, in the face of that Government, he committed several acts of Piracy, and several parcels of piratical goods were found in their Governour's and Secretary's custody, so that North Carolina became a nest of Pirates. Of this his Majesty's Governour, of Virginia, complain'd to the Lords Proprietors, but they took no notice of the same.

That as soon as we had driven the Yamasees from our Lands, near Port Royal, to strengthen that Frontier and to encourage new comers, viz: in February, 1716, two acts were passed for dividing those Lands amongst such of his Majesty's Protestant Subjects as should come and settle the same (exclusive of such as had Lands already in that Province,) abstracts of which being sent to Great Britain and Ireland, about 500 of his Majesty's Subjects transported themselves to take the benefit of the same. But all this was interrupted by the Proprietors repealing these Acts in July, 1718, under pretence that the Lands being their own, they would dispose of them as they thought fit, and made a distribution of the said Lands, far short of that made by the said Acts, which the new comers were forced to comply with, and began their Surveys. And then to the utter ruin of the new comers, and in breach of their publick Faith, the Proprietors, in April, 1719, ordered all those Lands to be surveyed for their own use. And tho' they had paid their money to the Proprietors Receiver for those Lands, yet are not only refused the having their Titles confirmed, but the said Receiver refuses to return their Money. Hereby the old Settlers in that Frontier, missing the re-inforcement of the new comers, again deserted their Settlements and left them open to the Enemy, and the new comers are reduced to that want and poverty that most of them are daily perishing, having spent all

their substance, and those that have any thing left, removing off the Province.

That notwithstanding many addresses to the Lords Proprietors to take some measures to prevent the French inroaching on this part of his Majesty's Dominions, and especially at the beginning of the Treaty of Utrecht, they not only abandoned all by an unaccountable neglect, but May, 1715, the French took possession of Mobile (which belonged to this Government) and built a Fort there, and are since further inroaching by making Forts at the mouths of the Rivers belonging to this Province, and arising near our Settlements. So that having made themselves Masters of Pensacolo, a Spanish Port, they surround this Settlement from the Mountains to the Sea, whereby all the Nations of Indians towards those Points, lately under our Government, are now subjected to the French.

So that by the late Indian War, our subduing the Pirates, a defensive War against the Spaniards, the demolition of our principal Fortifications by Storms, and the expences to repair the same, the vast presents we are obliged to make the Indians to keep up a party amongst them from depending intirely upon the French, and the weak and unsteady Government of the Proprietors, who rather oppose than contribute to the strengthening of us, whereby we have lost all credit, nobody venturing to trust any publick Funds contrived for our support, we are reduced to the last extremity in debt, without prospect of extricating ourselves, all our Funds anticipated for several years to come, our Expences increasing, without any view of answering them, which makes our Enemies look on us as an abandoned people, void of Royal Protection. So that without the assistance and Government of his Majesty, this hopeful Province will be lost to the British Empire, to the endangering Virginia and other of his Majesty's Dominions, and the irreparable loss of the beneficial trade of the same.

APPENDIX.—No. IV.

SOUTH CAROLINA.

S. P. O.
S. C. B. T.
Vol. 1.
A. 3.

To the Kings most Excellent Majesty:

The humble petition of the Inhabitants of the settlement of S^o Carolina, now under arms,

SHEWETH:

'That yo^r petitioners, for the p^rservation of this Colony, and yo^r Majesty's subjects here settled, found themselves under an absolute necessity to elect the Hon^{ble} James Moore, Esq. to be Governour of this settlement on behalf of yo^r Majesty, since which we have been again alarmed with an intended invasion of the Spaniards from the Havanah, and by a scout-boat lately arriv'd, we are informed that the Spanish fleet is now actually at St. Augustine, from whence we hourly expect to be attack'd both by sea and land.

That yo^r petitioners have putt themselves into the best posture of defence they could, but they have so long labored und^r an heavy Indian war, perpetual alarms both from our s^d enemy, and Indians and pyrates, that they are now reduced to the lowest ebb of fortune, and cannot expect to be able to subsist or any time longer to defend this settlem^t, unless we are immediately taken into yo^r Majesties Royall protection and assistance.

Wherefore yo^r petitioners, in the most humble manner, supplicate yo^r Royall Majesty as our Representatives have already done, to receive this settlem^t into yo^r most gracious favor, and imediate protection, and suffer us no longer to be under the authority of any Lords proprietors, whose indigency or neglect hath hitherto been the chief occasion of all the miserable calamities we now labour under.

And yo^r pet^{rs} in duty bound shall ever pray, etc.

Signed by two hundred and thirty-eight of the Inhabitants.

Rec^d 16th Aug., 1720. Read 16th Aug., 1720.

APPENDIX.—No. V.

CHARLES TOWN, S^c. CAROLINA, y^e 2^d Feb^r 17th 21.

S. P. O.
America and W. *Sir:*
Indies.
No. 18.
P. 36.

Captain Hilderley, of His Ma^{ties} ship y^e Flam-
borough, who is stationed here, has been so
indiscreet in his behaviour that I think it necessary to give
you a very faithfull acc^t thereof.

Before he arrived here from Providence, he writ a very civill
letter directed to James Moore, Esq^r., Govern^r elect of this pro-
vince, acquainting him with his intention of coming immedi-
ately to this colony according to his instructions, and upon his
arrivall waited upon both y^e Govern^{rs}, and for some time be-
haved himself, as a Captain of a King's ship ought to do, in a
Governm^t that was expecting y^e King's pleasure upon y^e appli-
cation that was made to His Ma^{ty} by y^e people, but during my
absence he entered into such measures as to revile y^e Governm^t,
and rail publicly against y^e measures that had been taken, and
to encourage Govern^r Johnson to resume his government, offer-
ing him his assistance for that end. This and a quarrell that
happen'd between him and Coll^l Rhett, cheife officer of y^e King's
Customs here, occasioned some representation to be made from
hence to y^e Lords of y^e Adm^{ty} before my return to this place.

Upon my sending here a month agoe, I immediately waited
upon Capt^a Hildesley, who received me with a great deal of
friendship and civility, and we both appointed to meet over a
bottle at night, when our conversation turn'd upon y^e affairs of
this colony, certain advices being then come of M^r. Nicholson's
being appointed Govern^r for y^e King, and of a *scire facias* being
ordered against y^e charter, where he, telling me what he could
have done, or might still doe to restore M^r. Johnson; I replyed
that M^r. Johnson, till some time after his arrivall, had acted
very wisely in not attempting to make any division, or disturb-
ance among y^e people, but patiently awaiting y^e answer that
should be made from England to what had happened, and that
I believed y^e King would not approve of any body that should
disturb y^e peace of his subjects, much less any of his owne officers,
and that it was not in Capt^a Hildesley's power to divide y^e
people, now more especially that we expected dayly y^e King's

Governo^r, tho' after this conference we parted very friendly, yet we never convers'd together; but Govern^r Johnson and he dining together, last Saturday was fortnight, the Flamborough fired fifteen guns, and it was given out it was for news being come that a stop was put to Govern^r Nicholson; this, with some other declarations made by that Company that very day, to amuse and deuide people, made it necessary for y^e Governm^t to issue out a proclamation, and to annex to it y^e decretall order of y^e Regency and y^e London Gazet, wherein M^r Nicholson's being appointed Govern^r, and sworn before y^e Regency, was publish'd to undeceive ignorant people that might be imposed upon.

On Fryday last he order'd his Lieut. Mr. Haycock, on board y^e Samuel, John Jones, Ma^r, bound and clear'd for London, and to take his cheife mate on board y^e Flamborough, where he received 24 severe lashes on his bare back, and was afterwards put on shoar, where showing how he had been used, there gathered together'd a great number of sailors belonging to y^e ships in Harbor, who in their rage wanted to be reveng'd of Captain Hildesley, and I hapening to goe by at that instant, got them dispersed immediately.

The same day the mate, on information upon oath, how he had been serv'd by y^e lieut^s order, and demanded a warrant against him which was granted, but y^e Justices first writ to him to acquaint him of y^e information that was made, and that y^e warrant would be serv'd upon him if he did not go before a Magistrate and enter his recognizance, which he answering with an unmannerly letter, the warrant was serv'd upon him on shoar, and he is now in the Martial's custody, having refused to enter into a recognizance.

The same day Captain Hildesley made a signall for y^e Ma^{rs} of ships to come on board, where a very few went, to whom he rayl'd against y^e countrey. saying there was neither Governm^t nor Justice in it, and abundance of stuff to this purpose.

On Sunday last he made a speech on y^e Bay here to y^e Ma^{rs} of shipp, saying that he was Govern^r, and that he would whip every ma^r of a shipp that used his men ill, by which he exposed himself so much that one of them asked him why he did not discharge his Lieu^t out of custody, if he was Govern^r, and then the rest laughed much. Just after this I met him upon

y^e Bay where, among other things, he told me he would take it as a piece of friendship if I used my interest to get his Lieut. discharg'd. I answer'd that could not be done without his making it up with the mate or entring into a Recognizance, however I told him I would speak to y^e owner to make it up with y^e Mate, which he offered to doe upon a small concession from y^e Lieutenant, which, however, y^e Captain did not think fit he should make.

On Monday morning last I was with Captaine Hildesley two hours by myself, where we conversed very freely and friendly, and told him that he was unhappy to be very ill beloved by the inhabitants as well as the Ma^r of ships and sailors in this country, where there is not now less than 45 sail of one kind or another, yet if he would determine to mind only his own duty and not trouble himself with y^e Governm^t he might very soon get y^e good will of y^e people, but if he continued to make parties and divisions at this crisis, we should take such measures as should put it out of his power to doe mischeife, this he took very well from me, for I believe he has a vulture for me, and I am sure I have y^e same for him, he having used me very civill in my voyage to Providence on board his ship, but y^e peace and tranquility of a countrey will always make it necessary for me to doe what lies in my power to preserve those two things.

You, sir, will easily guess that these proceedings of a Captain of a King's Shipp in a Governm^t so unestablished as this is at present, might have had a mischeivious consequence were not y^e people almost unanimous; they have, however, occasioned more disturbances and commotions than any thing that has happened from y^e beggining of y^e revolution in this province.

I have writ to my good friend, Sir John Jennings, to this purpose, and desired him not to make use of it unless Captain Hildesley misrepresented y^e affairs of this countrey, for God knows I would sooner serve him than do him any harm if I had any room for that purpose.

We expect Generall Nicholson here dayly, where he is very much long'd for, and it is impossible to express the due sence the Inhabitants of this Colony have of y^e Kings goodness in taking them under his protection; for my own part, I have y^e satisfaction of being very well esteemed and beloved by every

body, which gives me a good deal of pleasure. I am with y^e utmost respect, sir,

Your most obedient and most obliged humble servant,

JOHN LLOYD.

P. S.

Govern^r Roger, of Providence, was here for about six weekes, and fought a duel wth Cap^t Hildesley, upon some disputes they had at Providence; they were both slightly wounded, the former is return'd to his Government.

Right Hon^{ble} Mr. Secretary Prags.

APPENDIX.—No. VI.

CHARLES TOWN, March 21, 1720-1.

S. P. O.
America and West

St :

Indies.

No. 18.

P. 39.

The dayly expectation we are in of the arrivall of Govenour Nicholson, prevents all publick business. Captⁿ Hildesley, of the Flamborough, has given us a great deal of uneasiness, and has been very neare occasioning a great deale of bloodshed, he has taken a Commission from Coll. Johnson, to be Colonell of the Regiment in Berkley County. They are continually contriving and plotting of mischeif, Hildesley especially, but thank God it never comes to any thing. I am quite tired of publick business; the Gov^{rs} speedy arrivall is prayed for by the whole province. I conclude.

Y^r very humble Serv^t,

JA. MOORE.

An exact account of the number of Inhabitants who pay Tax in the settlement of South Carolina for the yeare 1720, with the number of acres and number of slaves in each parish, as the same was delivered by the Inquisitors upon their oaths to the Com^{rs} for receiving the said tax in Charles Town, the 14th day of March, Ano Domini 1720.

	<i>No. of Acres.</i>	<i>Inhabitants.</i>	<i>Slaves.</i>
St. Philip's, Charles Town...	64,265	283	1,390
Christ Church	57,580	107	637
St. Thomas and St. Dennis	74,580	113	942
St. John's (◁▷)	181,375	97	1,439
St. James Goose Creek (◁▷)	153,267½	107	2,027
St. Andrew's	197,168¾	210	2,493
St. George's	47,457	68	536
St. Paul's	187,976	201	1,634
St. Bartholemew (◁▷)	30,559	47	144
St. James' Santee (◁▷)	117,274	42	584
St. Helena (◁▷)	51,817	30	42
	1,163,239½	1,305	11,828

◁▷ N. B. Those parishes with this Marke, the cures thereof are vacant. And that those persons who have lands in severall parishes, they are generally charged for all in that parish they live in.

Exported from Charles Town, S^c. Carolina, between the 1st of January, and the 2^d of May, 1721, in 4 months :

To Greate Britaine—13,479 bls. of Rice. 6,747 bls. of Pitch. 4,269 bls. of Tarr

To the plantations— 2,733 1,450 1,292

16,212 bls. of Rice. 8,197 bls. of Pitch. 5,561 bls. of Tarr

APPENDIX.—No. VII.

MAY Y^r 9th, 1721.

S. P. O.
S. C. B. T.
Vol. I.
A. 31.

S^r.

Two of his Majesties ships-of-war being now in the harbour, and the Command^r sensible of the difficulties I have labour'd under, as well as the whole country, by yo^r unjust usurpacion of the government, have therefore resolved to assist me with all their forces to re-assume the same.

I have, therefore, with the advice of my councill, sent to you this letter to desire you would peaceably admit me into the Government, my just right, that thereby any misfortunes that may happen on your refusall may intirely lye at yo^r doer, and

you thereby become lyable to answer for the same. I hope this, my way of proceedings, will not be thought pusillanimous, since the intent of it alsoe is to assure you, as well as the people of this province, that for any thing that has been hitherto transacted, of what kind soever, it shall lye dormant till the arrivall of Gen^l Nicholson, or a Governor appointed by his Majesty, if any such there be, when I will as chearefully as any one, deliver the Governm^t to him. The same assurances I take upon me to make you on y^e part of both the Command^{rs} of his Majesties ships; that every body shall be entirely easy in their p[']sons and estates, and all misunderstandings referred to his Majesties s^d Govern^{rs}. I expect this meets with its due credit, it being design'd by me to p[']serve the peace and tranquillity of the province as well as to assert my own right.

ROBT. JOHNSON.

The within letter is a true copy.

W. BLAKEWEY, Sec^y.

MAY 9th, 1721.

Mess^{rs}. Izard and Younge :

You may acquaint Coll. Johnson, in answer to his message, that I, with the advice of my Councell, am determin'd to keep the governm^t of this province for his Majesty, King George, untill his pleasure is signified relating thereunto, and it is a pleasure to us to find ourselves in a good posture for that purpose. I am,

Yo^r humble serv^t.

JA. MOORE.

A true copy :

W. BLAKEWEY, Sec^y.

APPENDIX.—No. VIII.

S. P. O.
S. C. B. T.
Vol. 1.
A. 30.

S^R:

I am oblidged to inform you of an extraordinary event that happ'n'd amongst us the 9th of this instant, as well to make you acquainted with the Resolution and unanimity of our inhabitants at the success we have had against our enemies. Coll. Johnson, in the morning, call'd

together all his Councill and proposed to them means for his restoration to the government, being prompted thereto, as we are informed by Captⁿ Hildesley, who last October received a Com^d from Johnson to be Coll. of the Troop. They had been concerting propper measures long before to bring this about, and M^r. Johnson gave out some Com^{ns} to some insignificant persons, who had not interest at last to procure any men, but, however, they resolved to make a push for it, and, accordingly, made up about 120 men in all, fourscore, whereof were sailors belonging to the Flamborough, headed by Coll. Johnson and Captⁿ Hildesley; when they had gott under arms, and upon their march they detach'd two gentlⁿ of their Councill, with the enclosed letter from Coll. Johnson, which made us putt our selves in the best posture of defence wee could to receive them, and then returned them the enclosed auswer. They soon after appeared before the Town, which oblidged the Forts to fire three guns at them, which proved so prevailing an argument that they procured Captⁿ Pearce, of His Majesties ship Phoenix, to be a mediator between us, who came with one of their Councill to propose measures of accomodacion, they were made to understand that no terms could induce us to part with the Governm^t till his Majesties pleasure was known. They return'd, and soon after Captⁿ Pearce came back again and informed us that Coll. Johnson was desirous to see the order of the Regency, and some letters from you and M^r. Barnewell, and that they might be sent by some gentⁿ from us; accordingly three gentlⁿ were sent with those papers, and it produced this effect, that Coll. Johnson promised, and gave his honour that he never would trouble his head with the present Governm^t any more, and imediately ordered all his men to be disbanded and sent about their business, so that now I believe we are free from all disturbances of that kind. The consequences that would have issued had they obtained their ends would have been very mischeivous, as we are certainly informed, the sailors having had promises of plundering the Town. Wee impatiently expect the arrival of Gen^l Nicholson to make us all happy.

Captⁿ Hildesley and others, notwithstanding the concessions they made, did the next morning so insult the Captⁿ of the main guard, that it enrag'd the inhabitants to such a degree that wee were oblidg'd to put him under arrest, at his lodging,

to prevent the rage and resentment of the people falling upon him. And, upon application made afterwards by Capt^a Pearce for his enlargement, and upon his promise for the good behaviour of Capt^a Hildesley, his officers and ship's Company, wee ordered a good number of armed men to guard him to Capt^a Pearce's boat, in order to his going on board the Phoenix man-of-war. If you think it necessary, you may communicate this with the enclosed to the Board of Admiralty, Lords of Trade, &c. Continue to give me constant accounts of the proceedings of our affairs at home, and believe me,

S^r.May 11th, 1721.

Your humble servant,

JA. MOORE.

To Joseph Boone, Esq^r.

(Indorsed,)

CAROLINA.

L^{re} from Col. Moore, pretended Gov^r of Carolina, to Mr. Boone, dated the 11th of May, 1721, relating to Col. Johnson having attempted to resume the Gov^t of that Province.

Rec^d July 18th, }
Read d^o. 28, } 1721.

APPENDIX.—No. IX.

*Instructions for Colonel Philipp Ludwell, Governor of Carolina,
8 November, 1691.*

S. P. O.

No. Carolina.

B. T. Vol. 3.

P. 187.

I. Wee, the Lords Proprietors, have agreed that the eldest of the Lords Proprietors and that was Proprietor the 1st of March, 1669, shall be

Palatine.

II. But after the decease of them, he that hath been longest a Proprietor, and hath paid the full proportion with the rest for settling the Province, shall be Palatine, but after the year 1700, and decease of those that were Proprietors 1 March, 1669, the eldest of the then Lords Proprietors, and who hath paid as afore-said, shall be always Palatine.

III. It is also agreed that there shall be seven other great offices erected, viz: Admiral, Chamberlain, Constable, Chief

Justice, Chancellor, High Steward and Treasurer, to be enjoyed by none but the Proprietors, and that upon the vacancy of any of these Offices, the eldest of these Proprietors that was Proprietor 1st of March, 1669, shall have his choice, and after the decease of those, he that hath been longest a Proprietor, and hath paid his full proportion of money that hath been expended in the settlement of the Province, but after the year 1700, the eldest man of the then Lords Proprietors, and that hath paid his money as above, shall then have his choice.

IV. The eldest of those Proprietors that were so the 1st of March, 1669, that shall be in Carolina, and hath paid his full proportion of the money expended by the Lords Proprietors, shall of course be the Palatine Deputy, unless the Palatine and three more of the Lords Proprietors shall otherwise direct under their hands and seales.

V. The Palatine is to name the Governor, the Admiral, the Marshal of the Admiralty, the Chamberlain, the Registrar of Births and Marriages, the Constable, the Marshal of the Regiments, the Chief Justice, the Registrar of Writings and Contracts, the High Steward, the Surveyor of Land, the Chancellor, the Sergeant-at-arms attending the Chancery, and upon any man's producing a Commission from any of the Lords Proprietors, under his hand and seal for any Office in that Proprietors disposal, you are to admit the person so commissioned to the execution of the said office.

VI. For as much as it is of great security to the Inhabitants of Carolina, that no ill or unjust man be in so great a trust in the Government as a Propr^{'s} Deputy, any Deputy of a Lord's Proprietor, howsoever constituted, shall cease to be a Deputy when the Palatine and three more of the Lords Proprietors shall, under their hands and seals, so order and direct.

VII. Forasmuch as it may be very mischievous to the Inhabitants of our Province to have a Governor, Deputy, or any Officer in the choice of the respective Proprietors, not in the power of the Palatine and Proprietors to be removed when he shall act unjustly or contrary to law, and to the oppression of the people, or contrary to the peace or quiet or security of the settlement, any Governor, whether one of the Lords Proprietors or other, is to cease to be Governor whenever the Palatine and three or more of the L^{ds} Proprietors shall, under their

hands and seals, signify it to be their pleasure, and so direct, or when any six of the Proprietors or their Guardians, if under age, shall, under their hands and seals, so direct, altho' the Palatine be not one of them.

VIII. Upon the death of any of the Lords Proprietors you are not to admit any person to any office that was in that Proprietor's disposal, who is dead, by virtue of a Commission from another Prop^r until the Palatine and three or more of the Lords Prop^{rs} have certified, under their hands and seals, that such Proprietor hath right to and is admissable unto the place of that Proprietor, who is deceased, and had, during his life time, power of disposing of the said place.

IX. We have also agreed that each of the L^{ds} Prop^{rs} shall nominate or appoint a Deputy, under his hand and seal, to be recorded in the Secretary's office in Carolina.

X. The Lords Proprietors Deputys are to be your Council. If it shall happen that any of the Lords Proprietor's Deputys shall, by death or departure out of Carolina, cease to be a Deputy, that there may not be a failure in the Government for want of a due number of Proprietors Deputys, you, our Governor, and the rest of our Deputys who are so by deputation under the hand and seal of the Proprietors, are by majority of votes given by ballot to choose a person to be a Deputy for that Proprietor whose Deputy is dead or departed the Province, who shall continue to be a Deputy, and have the same power as our other Deputys, unless in electing Deputys, until that Proprietor shall, under his hand and seal, have appointed another Deputy.

XI. You, our said Governor, are, by and with the consent of any three or more of our Deputys, testified by their signing the commission, and where we ourselves have not appointed, or shall not appoint a person or persons for the said office, to constitute a Chief Judge by the name of a Sheriff, with 4 Justices, for the trial of causes in any of the Counties that have fifty freeholders qualified to serve on Juries, which Sheriff and Justices are to take an oath, if free to swear, for the due administration of justice.

XII. Until any County have a Court erected in it, the causes of the Inhabitants of that County shall be tryed in that County that lyes next to them, and where a County Court is already appointed, and the Inhabitants of such County may serve as

Jurymen, until a Court be erected in the next County, where they reside.

XIII. All Processes and actions to be tryed in the County Courts and Pleas, &c., shall be entred and records kept of them by the Clerk of that County Court where the action is to be tryed, the Clerks of the respective County Courts shall be appointed by the Chief Judge or Sheriff, which Clerks are to be sworn for the due execution of his office, and give security by his own bond.

XIV. You are by, and with consent of our Deputies, to appoint a Marshal to each County, who is to execute all writs and executions issuing from the said Court.

XV. All Processes, Writs and Executions issuing in Actions or Causes to be tryed before yourself and our Deputies, shall be served and executed by the Provost Marshal.

XVI. All Actions, Pleas, &c. to be tryed before yourself and our Deputies, are to be entred by the Secretary, by us appointed, and records thereof kept by him. Yourself and our Deputies are to hear and determine of Writs of Error from the Superior County Courts, and to be the Court of Chancery until we shall otherwise direct.

XVII. Yourself and our Deputies are to hear and determine all causes criminal and judgements thereon, to give and execution to award according to law, and as often as yourself and any three or more of our Deputies shall think it fit. You are also hereby empowered to grant Commissions to such other persons as yourself or any 3 or more of our Deputies shall think fit, to hear and determine all causes criminal and judgements thereon, to give, and execution to award according to law.

XVIII. And if it shall appeare to you that any person found guilty is a fit object of mercy, you are, by and with the consent of any three or more of our Deputies, to stop execution and relieve the said person, and then you are forthwith to send us a copy of the Indictment, and an account of the proofs against the said person, and the reasons why you think him worthy of mercy.

XIX. What other officers you, our said Governor, and our Deputies, shall find necessary for the better administration of justice, and carrying on the Government, and for which office no person is before commissioned by us, or provision made,

you are, with consent of our Deputies, to grant Commiss^{ns} for, in our name, under the little seal appointed for the use of the Government in Carolina, to be in force until it shall be otherwise directed by the Palatine and three and more of the Lords Proprietors, under their hands and seals, or a Commission by them granted to some other for the said place under the great seal of the Province. You are to grant no Commission but during pleasure only.

XX. And whereas power is given unto us, the Lords Proprietors, by virtue of our letters Patents from the Crown, to make, ordain and enact, and under our seals to publish laws for the better Government of the said Province, by and with the advice and consent and approbation of the freemen of the said Province, or their Delegates, or the major part of them, and in order thereunto to assemble them in such manner and form as to us, the Lords Proprietors, shall seem best. You are, with consent of any three or more of our Deputies, whenever you shall think there is need of laws for the better and more peaceable Govern^t of the Inhabitants of our Province, in our name, to issue writs to the Sheriffs of the respective Countys to choose 20 Delegates for the freemen of Carolina, viz: 5 for Albemarle County, 5 for Colleton County, 5 for Berkeley County, and 5 for Craven County, to meet, and in such place, and at such time, as you and any 3 or more of our Deputies shall think fit to give their advice, assent and approbation to such laws as shall be thought reasonable to be enacted for the better Government, peace and welfare of the said Province, always provided that the said laws be not repugnant to the laws of England.

XXI. And that there may be no dispute about the bounds of Countys, We have thought fit to appoint that the bounds of Albemarle County be from the great River called Albemarle River, on Roanoke River, to Virginia; that the bounds of Craven County be from Sewee, 23 miles to the North East along the shore, and from thence 35 miles in a North West line into the land; that the bounds of Berkeley County be Sewee on the North East and so along the sea to Stonoh River to the South West, and 35 miles back into the Land from the Sea.

XXII. And that the bounds of Colleton County be Stonoh River on the North East, and Combehe on the South West, and 35 miles into the land in a streight line from the Sea, and where

the Rivers nominated for the N. E. and S. W. bounds of any Countys do not extend full 35 miles from the sea in a streight line, the bounds of the said Countys are to be streight lines run from the heads of the said rivers until it meet with the N. W. bounds of the said County, which is to be 35 miles from the Sea and no more.

XXIII. The Countys farther up than 35 miles from the Sea, shall have the same rivers for their bounds if they run so far up, but if the rivers run not so far, then a line running N. W. shall be extended 35 miles farther into the land, then the N. W. bounds of the County next the Sea, which lines running N. W. shall be the N. E. and S. W. bounds of the said County.

XXIV. And when any County shall make it appear by the grants registered in the Register Office, that there is in that County 40 freeholders, you are then to issue Writs to the Sheriffs of the said County for the choosing of 4 Delegates to represent in the Assembly the freemen of that County, and then you are to issue Writs to the forenamed Countys for the choice of 4 Delegates for each County only.

XXV. And as other Countys come to be planted and make it appear there are 40 freeholders in the County, you are to issue Writs in such Countys for the choice of 4 Delegates, also to represent them in the General Assembly of the freemen of the Provinces, and before any County have 40 freeholders, so as to have Writs directed to it for the choice of Representatives for the County they reside in, they are to give their votes for the choice of Delegates in the County next to them that is qualified to choose Delegates.

XXVI. At the same time that you issue Writs for the choice of Delegates for the County, you are to send Writs, in our names, to each of the Landgraves and Cassiques of Carolina, to convene and give their advice and consent in the passing of such laws as shall be thought reasonable, and the Landgraves and Cassiques are to sit together with our Deputies.

XXVII. With the advice and consent of our Deputies and the Landgraves and Cassiques and Delegates of the freemen thus assembled, or the major part of them, you are to make, ordain and enact such laws as shall be thought necessary for the better Government of our Province, but to be ratified by yourself and 3 or more of our Deputies, under their hands and seals

in presence of the Landgraves and Cassiques and Delegates of the Countys, before such acts be published or allowed to be laws, which laws so passed are to continue in force for two years and no longer, unless within that time they are ratified and confirmed under the hands and seals of the Palatine and 3 or more of the Lords Proprietors themselves, and by their order published in the General Assembly. (*Here follows the addition to Smith.*)

XXVIII. Any law so passed, before it hath been so ratified, under the hands and seals of the Palatine himself and 3 or more of the Lord's Proprietor's themselves, under their hands and seals, and by their order published in the General Assembly of the Landgraves and Cassiques and Delegates for the Countys, shall cease to be a law whenever the Palatine and 3 or more of the Lords Proprietors signify their dissent to it, under their hands and seals.

XXIX. You are constantly to transmit to us all Laws passed as soon as possible.

XXX. You, our Governor, are by and with the consent of 3 or more of our Deputies, to adjourn, prorogue and dissolve the General Assembly as often as you shall think it requisite so to do.

XXXI. We having long since thought fit to take all the Indians residing within 400 miles of Charles Town, into our Protection, as subjects to the Monarchy of England, you are not to suffer any of them to be sent away from Carolina.

XXXII. You, our said Governor, are to be Commander of all the Forces raised, or to be raised, within the limits of your Government, over whom you are to place Officers, and them remove at your pleasure, and to cause the said Forces to be duly exercised in arms, and to do all other things that to a Commander-in-Chief doth belong.

XXXIII. You, our said Governor, are, to direct the meetings of our Deputies as often as you shall think fit.

XXXIV. If you, our said Governor, should happen to die or depart the Province, or any other ways be out of the Government, and no person on the place commissioned by the Palatine or us the L^{ds} Prop^{rs}. Our Will and Pleasure is, that the Proprietors Deputies, who are made so under the hands and seals of the Proprietors, shall choose one of the Landgraves to be

Governor, if any Landgrave be then in Carolina, and against whom there is no objection; and, if there be any objection against the said Landgrave being Governor, they are to transmit the said objection to us; but if there be no Landgrave in Carolina against whom there is no objection, that then those our Deputies are hereby empowered to choose one of those our Deputies, who is so by virtue of a Deputation, under the hand and seal of a Proprietor, to be Governor until another shall be appointed by the Palatine; and if there be no Deputy who hath a Deputation under the hand and seal of a Proprietor, that then the Deputies may choose one of those Deputies put in by the Governor, to be Governor as aforesaid.

XXXV. You are to be very careful not to suffer any of the Inhabitants of our Province to commit any Acts of Hostility against the Spaniards.

XXXVI. You are to suffer no fines to be laid on any one for misdemeanors by them committed, but to our use, the fines so laid being our right.

XXXVII. You, our said Governor, upon any misdemeanor committed, are, by and with the consent of any 3 or more of our Deputies, to suspend any Officer in Carolina, put in by any of the Proprietors, except our Deputies and our Receiver-General, and place another to exercise the said Office in his room until our pleasure be known, and while the said Office is executed by another, he that shall so execute the said Office is to keep an account of the profits of the said Office, and be responsible to the party who is so suspended, for the profits of the said Office, if we ourselves shall think fit to restore him, and so direct; And you are to send to us the reasons of such suspension, that we ourselves may be enabled to judge if there be sufficient cause for your so doing, and what the said party doth alledge for himself.

XXXVIII. Any Officer put in by any of the Proprietors, if he execute the said Office by a Deputy, is to take such Deputy as you our Governor and our Deputies shall approve of, and no other.

XXXIX. You are to take all imaginable care to see the Acts of Trade and Navigation duly to be observed.

XL. You are to use your utmost endeavors to seize any Pirates that shall come to Carolina, and you are to prosecute

all such as shall presume to trade with them, or have any commerce with them contrary to law, with all the utmost rigor the law allows.

XLI. In all other matters not limited or provided for by these our instructions, you, our said Governor, are, by and with the consent of any 3 or more of our Deputies, to make such Orders from time to time, for the peace and safety of the Government there, as to you shall seem necessary, and we ourselves have power to do, by virtue of our Charter from the Crown, which Orders you are forthwith to transmit to us, with your reasons for the making of them, which Orders are to be in force until we shall, under the hand and seal of the Palatine, and 3 or more of the Lords Proprietors otherwise direct, and no longer.

XLII. These Instructions shall be rules for proceedings for any succeeding Governor as well as yourself, and be put in execution by him until we shall otherwise direct.

XLIII. We do hereby repeal and make void all former Instructions for the Government of that part of our Province that lyes S. and W. of Cape Fear, and all temporary laws whatsoever, these our instructions being to be your only rule for the Government for the future until we shall otherwise direct, but our powers and rules for granting land are not hereby revoked, but to remain as they are.

Given under our hands and seals, this 8th day of November, 1691.

CRAVEN, *Palatine*. (X)

ASHLEY.

P. COLLETON.

JOHN ARCHDALE,
For THOS. ARCHDALE.

THOS. AMY.

APPENDIX.—No. X.

Instructions for Thomas Smith, Governor of Carolina,

S. P. O. 29 Nov., 1693.

No. Carolina.

B. T. Vol. 4. The same as those to Governor Ludwell, 8 November, 1691, with the following addition only to Article 27 :

“Always provided that such laws be not for the alteration of Courts of Judicature in Carolina, or alteration of the forms of proceeding therein from what was practised during the Gov-

ernm^t of Landgrave Joseph Moreton and Landgrave James Colleton, or any other matters relating to Juries or election of Representatives for the General Assembly, or the fees taken or belonging to any Officer or Officers constituted and appointed by us, all which being matter that will admit of delay, without exposing the safety of the Inhabitants to any Foreign Enemy or attempt of the Indians, We Will and Ordaine that bills relating to the above mentioned matter that have passed the General Assembly, and consented to by you our Governor, or the Governor for the time being, and our Deputies and the Landgraves and Cassiques, shall be transmitted to us to be considered and ratified and confirmed under the hands and seals of the Palatine, and three or more of the Lords Proprietors, before they are published and put in execution as law in Carolina."

APPENDIX.—No. XI.

Instructions for Francis Nicholson, Esq., His Maj^{ty's}
S. P. O.
So. Carol.
B. T. Vol. 35. Capt. General and Commander in Chief in and over
 His Maj^{ty's} Province and Territory of Carolina, in
 America. Given at Whitehall the 30 Aug. 1720.

1st. With these Instructions you will receive His Maj^{ty's} Commission, under the Great Seal of Great Britain, constituting you Captain-General and Governor-in-Chief in and over His Maj^{ty's} Province and Territory of Carolina, in America.

2nd. And for the better administration of justice and management of the public affairs of H. M. said Province, you are required to choose and appoint such fitting and discreet persons, either Planters or Inhabitants there, not exceeding the number of twelve, as you shall judge most proper to be of H. M. Council in His said Province, until H. M. further pleasure be known. And you are forthwith to transmit to H. M. and to His Commis^{rs} for Trade and Plantations, a list of the Names and Qualifications of all the said persons so by you appointed to be His Maj^{ty's} Council there.

3. And you are, with all due and usual solemnity, to cause
To publish
his Commission. H. M. said Commis^r, under the Great Seal of Great Britain constituting you H. M. Capt. General and Governor-in-Chief as aforesaid, to be read and published at the said meeting.

4. Which being done, you shall administer to each of the Members of H. M. said Council, as well the Oaths appointed to be taken by an Act passed in the first year of H. M. Reign, entitled *An Act for the further security of H. M. person and government, and the succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors*, as also cause the Members of H. M. said Council to make and subscribe the Declaration mentioned in an Act of Parliament made in the 25th year of the Reign of King Charles the 2d, entitled *An Act for preventing dangers which may happen from Popish Recusants*, and every of them are likewise to take an oath for the due execution of their Offices and their equal and impartial administration of justice.

Administer the Oaths.

5. You are forthwith to communicate unto H. M. said Council such and so many of these Instruct^s wherein their advice and consent are mentioned to be requisite, as likewise all such others from time to time as you shall find convenient for H. M. service to be imparted unto them.

Communicate his instructions to the Council.

6. You are to permit the Members of H. M. said Council to have and enjoy freedom of debate and vote in all affairs of public concern that may be debated in Council.

Council to have freedom of debate and vote.

7. And that His Maj^{ty} may be always informed of the Names and Characters of persons fit to supply the Vacancies which shall happen in His said Council, You are to transmit unto H. M. by one of His Principal Sec^{rs} of State, and to his Commiss^{rs} for Trade and Plantations, with all convenient speed, the names and characters of twelve persons, Inhabitants of the said Province, whom you shall esteem the best qualify'd for that Trust, and so from time to time when any of them shall dye, depart out of the said Province, or become otherwise unfit, you are to nominate so many other persons to H. M. in their stead, that the list of twelve persons fit to supply the s^d vacancies may be always compleat.

Persons to supply vacancies in Council.

8. You are from time to time to send to H. M. as aforesaid, and to His Comis^{rs} for Trade and Plantations, the names and qualities of any Members by you put into the said Council by the first conveniency after your so doing.

Names and Qualities of Persons put into Council.

9. And in the choice and nomination of the Members of H. M. said Council, as also of the Chief Officers, Judges, Assistants, Justices and Sheriffs, you are always to take care that they be men of good life, and well affected to H. M. Governm^t and of good estates and abilities, and not necessitous persons or much in debt.

10. You are neither to augment nor diminish the number of H. M. said Council, nor to suspend any of the Members thereof without good and sufficient cause, nor without the consent of the majority of the said Council. And in case of suspension of any of them, you are to cause your reasons for so doing, together with the charges and proofs against the said persons, and their answers thereunto, to be duly entred upon the Council Books, and forthwith to transmit copies thereof to His Ma^y as aforesaid, and to his Comis^{rs} for Trade and Plantations. Nevertheless, if it should happen that you should have reasons for suspending of any Councillor, not fit to be communicated to the Council, you may in that case suspend such person without their consent; But you are, thereupon, immediately to send to H. M. by one of His Principal Sec^{ys} of State, and to his Comis^{rs} for Trade and Plantations an account thereof, with your reasons for such suspension, as also for not communicating the same to the Council, and Duplicates thereof by the next occasion.

11. And you are likewise to signify H. M. Pleasure unto the Members of his said Council, that if any of them shall hereafter absent themselves from the said Province, and continue absent above the space of twelve months together; without leave from you or from the Comander-in-Chief of the said Province, for y^e time being first had and obtained under your or his hand and seal, or shall remain absent for the space of two years successively, without H. M. leave given him or them under His Royal Signature, their place or places in the said Council shall immediately thereupon become void, and that H. M. will forthwith appoint others in their stead.

12. And altho' by your Commission aforesaid, H. M. has thought fit to direct that any three of the Councillors make a Quorum, it is, nevertheless, H. M. will

and pleasure, that you do not act with a Quorum of less than five Members, unless upon extraordinary emergencies, when a greater number than three cannot be conveniently be had.

13. And whereas His Ma^{ty}. is sensible that effectual care ought to be taken to oblige the Members of His Council to a due attendance therein, in order to prevent the many inconveniences that may happen for want of a Quorum of the Council to transact business as occasion may require. It is H. M. Will and Pleasure that if any of the said Council then residing in the Province, shall hereafter, willfully absent themselves when duly summoned, without a just and lawful cause, and shall persist therein after admonition, you suspend the said Councillors so absenting themselves, till H. M. further pleasure be known, giving H. M. timely notice thereof. And you are to signify this H. M. pleasure to the several Members of the said Council aforesaid, and it be entered in the Council Books of the said Province as a standing rule.

14. You shall take care that the Members of the Assembly be elected only by Freeholders, as being more agreeable to the custom of this Kingdom, to which you are as near as may be to conform yourself in this particular.

15. Your are to observe in the passing of Laws, that the stile of enacting the same, be by the Gov^r Council and Assembly and no other. You are also, as much as possible to observe in the passing of all Laws, that whatsoever may be requisite upon each different matter, be accordingly provided for by a different Law, without intermixing in one and the same Act, such things as have no proper relation to each other. And you are more especially to take care that no Clause or Clauses be inserted in, or annexed to any Act which shall be foreign to what the Title of such respective Act imports; and that no perpetual Clause be part of any Temporary Law, and that no Act whatever, be suspended, altered, revised, confirmed or repeated by general words, but that the Title and Date of such Act so suspended, revised, confirmed or repeated, be particularly mentioned and expressed.

16. You are also, to take care that no Private Act be passed, in which there is not a saving of the right of His Ma^{ty}. His Heirs and Successors, all Bodies, politick

Councillors
willfully ab-
senting to be
suspended.

Election of As-
sembly Men.

Stile of Laws.

Reservation in
Private Acts.

or corporate, and of all other persons, except such as are mentioned in the s^d Act.

17. And whereas great mischiefs may arise, by passing Bills of unusual and extraordinary nature and importance in the Plantations, all Bills remaining in force there from the time of enacting, until H. M. pleasure be signified to the contrary; you are hereby required not to pass, or give your consent hereafter, to any Bill or Bills in the Assembly of the said Province, of unusual or extraordinary nature and importance, wherein His Ma^{ty}s prerogative or the property of his Subjects, may be prejudiced or the Trade or Shipping of this Kingdom, any ways effected until you shall first have transmitted unto H. M. the draught of such a Bill or Bills, and shall have reciv^d. H. M. pleasure thereupon; unless you take care in the passing of any Bill of such nature as before mentioned, that there be a clause inserted therein, suspending and deferring the execution thereof, until H. M. pleasure shall be known, concerning the same, w^{ch} you are likewise to observe in the passing of all Acts, that shall repeal any Act or Acts that have had the Royal Assent.

18. And that it may be the better understood what Acts and Laws are in force in the said Province of Carolina, You are, with the assistance of the Council to take care that all Laws now in force be revised and considered, and if there be anything either in the matter or stile of them, which may be fit to be retrenched or altered, You are to represent the same unto H. M. with your opinion touching the said Laws now in force (whereof you are to send a compleat Body unto H. M, and to His Comiss^{rs} for Trade and Plantations,) with such alterations as you shall think requisite to the end H. M. approbation or disallowance may be signify'd thereupon.

19. You are to transmit Authentic Copies of all Laws, Statutes and Ordinances, that are now made and in force, which have not yet been sent, or which at any time hereafter shall be made or enacted within the said Province, each of them separately under the publick Seal unto H. M. and to his said Comis^{rs} for Trade and Plant^s within three months or sooner after their being enacted, together with Duplicates thereof by the next conveyance, both which Copies and Duplicates are to be fairly abstracted in the margin, upon pain

Laws to be revised.

To send copies of all laws.

of H. M. high displeasure, and of the forfeiture of that year's salary, wherein you shall at any time or upon any pretence whatsoever omit to send over the s^d Laws, Statutes and Ordinances aforesaid within the time above limited, as also of such other penalty as H. M. shall please to inflict. But if it shall happen that during the time of War no shipping shall come from the s^d Province within three months after the making such Laws, Statutes and Ordinances, whereby the same may be transmitted as aforesaid, then the said Laws, Statutes and Ordinances are to be transmitted by the next conveyance after the making thereof, whenever it may happen for H. M. approbation or disallowance of the same.

20. And His Maj^{ty's} further Will and Pleasure is that upon every Act which shall be transmitted there be y^e several Dates or respective times when the same passed the Assembly, y^e Council, and received your Assent, and you are to be as particular as may be in your observation (to be sent to H. M. Comis^{rs} for Trade and Plant^s) upon every Act, that is to say whether the same is introductory of a new Law, declaratory of a former Law, or for the repeal of any Law in being; and you are likewise to send to the s^d Comiss^{rs} the reasons for the passing of such law, unless the same do fully appear in the preamble of the said Act.

21. You are for the better administration of justice, to endeavor to get a Law passed, wherein shall be set the value of Men's Estates, either in Goods or Lands, under which they shall not be capable of serving as Jurors.

22. You shall administer or cause to be administ^d the oaths appointed to be taken by the afores^d Act, for the further security of H. M. person and Govern^t, 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, unto all Members and officers of the Council and Assembly, all Judges and Justices, and all other persons that hold any office or place of Trust or profit in the said Province; and you shall also cause them to make and subscribe the fores^d Declaration, without the doing of all which, you are not to admit any person whatsoever into any publick office, nor suffer those that have been admitted formerly to continue therein.

23. You are to take care that in all Acts or Orders to be
 Acts for levy- passed within that Province, in any case for levying
 ing Money. Money or imposing Fines and Penalties, express
 mention be made that the same is granted or reserved to H. M.,
 his Heirs and Success^{rs}, for the public uses of that Province and
 the support of the Govern^t thereof, as by the said
 Reserves to the King. Act or Order shall be directed.

24. And His Ma^{ty} does particularly require and command,
 that no mony or value of mony whatever, be given or granted
 by any Act or Order of Assembly to you the Gov^r,
 Granting Money to the L^t Gov^r or Comander-in-Chief of the said Province,
 Gov^r. which shall not according to the stile of Acts of
 Parliam^t of Great Britain, be mentioned to be given and granted
 unto His Ma^{ty}, with the humble desire of such Assembly, that
 the same be apply^d to the use and behoof of such Gov^r, Lieut.
 Gov^r or Command^r-in-Chief, if H. M. shall think fit; or if he
 shall not approve of such Gift or Application, that the said
 Mony or value of mony, be then disposed of and appropriated
 to such other uses as in the said Act or Order shall be mentioned;
 and that from the time the same shall be raised, it remain
 in the hand of the Receiver General of the said Province,
 until H. M. pleasure shall be known therein.

25. And, whereas, several inconveniences have arisen to H. M.
 Govern^t in the Plant^s by Gifts and Presents made to
 Gifts and Presents to the Govern^r prohibited. the Gov^{rs} by the General Assemblies: You are,
 therefore, to propose unto the said General Assembly,
 and use your utmost endeavors with them, that an Act be
 passed for raising and settling a publick Revenue for defraying
 the necessary charge of the Govern^t of the said Province; and
 that therein Provision be particularly made for a
 A Salary for him to be settled. competent salary to yourself as Cap^t General and
 Gov^r-in-Chief of the said Province, and to any other
 succeeding Cap^t Gen. for supporting the dignity of the said
 office, as likewise due provision for the contingent charges of
 our Council and Assembly, and for the Salaries of
 Ditto for other Officers. the respective Clerks and other Officers thereunto
 belonging; as likewise of all other Officers necessary for the
 administration of that Govern^t, and when such Revenue shall
 so have been settled, and provision made as aforesaid, then
 H. M. express Will and Pleasure is, that neither you, the Gov^r

nor any Gov^r, Lieu^t Gov^r, Command^r-in-Chief or Presid^t of the Council of the said Province of 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 H. M. highest displeasure and of being recalled from that Govern^t.

26. And his Ma^{ty} does further direct and require that this Declaration of His Royal Will and Pleasure be communicated to the Assembly at their first meeting after your arrival in that Province, and entred into y^e Journals of the Council and Assembly, that all persons whom it may concern may govern themselves accordingly.

27. And, whereas, H. M. is willing, in the best manner, to provide for the support of the Govern^t of the said Province, by setting apart sufficient allowances to such as shall be Governors or Commander-in-Chief, residing for the time being, within the same. H. M. Will and Pleasure therefore is, that when it shall happen that you shall be absent from that Province, one Moiety of the Salary, and of all perquisites and emoluments whatsoever, which would otherwise become due unto you, shall, during the time of your absence, be paid and satisfied unto such Gov^r or Comand^r-in-Chief who shall be resident within the said Province for the time being, which H. M. does order and allot unto him for his maintenance and for the better support of the dignity of that Government.

28. And, whereas, great prejudice may happen to H. M. service and the security of that Province, by your absence from those parts, you are not, upon any pretence whatsoever, to come into Great Britain without having first obtained leave for so doing from H. M., under His Royal Signet and Sign Manual, or by H. M. Order, in His Privy Council: But in case of your being seized by any dangerous sickness, which may make it necessary for you to change the air, by removing to some other climate, in order to the recovery of your health, H. M. does permit you to repair to New York or such other Northern Plantat^s on the continent of America, as you judge most conve-

The foregoing article to be entred in the Council Bk.

In absence of the Gov^r the Comand-in-Chief to have a Moiety of the Salary.

Not to come to Gt. Britain without leave.

But may go to New York.

nient: Provided you do not remain absent from your Govern^t any longer than shall be absolutely necessary for your recovery from such dangerous sickness.

29. And, whereas, H. M. has thought fit by his Comis^a to direct that in case of your death or absence from the s^d Province, and in case there be at that time no person upon the place commissioned or appointed by H. M. to be Lieut. Gov^r or Comand^r-in-Chief, the eldest Councillor, who shall be at the time of your death or absence residing within the Province of Carolina, shall take upon him the administrⁿ of the Govern^t and execute H. M. said Commission and Instructions, and the several Powers and Authorities therein contained in the manner therein directed. It is nevertheless H. M. express Will and Pleasure that in such case the said President shall forbear to pass any Acts but what are immediately necessary for the peace and welfare of the s^d Province, without His Ma^{ty}s particular Order for that purpose.

30. You are not to permit any clause whatsoever to be inserted in any Law for levying mony or the value of mony, whereby the same shall not be made liable to be accounted for unto H. M. in this Kingdom, and to the Comis^{rs} of H. M. Treasury or to His High Treasurer of G^t Britain for the time being.

31. And H. M. does particularly require and enjoyn you, upon pain of His highest displeasure to take care that Fair Books of Accounts of all Receipts and Paym^{ts} of all such mony be duly kept, and y^e truth thereof attested upon oath, and that the said Books be transmitted every half year or oftener to the Comis^{rs} of H. M. Treasury, or to His High Treasurer for the time being, and to His Comis^{rs} for Trade and Plant^s and Duplicates thereof, by the next conveyance, in which Books shall be specify^d every particular sum raised or disposed of, together with the names of the persons to whom any payment shall be made, to the end H. M. may be satisfy^d of the right and due application of the Revenue of y^e said Province.

32. You are not to suffer any publick mony whatsoever to be issued or disposed of otherwise than by Warrant under your hand, by and with the consent of the Council. But the Assembly may nevertheless be

President not
to pass Acts but
what are imme-
diately neces-
sary.

All Mony
levy'd to be ac-
counted for
here in Gt.
Britain.

Fair Books of
accounts to be
kept and sent.

Public Mony
to be issued by
advice of Coun-
cil.

permitted from time to time to view and examine the accounts of money or value of money disposed of by virtue of laws made by them, which you are to signify to them as there shall be occasion.

33. It is His Majesty's express Will and Pleasure that no Law for raising any Imposition on Wines or other strong Liquors, be made to continue for less than one whole year, and that all other laws made for the supply and support of the Governm^t shall be indefinite and without limitation, except the same be for a temporary service and which shall expire and have their full effect within the time prefixt.

34. And, whereas, several other Laws have formerly been enacted in the Plantation for so short a time that H. M. assent or refusal thereof could not be had thereupon before the time for which such Laws were enacted did expire. You shall not for the future give your assent for any Law that shall be enacted for a less time than two years (except in the cases mentioned in the foregoing article) and you shall not re-enact any Law to which H. M. assent has once been refused, without express leave for that purpose first obtained from H. M. upon a full Representation by you to be made of the reasons and necessity of passing such Law.

35. And, whereas, the Members of several Assemblies in the Plant^y have of late years assumed to themselves Privileges no ways belonging to them, especially of being protected from suits at Law during the term they remain of the Assemblies, to the great prejudice of their Creditors and the obstructing of Justice. And some others have presum^d to adjourn themselves at pleasure, without leave from H. M. Governors first obtained: And others have taken upon them the sole framing of money Bills, refusing to let the Council alter or amend the same. All which are very detrimental to H. M. prerogative. If upon your calling an Assembly in Carolina you find them insist upon any of the above privileges, you are to signify to them that it is H. M. express Will and Pleasure that you do not allow any protection to any Member of the Council or Assembly further than in their persons, and that only during the sitting of the Assembly, and that you are not to allow them to adjourn themselves, otherwise than de die in diem, except

Sundays and Holidays, without leave from you or the Comand^r-in-Chief for the time being first obtained. And that the Council have the like power of framing, mending or altering many Bills, as the Assembly and you are hereby expressly enjoyn'd not to allow the Members of Assembly in Carolina any power or privilege whatsoever which is not allowed by H. M. to Members of the House of Commons in Great Britain.

36. You shall take care that an Act passed here in the 6th Year of the Reign of her late Ma^y Queen Anne, Entitled "*An Act for ascertaining the rates of Foreign Coins in the Plant^s in America,*" be duly observed and put in execution.

37. And you are particularly not to pass any Law or do any Act by Grant, Settlement, or otherwise, whereby the publick Revenues may be lessened or impaired wthout H. M. especial leave or command therein.

38. You shall not remit any Fines or Forfeitures whatsoever, above the sum of Ten Pounds, nor dispose of any Escheats, Fines or Forfeitures whatsoever, until upon signifying to the Comis^{rs} of H. M. Treasury or His High Treasurer for the time being, and to His Comis^{rs} for Trade and Plant^s y^e nature of the offence and the occasion of such Fines, Forfeitures or Escheats, with the particular sums or value thereof, (which you are to do with all speed,) you shall have received H. M. directions therein: But you may in the mean time suspend the payment of such Fines and Forfeitures.

39. You are to require the Secretary of the s^d Province to furnish you with transcripts of all such Acts and publick Orders as shall be made from time to time, together with a Copy of the Journals of the Council. And that all such Transcripts and Copies be fairly abstracted in the margins. To the end the same may be transmitted unto H. M. and to His Comis^{rs} for Trade and Plant^s as above directed, which he is duly to perform upon pain of incurring the forfeiture of his office.

40. You are to require from the Clerk of the Assembly, or other proper officer, transcripts of all Journals and other proceedings of the said Assembly, and that all such Transcripts be fairly abstracted in the margin, to the end the same may be in like manner transmitted

to His Maj^{ty} and to His Comis^{rs} for Trade and Plant^s as aforesaid.

41. You shall transmit to H. M. and to His Comis^{rs} for Trade and Plant^s by y^e first opportunity, a Map with the exact description of the whole Province under your Govern^t with the several Plant^s upon it, and of the Fortifications.

42. You are to transmit unto H. M. and to His Comis^{rs} for Trade and Plant^s with all convenient speed, a particular Account of all Establishments of Jurisdictions, Courts, Offices and Officers, Powers, Authorities, Fees and Privileges, which shall be granted or settled within the said Province, by virtue and in pursuance of H. M. Comisⁿ and Instruct^s to you the s^d Captain-General and Gov^r-in-Chief of the same, to the end you may receive H. M. further directions therein.

43. You shall send a List of all the Officers, employ^d under your Govern^t together with an account of both the ordinary and extraordinary or Contingent Charges thereof, and of such funds as are, or shall be settled and appropriated to discharge the same.

44. You shall send an account to H. M. and to His Comis^{rs} for Trade and Plant^s of the present number of Planters and Inhabitants, Men, Women and Children, as well Masters as Servants, free and unfree, and of the slaves in the said Province, as also a yearly account of the increase or decrease of them, and how many of them are fit to bear arms in the Militia of the said Province.

45. You shall also cause an exact Acc^t to be kept of all persons born, christn'd and buried, and send yearly fair Abstracts thereof to H. M. and his Comis^{rs} for Trade and Plantations as aforesaid.

46. You shall not displace any of the Judges, Justices, Sheriffs, or other Officers or Ministers within the said Province, without good and sufficient cause to be signify'd unto H. M. and to His Comis^{rs} for Trade and Plantat^s and to prevent arbitrary removals of Judges and Justices of the Peace, you shall not express any limitation of time in the Comis^{rs}, which you are to grant with the advice and consent of the Council of the s^d Province to persons fit for those em-

ploym^t nor shall you execute yourself, or by Deputy, any of the s^d Offices, nor suffer any person to execute more Offices than one by Deputy.

47. You shall not erect any Court or Office of Judicature, not before erected or established, nor dissolve any Court or Office already erected or established, without H. M. especial order.

Not to erect
new Courts.

48. And you are, with the advice and consent of H. M. s^d Council, to take care to regulate all Salaries and Fees belonging to places or paid upon emergencies, that they be within the bounds of moderation, and that no exaction be made on any occasion whatsoever; as also, that Tables of all Fees be publickly hung up in all places where such Fees are to be paid: And you are to transmit copies of all such Tables of Fees to H. M. and to His Comis^{rs} for Trade and Plant^s as aforesaid.

To regulate
Salaries.

49. Whereas, it is necessary that H. M. rights and dues be preserved and recovered, and that speedy and effectual justice be administered, in all cases relating to the Revenue you are to take care that a Court of Exchequer be called, and do meet at all such times as shall be needful, and you are, upon your arrival, to inform H. M. and his Comis^{rs} for Trade and Plant^s, whether H. M. service may require that a constant Court of Exchequer be settled and established there.

Court of Ex-
chequer to be
called.

50. You are to take care that no Man's Life, Member, Freehold or Goods, be taken away or harmed in the s^d Province, otherwise than by establish^d and known Laws, not repugnant to, but as near as may be agreeable to the Laws of this Kingdom.

Life, &c., not
to be taken but
by known laws.

51. You are to take care that all Writs within the said Province be issued in H. M. Name.

Writs in the
King's Name.

52. And, whereas, frequent complaints have been made to H. M. of great delays and undue proceedings in the Courts of Justice, in several of the Plant^s, whereby many of H. M. subjects have very much suffered and it being of the greatest importance to H. M. service and to the welfare of the Plantat^s that Justice be everywhere speedily and duly administered, and that all disorders, delays and other undue practices in the administration thereof be effectually prevented.

Justice not to
be delayed.

H. M. does particularly require you to take especial care that, in all Courts where you are authorized to preside, Justice be impartially administred, and that in all other Courts established within the said Province, all Judges and other persons therein concerned, do likewise perform their several duties without any delay or partiality.

53. His Majesty does further, by these presents, will and require ^{Appeals to the Governor.} you to permit appeals to be made, in cases of errors, from the Courts in Carolina unto you, the Gov^r and Council in civil causes, provided the value appealed for do exceed the sum of one hundred pounds sterling, and security be first duly given by the Appellant to answer such charges as shall be awarded, in case the first sentence shall be affirmed; provided, also, that if any of the said Council shall at that time be Judges of the Court from whence such appeal shall be made to you, H. M. Govern^r and Council, or to the Comand^r-in-Chief for the time being, and Council, such Councillor or Councillors shall not be admitted to vote upon the said appeal. But he or they may nevertheless be present at the hearing thereof, to give the reasons of the judgment given by him or them in the cause wherein such appeal shall be made.

54. And, whereas, H. M. judges it necessary, that all his sub- ^{Appeals to the King.}jects may have liberty to appeal unto himself in cases that may require the same, H. M. will and Pleasure, therefore, is that if either party shall not rest satisfy^d with the judgm^t or sentence of His Gov^r and Council, they may then appeal unto H. M. in His Privy Council, provided the matter in difference exceed the real value and sum of three hundred pounds sterl^g, and that such appeal be made within fourteen days after sentence, and that security be likewise duly given by the appellant to answer such charges as shall be awarded in case the sentence of the Gov^r and Council be affirmed; and provided, also, that execution be not suspended by reason of any such appeal unto H. M.

55. In case any Goods, Mony or other Estate of Pirates, or piratically taken, shall be brought in or found within H. M. s^d ^{Pirates effects to be secured.}Province of Carolina, or taken on board any ships or vessels, you are to cause the same to be seized and secured until you shall have given H. M. an account thereof,

and received His pleasure concern^s the disposal of the same. But in case such goods, or any part of them, are perishable, the same shall be publickly sold and disposed of, and the produce thereof in like manner secured until H. M. further order.

56. Whereas Commissions have been granted unto several persons in the respective Plantations in America for the trying

of Pirates in those Parts, pursuant to the Act for
Trying of Pi- rates. the more effectual suppression of Piracy, you will

likewise herewith receive a Comisⁿ to the same purpose. And H. M. Will and Pleasure is that in all matters relating to Pirates you govern yourself according to the intent of the said Act and Comisⁿ. But, whereas, Accessories in cases of Piracy beyond the Seas, are by the said Act left to be try'd in England, according to the Statute of the 28th of King Henry 8th, you are hereby further directed and required to send all such Accessories in cases of Piracy in the aforesaid Province of Carolina, with the proper evidences that you may have against them, into Gt.

Britain, in order to there being try'd here. It is
Prisoners sent to England. H. M. further Will and Pleasure that no persons for the future be sent as Prisoners to this Kingdom from the said Province of Carolina without sufficient proof of their crimes, and that proof transmitted along with the said Prisoners.

57. You are to permit a Liberty of Conscience to all persons, (except Papists,) so they be contented with a quiet
Liberty of Con- science. and peaceable enjoyment of the same, not giving offence or scandal to the Govern^t.

58. You shall take care that all Planters, Inhabit^s and Christian Servants be well and fitly provided with Arms, and that

they be listed under good officers, and when and as
Inhabitants to be armed, often as shall be thought fit, mustred and trained, whereby they may be in a better readiness for the defence of the s^d Province, and for the greater security thereof. You are to appoint fit Officers and Comanders in the several parts of

that Country bordering upon the Indians, who
and Indian bor- ders secured. upon any Invasion may raise Men and Arms to oppose them, until they shall receive your directions therein.

59. You are to take especial care that neither the frequency nor unreasonableness of remote Marches, Musters, or Trainings,

be an unnecessary impediment to the affairs of the
Militia March- es. Inhabitants.

60. You shall not, upon any occasion whatsoever, establish or put in execution any Articles of War or other Law Martial upon any of H. M. subjects, Inhabitants of the said Province, without the advice and consent of H. M. Council there.

61. And, whereas, you will receive from H. M. Comis^{rs} for executing the Office of High Admiral of Gt. Britain, and of y^e Plantations a Comisⁿ of Vice-Adm^l of the said Province of Carolina, you are hereby required and directed carefully to put in execution the several powers thereby granted you.

62. You shall take an Inventory of all such Arms, Ammunition and Stores, as are remaining in any Magazines or Garrisons in the said Province, and transmit the said Account and Inventory, to H. M. and to His Comis^{rs} for Trade and Plantations with all speed, and the like Inventory, afterwards half yearly, as also, Duplicate thereof to the Master General or Principal Officers of the Ordnance which accounts are to express the particulars of Ordnance, Carriages, Ball, Powder and all other sorts of Arms and Ammunition, in the publick Stores, and so from time to time of what shall be sent to you, or bought with the publick mony, and to specify the time of the disposal and the occasion thereof, it being H. M. pleasure, that such accounts be transmitted as afores^d every six months, or oftⁿr as opportunity shall offer, for H. M. better informtⁿ and Duplicates thereof by the next conveyance.

63. You are to take especial care that fit storehouses be settled in the said Province, for receiving and keeping of arms, amunition and other publick Stores.

64. And, whereas, it is absolutely necessary that H. M. be exactly informed of the state of defence of all his Plantations in America, in every respect, and more especially with relation to the Forts and Fortificat^{ns} that are in each Plantation, and what more may be necessary to be built for the defence, and security of the same. You are, as soon as possible after your arrival at Carolina, to prepare an acc^t thereof, with relation to the said Province in the most particular manner, and to transmit the same to H. M. and to His Comis^{rs} for Trade and Plant^s and the like accounts afterwards yearly.

65. You shall cause a survey to be made, of all the considerable landing places and harbours, in the said Province and with the advice of H. M. Council there erect in any of them, such Fortifications as shall be necessary for the security and advantage of the said Province, which shall be done at the Publick charges, and you are accordingly to move the General Assembly to the passing of such Acts, as may be requisite for the carrying on of that Work, in which H. M. does not doubt of their chearful concurrence, from the common security and benefit they will receive thereby.

66. And that H. M. may be the better informed of the Trade of the s^d Province, you are to take especial care that due entries be made in all ports thereof, of all goods and commodities, their species and quantities, with the names, burthen and guns of all ships importing and exporting the same, as also the names of their Commanders, and further expressing, from and to what places, the said Ships do come and go, (a Copy whereof, the Naval Officer is to furnish you with,) and you are to transmit the same unto H. M. and to his Comis^r of the Treasury or the High Treasurer of Gt. Britain for the time being, and to His Comis^r for Trade and Plant^s quarterly, and Duplicates thereof by y^e next conveyance.

67. Whereas, H. M. has been informed that during the late War, intelligence has frequently been had in France of the state of the Plantations, by letters from private persons to their Correspondents in Gt. Britain, taken on board ships coming from the Plantations and carried into France, which may be of dangerous consequence. H. M. Will and Pleasure, therefore is, that you signify to all Merchants and others, that they be very cautious in time of War, in giving any acc^t by letters, of the publick state and condition of the said Province of Carolina. And you are further to give directions to all Masters of Ships or other persons to whom you may entrust your letters, that they put such letters into a Bagg, with a sufficient weight to sink the same immediately in case of imminent danger from the Enemy. And you are also to let the Merchants and Planters know how greatly it is for their interest that their letters should not fall into the hands of the Enemy; and,

Survey of
Harbours, &c.

Entries of
Goods,

and Naval
Officers' Ac-
counts be sent.

Intelligence
with the
French to be
prevented,

and letters to
be sunk in
case of danger.

therefore, that they should give the like orders to the Masters of Ships in relation to their letters. And you are further to advise all Masters of Ships, that they do sink all letters in case of danger in the manner beforemention^d.

68. And, Whereas, in the late Wars, the Merchants and Planters in the West Indies did correspond and trade with the French, and carry intelligence to them, to the great prejudice and hazard of the British Plantations: You are, therefore, by all possible methods to endeavor to hinder all such Trade and Correspondence with the French, whose strength in the West Indies gives very great apprehensions, of the mischiefs that may ensue, if the utmost care be not taken to prevent them.

69. Whereas, by the 5th and 6th Articles of the Treaty of Peace and Neutrality in America, concluded between England and France the ⁶/₁₆ day of Nov^r, 1686, the Subjects, Inhabitants, &^c of each Kingdom are prohibited to trade and fish in all places possessed, or which shall be possessed by the other in America; and, that if any Ship shall be found trading contrary to the said Treaty, upon due proof the said ships shall be confiscated. But, in case the subjects of either King shall be forced by stress of weather, Enemies or other necessity, into the Ports of the other in America, they shall be treated with humanity and kindness, and may provide themselves with victuals and other things necessary for their sustenance, and reparation of their Ships at reasonable rates; Provided, they do not break bulk nor carry any goods out of their ships exposing them to sale; nor receive any merchandize on board, under penalty of confiscation of Ship and Goods. Notwithstand^s which Treaty, H. M. is given to understand that an illegal Trade has been carried on between the British Plantat^s and the French Settlements in America on pretence that there is no Law in force against the Trade. It is, therefore, H. M. Will and Pleasure, that you signify to all his Subjects under your Govern^t, the purport and intent of the above^s two Articles, and that you take particular care that the same be punctually observed and put in execution, and that no Illegal Trade be carried on between H. M. Subjects in Carolina and the French Settlements by any of H. M. Ships of War attending that Province, or by any other

To hinder
Trade and
Correspond^{ce}
with the
French.

Treaty of Neu-
trality with
France in
America to be
observ^d.

British Ships ; as likewise, that none of the French Subjects be allowed to trade from their said settlements to Carolina.

70. You are from time to time to give an account as before directed, what strength your bordering Neighbors have (be they Indians or others) by sea and land, and of the condition of their Plantat^s, and what correspondence you do keep with them.

71. And, whereas, there is great reason to believe that the Indians on the Frontiers of Carolina, who have of late years fallen off from the British Interest there, have been, in some measure, provoked thereunto

by the injustice or ill usage which they have received from H. M. Subjects in your Govern^t and it being highly necessary for the welfare of Carolina, that a good understanding should be maintained with the said Indian Nations, as well for the pro-

moting of Trade as for the security of the Frontiers of your Govern^t you are hereby particularly enjoined to use all possible ways and means for regaining the affections of the said Indians and to preserve a good correspondence with such of them as remain faithful to H. M. interest, but especially with the Cherrikee Indians, inhabiting the mountains on the North West Side of the said Province of South Carolina, and you are likewise hereby directed to recommend in the strongest terms to the Indian Traders, to be just and reasonable in their dealings with the Native Indians, and like-

wise to propose to the Assembly, if you and His Ma^{ty} Council shall judge it necessary to pass one or more Laws for the better regulation of the s^d Indian Trade, and for the encouragement and protection of such Indians as shall adhere to His Maj^{ty}s interest.

72. You shall take especial care that God Almighty be devoutly and duly served throughout your Govern^t, the Book of Common Prayer, as by law established, read each Sunday and Holiday, and the blessed Sacraments administered, according to the rites of the Church of England.

73. You shall take care that the Churches already there, be well and orderly kept, and that more be built, as the Province shall, by God's blessing, be improved, and that besides a competent maintenance to be assigned to the Minister of each Orthodox Church, a convenient House be

built at the common charge for each Minister and a competent proportion of Glebe assigned him.

74. And you are to take care that the Parishes be so bounded and settled as you shall find most convenient for accomplishing this good work.

75. You are not to prefer any Minister to any Ecclesiastical Benefice in that Province without a certificate from the Right Reverend Father, in God, the Lord Bishop of London, or some other Bishop, of his being conformable to the doctrine and discipline of the Church of England and of a good life and conversation, and if any person preferred already to a Benefice shall appear to you to give scandal, either by his doctrine or manners, you are to use the proper and usual means for the removal of him and to supply the vacancy in such manner as His Ma^{ty} has directed.

76. You are to give orders forthwith (if the same be not already done) that every Orthodox Minister within your Govern^t be one of the Vestry in his respective Parish, and that no Vestry be held without him, except in case of sickness, or that after notice of a Vestry summoned he omit to come.

77. You are to enquire whether there be any Minister within your Govern^t who preaches and administers the Sacrament in any Orthodox Church or Chappel without being due Orders, and to give an account thereof to the Lord Bishop of London.

78. And to y^e end the ecclesiastical Jurisdiction of the Lord Bishop of London may take place in that Province so far as conveniently may be, H. M. thinks fit that you give all countenance and encouragement to the exercise of the same, excepting only the collating to Benefices, granting licenses for Marriages and Probates of Wills, which H. M. has reserved to you and to the Comand^r-in-Chief of the said Province for the time being, as far as by law he may.

79. And H. M. does further direct that no Schoolmaster be henceforward permitted to come from this Kingdom, and to keep school in that Province, without the license of the said Lord Bishop of London, but when such persons so qualified as above shall be wanted for the promotion

of learning and good education, you may yourself license such other persons as you shall think qualify^d for such employments, and that no other person now there or that shall come from other parts, shall be admitted to keep school in Carolina without your license first obtained.

80. And you are to take especial care, that a Table of Mar-
Table of Mar-
riages.riages, establish^d by the Cannons of the Church of England, be hung up in every Orthodox Church and duly observed; and you are to endeavor to get a Law passed in the Assembly of that Province (if not already done) for the strict observation of the said Table.

81. You are to take care that Drunkenness and Debauchery,
Drunkenness
to be discount-
tenanced.Swearing and Blasphemy be discountenanced and punished; and for the further discountenance of vice and encouragem^t of virtue and good living, (that by such example, the Infidels may be invited and desire to embrace the Christian Religion,) you are not to admit any person to public trusts, and employments in the Province under your Govern^t whose ill fame and conversation may occasion scandal.

82. You are to suppress the engrossing of Commodities as
Commodities
not to be en-
grossed.tending to the prejudice of that freedome which commerce and trade ought to have, and to settle such Orders and Regulations therein, with y^e advice of the Council as may be most acceptable to the generality of the Inhabit^s.

83. You are to give all due encouragement and invitation to Merchants and others who shall bring trade unto the said Prov-
To encourage
Merchants.ince, or any way contribute to the advantage thereof, and in particular to the Royal African Company.

84. And as H. M. is willing to recommend unto the s^d Compa-
Payment to
be duly made
for Negroes.ny that the said Province may have a constant and sufficient supply of merchantable Negroes at moderate rates, in Mony or Commodities, so you are to take especial care that payment be duly made and within a competent time according to their agreement.

85. And, whereas, the s^d Company have frequently great sums of mony owing to them in the Plantations in America, they have been much hindered in the recovery of their
To hold fre-
quent Courts of
Justice.just debts there, and discouraged in their Trade by their too frequent adjournment of Courts, and it

being absolutely necessary that all obstructions in the course of Justice be effectually removed, You are to take care that Courts of Justice be duly and frequently held in the said Province of Carolina under your Govern^t, so that all H. M. subjects in the said Province, and particularly the Royal African Company and others trading to Africa, may enjoy the Benefit thereof, and not to receive any undue hindrance in the recovery of their just debts.

86. And you are further expressly commanded and required to give unto H. M. and to the Comis^{rs} for Trade and Plant^s an acco^t every half year of what number of Negroes the said Province is supplied with, that is what number by the African Comp^y, and what by separate Traders, and at what rates sold.

To send accounts of Negroes imported.
87. You are likewise, from time to time, to give unto H. M. and to the Comis^{rs} for Trade and Plant^s as aforesaid an account of the wants and defects of the said Province, what are the chief products thereof, what new improvements are made therein by the industry of the Inhabitants or Planters, and what further improvements you conceive may be made or advantages gained by Trade, and which way H. M. may contribute thereunto.

Commissions of Marque.
88. You are not to grant Commissions of Marque or Reprisals against any Prince or State or their Subjects in amity with H. M., to any person whatsoever, without H. M. special command.

What flags to be used.
89. Whereas great inconveniences do happen by Merchant Ships and other Vessels in the Plantat^s wearing the Colors born by H. M. Ships of War, under pretence of Commis^s granted to them by the Gov^{rs} of the said Plantat^s, and that by trading under those Colors not only amongst H. M. subjects, but also those of other Princes and States, and committing divers Irregularities, they do very much dishonor H. M. service, for prevention whereof you are to oblige the Commanders of all ships to which you shall grant Comis^{ns} to wear no other Jack than according to the sample here described, that is to say, such as is worn by H. M. Ships of War, with the distinction of a White Escutcheon in the middle thereof; and that the mark of distinctⁿ may extend itself to one-half of the depth of the Jack and one-third of the fly thereof.

90. And, whereas, there has been great Irregularities in the manner of granting Comis^s in the Plantations to private Ships of War, You are to govern yourself according to the Comis^a and Instructions granted in this Kingdom, Copies whereof will be herewith delivered you.

91. In case of any distress of any other of H. M. Plant^s you shall, upon application of the respective Gov^{rs} thereof to you, assist them with what aid the condition and safety of the Province under your Govern^t can spare.

92. You are to endeavor to get a Law passed, (if not already done,) for the restraining of any Inhuman severity, which by ill Masters or Overseers may be used towards their Christian servants or their slaves, and that provision be made therein, that the wilful killing of Indians and negroes may be punished with death, and that a fit penalty be imposed for the maiming of them; And you are also, with the assistance of the Council and Assembly, to find out the best means to facilitate and encourage the conversion of Negroes and Indians to the Christian Religion.

93. You are to endeavor to get an Act passed, (if not already done,) whereby the Creditors of persons becoming Bankrupts in this Kingdom, and having Estates in Carolina, may be relieved and satisfied for the debts owing to them.

94. If H. M. shall judge it necessary for His service to appoint a Lient.-Gov^r of N^o. Carolina, You are hereby required to give him an authentic copy of your Instructions, whereby he will conduct himself in the Govern^t of that Province, and he will be directed by his Comis^a to obey such orders as he shall from time to time receive from you for H. M. service.

95. If anything shall happen that may be of advantage and security to H. M. said Province, which is not herein or by your Comis^a provided for, H. M. does hereby allow unto you, with the advice and consent of the Council, to take order for the present therein, giving to H. M., by one of His Principal Secretaries of State, and to His afores^d Comis^a for Trade and Plant^s speedy notice thereof, that you may receive H. M. ratification, if he shall

approve of the same: Provided always, that you do not by color of any power or authority hereby given you, commence or declare War without H. M. knowledge and particular commands therein, except it be against Indians, upon emergencies wherein the consent of H. M. Council shall be had, and speedy notice given thereof unto H. M. as aforesaid.

96. And you are, upon all occasions, to send unto H. M., and to his Commissioners for Trade and Plantations, a particular account of all your proceedings, and of the condition of affairs within your Government.

Send Acco't
of his proceed-
ings to a Secre-
tary of State.

APPENDIX.—No. XII.

(INDORSED.)

Proprieties B.
T., Vol. 10,
Q. 201.
State Paper
Office.

Letter from Col. Johnson, Gov^r of Carolina, to the Board, dated 12 January, 1719-'20.

Rec^d April 29, 1720. Read 3 May, 1720.

CHARLES TOWN, SOUTH CAROLINA, Jan^y 12th, 1719.

My Lords :

As to the Queries you would be informed off, from the best Inquiries I can make, and my own experience, I answer as follows:

1st Querie.
Answer.

Of the present state of the Province of Carolina. As to this Querie I must referr yo^r Lord^{sh}s to the Letters and Papers I and the Council have sent the Lords Prop^{rs} of the steps and proceedings of the people, in order to throw of the Propriet^{rs} Governm^t and put themselves under the emediate Govern^t of his Majesty.

2d Querie.

What number of inhabitants there is, how that number is increased or decreased of late years, and what is the number of the Militia, what Forts or places of defence are there in the Province, and in what condition are those Forts.

Answer.

'Tis computed by the Muster Rolls and other observations, that at present we may have about 1,600 fighting men, from 16 to 60 years of age, every body in the

Province within that age being inlisted, and obliged to bear arms, and by the comon computacion of 4 persons in each Familiy. The whole of the whites are 6,400; 'tis bleived that since the Indian Warr, which broke out in April, 1715, we are increased about 100 Inhabitants, we having lost about 400 in the Warr, and have had the accession of about 500 from England, Ireland and other places; since y^e Indian Warr the Province has been obliged to maintain the following Garrisons upon y^e Out Skirts of the Province, to awe the Indians and prevent their comeing within us, and to inspect y^e better what their designs are, and to secure our people and goods whilst we trade with them (Viz^t) at the Congares lying about 130 miles north from Charles Towne, a Captⁿ and 20 men; about 40 miles from thence westward, and about 140 miles from Charles Town, the Savana Garrison, a Captⁿ and 20 men; upon Port Royal Island to watch the Inland water passage from St. Augustine, and to prevent our white people and slaves from deserting and going thither, two scout boats of 10 men each, who have small Forts to retreat to and secure themselves; In Johnson's Fort, upon James Island, about a league from Charles Town, which comands the ships comeing up y^e Bay to Charles Towne, a Captⁿ, Lieuten^t and 12 men; all these men are p^d by the Publick. The Forts are not strong, except Johnson's Fort, which is a regular tryangle with draw-bridges, a dry ditch and a platform below of about 12 guns of 12 pound ball, and abo^t 10 from 6 to 9 pounders in the upper works. The rest of the forts are suffieient to withstand Indians, who know nothing of beseiging or will fight against walls. Charles Towne was formerly in my father's Governm^t was enclosed with a regular fortification, but in the year 1713, by a violent Hurricane, were all thrown down and ruined, and the Indian Warr which broke out two years afterwards involved us in soe deep a debt that we have not been able since to rebuild them, but at present are putting ourselves into such a posture of defence as our present circumstances will allow off.

What is the strength of the severall Nations of
 3d Querie. Indians in the neighborhood of Carolina, and are their inclinations for us or for the French or Spaniards.

By the within Account of the number of Indians
 Answer. subject to y^e Govern^t of South Carolina in y^e year

1715, Yo^r Lord^{ps} will finde upwards of eight and twenty thousand souls, of which there was nine thousand men which traded for above £10,000 sterling yearly in cloth, guns, powder, bullets and iron ware, and made returns in Buck Skins, Doe Skins, Furs and other Peltry, and there was one way or other near 200 English Indian Traders imployed as Factors by y^e Merchants of Carolina amongst them; but in y^e said Year 1715 most of them rose in rebellion and murdered y^e said Traders and severall of the Planters and their Famileys, that lay most exposed to them. But before the end of y^e said Year we recoverd the Cherokees and the northward Indians, after severall slaughters and blood sheddings, which has lessened their numbers and utterly exterpating some little Tribes, as the Congarees, Santees, Seawees, Pedees, Waxaws, and some Cors-aboys, so that by Warr, Pestilence, and Civill Warr amongst themselves, the Charokees may be computed reduced to ab^t 10,000 souls, and the Northern Indians to 2,500 souls. At the same time the fate of our Southern and Western Indians was quite turned to our disadvantage, for as soon as y^e Albamas had murdered our Factor, the French emediately tooke possession of our place and built a fort by the name of Thoulouse at the Albamons, thereby encroaching upon us and takeing the trade of the Chickesaws, Albamas and a great part of the Tallaboosces Abikaws, which will make nere 6 or 7,000 souls. The Spaniards built a fort at Apalatchee and has taken the Apalatchees and the most desperate Creek Indians from us, and the Yamasees removed to St. Augustine, from whence they still continue their depredations. As for the Creeks they are situated now in the mid-way between us, the French and the Spaniard, and deals with those that gives them most affecting a newtrallity, yet makeing their advantages of the differences happening between the European Nations, so we may safely conclude that we have not above half of the Trade and number of Indians subject to this Governm^t as we had 1715.

An Exact Account of y^e Number and Strength of all the Indian Nations that were subject to the Government of South Carolina, and solely traded with them in y^e beginning of y^e year 1715, taken out of y^e Journalls of Captⁿ. Navin, John Wright, Esq., Price Hughes, Esq., and compared and corrected by the Journalls and Observations made by John Barnwell while he was employed by the Governmt. amongst them.

<i>Distance from Chas. Town.</i>	<i>No. of Villages.</i>	<i>Men.</i>	<i>Women.</i>	<i>Boys.</i>	<i>Girls.</i>	<i>Total No. of Souls.</i>
90 miles So. West.....	Ten.....	413	345	234	223	1215
130 miles So. West.....	Two.....	64	71	42	37	214
140 miles West.....	Four.....	275	243	65	55	638
150 miles West by N.....	Three.....	67	116	20	30	233
180 miles W. N. W.....	Two.....	130	270	.....	.....	400
250 miles W. by N.....	Ten ..	731	837	417	421	2406
440 miles West.....	Fifteen ..	502	578	366	327	1773
390 miles W. S. W.....	Thirteen.....	636	710	511	486	2343
430 miles S. W. by W....	Four.....	214	276	161	119	770
						9992
The Cherokees, viz :						
450 miles N. W.....	Nineteen.....	900	980	400	480	Orig. sho'd be 11530* 11210
390 miles N. W.....	Thirty ..	2500	2000	900	900	
320 miles N. W.....	Eleven ..	600	620	400	480	
640 miles W.....	Six.....	700	1200	.....	.....	1900
200 miles N. N. W.....	Seven.....	570	900	.....	.....	1470
170 miles N.....	One ..	140	370	.....	.....	510
100 miles N. E.....	Four.....	210	400	.....	.....	610
200 miles N. E.....	Five.....	76	130	.....	.....	206
70 miles N.....	Two.....	43	60	.....	.....	125
120 miles N.....	One ..	22	.....	.....	.....	106
80 miles N. E.....	One ..	36	70	.....	.....	57
60 miles N. E.....	One ..	57	men, wo. & chil.	.....	.....	240
Mixed with the English Settlement ..	One ..	80	160 wo. & chil.	.....	.....	495
23. Corsaboys.....	Five.....	95	200 wo. & chil.	.....	.....	5519
Total.....						26721

* N. E.—There are two errors in the adding up in the original, viz., the Cherokees should be 11210 not 11530. The total should be 26721, not 28941.

4th Querie. What is the Conditon of the Spanish Settlement at St. Augustine. What advantage might it be to the Govern^t of Carolina to have this place taken from the Spaniards annexed, and by what means this might be most easily accomplished.

Answer. St. Augustine is y^e only Town the Spaniards are posses of in Florida, and is scituated in the latitude of 29 degrees and fifty-five minutes North, and about one hundred and fifty miles from Port Royal in So. Carolina. It is a Garrison containing three hundred soldiers under pay, and about one hundred Familys of Inhabitants, that make near one hundred more men besides women and children, whose chief support depends on y^e expence and pay of the Soldiers. Out of this number they made a Troope of about 40 Horse, and in and about the place, in 4 or 5 villages, they have 3 or 4 hundred Indian men, most of w^{ch} are Yamassees that lately committed y^e barbarous massacre on his Maj^{ties} subjects of Carolina, and still continue (even during y^e Peace with Spain by connivances of y^e Spaniards) their depredations and murders upon the English. Besides these Indians they have in subjection a great number of barbarous Indians along the coast of Florida, who every now and then inhumanly massacre all the Cast away or Ship wract English that often are cast amongst them comeing thro' the Gulf of Florida. [The Spaniards of St. Augustine drive a trade with the Indians of Florida for ambergrise and wracked goods, and with y^e other Indians for peltry. The place being only a Garrison there is but small Trade there, what they formerly sent to the Havana was hides, Tallow and the rows of fish, especially Mulletts, salted. The Country produces, Pitch and Tarr, which by y^e help of the Negroes plundered by the Indians from Carolina, and bought by y^e Spaniards, they begin to make a trade on to our great detrement.

In the open Field there is orringe Trees, and in St. Augustine Lemmon Trees, Citron Trees, Lime Trees, besides Peaches, Figgs, Pomgranates and some Olive Trees—they are not suffered to propagate the Olive Trees.

The Country is capable of a great many improvements, but y^e place being as I said, a Garrison and y^e soldiers very raw, lazy fellows, being Banditti banished from New Spain for crimes committed there, no great matter can be expected from them.

The Town is unfortified, containing about 200 Houses, and has a Convent of Franciscan Fryers, with two more Churches, some built with timber some with stone.

It is guarded by a small Fort with four Bastions built with stone and regularly fortified. The Curtains has no room for Canon, but there are fifty pieces mounted on the Bastions; the Ditch is dry, but they can let the sea in at high water; the walls are about 28 or 30 foot high, for which reason the Artillery can do no execution when people are entrenched within 50 or 60 paces of the Fort, for they can't bring their Guns to bear. The outer square of the Fort from the point of the Bastion to Bastion, does not exceed 500 feet, and the Inward open place not built upon to be less then 100 feet square, for which reason a bomb would make great execution, when besides Indians there can be little less then 1,000 souls confined in a siege in that compass. Their Magazine and storehouse are built along the Curtains, and are bomb proof. The stone of the Castle looks like free stone, but I judge much better for fortification. It will not splenter, but give way to cannon ball as tho' would stick a knife into a cheese. The ground round it is proper for Intrenchments or making approaches, it being light without stones. The reason the Spaniards give for maintaining this place are y^t they keep it as a Barrier to prevent the English from encroaching any farther into Florida, and to keep possession of that country for his Catholick Majesty; 2^{dly}. They say that the Roman Church is at one-half of the expence in order to protect their missionaries that are sent to convert the Indians, and lastly that they might relieve from thence such Spaniards as shall be either cast away or in distress comeing thro' the Gulf. There is but a very shallow barr going into St. Augustine and most and end the Sea breaks quite a cross it, there being scarce 5 feet water at low water, and the tyde rises not above 6 feet more except on a Spring, with an Easterly winde, when there may be about 12 feet, so they are forced to load and unload any Vessel of burthen without the Barr in the open sea. There are good Pylotes in Charles Towne y^t can cary in Sloopes. At St. Johns, about 12 leagues to the North of St. Augustine, is a good harbour, where is 17 feet water, but y^e channell is narrow.

The Spaniards at St. Augustine haveing encouraged the Indians under their Governm^t to come and murder and plunder

his Maj^{ty} Subjects in Carolina and themselves harbouring Rebels, Fellons, Debtors, Servants and Negro Slaves, putting this Governm^t under a necessity of keeping a Force and some thousand pounds yearly charge to guard y^e Frontiers, even in time of peace, there is an absolute necessity for us to expell them out of St. Augustine, we should soon reap y^e benefit of it by enlarging y^e Trade of y^e Collony by so many hands now idell and maintained by the rest, that could follow their work, and a number more would flock into us who are deter'd by the dread this sculking Warr brings with it and even our own Indians wou'd be less insolent and more obedient to us who we are forced to court least they should revolt. Four or five hundred men to joyne wth forces Carolina cou'd make with a bomb ketch some battering cannon and other warlike stores in proportion would easily effect y^e conquest of this place and would be undertaken with alacrity by the People of this Province.

5 *Querie.* How the French Settlements on the River Mississippi may affect the people of Carolina whether they have seized the Fort of Pancicola belonging to y^e Spaniards, and what can be done to prevent any hazard or inconveniences Carolina may be exposed to from those Settlements.

Answer. 'Tis without dispute that the French are very strong there, by all accounts they are already not less then five or six thousand fighting men and more are daily sent over from France with a designe to make a very considerable Settlement there, they have likewise a Fort at the Holbamas, a nation of Indians that we used to trade with, which lies within y^e limits of the charter of this Governm^t comanded by a Capt., Lieut. and Ensign with 40 soldiers in the King of France's pay where they daily eneroch upon us and draw away our Indians. These great preparacons of settling the Missisipi cannot but very much alarm all y^e Continent of America, and especially Carolina, that lies soe near them for even in time of Peace they underhand incence y^e Indians against us and incourage them to make inroads upon us to the great damage and hasard of our utmost Settlements but if there should ever be a Warr between the Crowns of France and England this Province would fall an easy prey to them and very probably Virginia, New York, and other Plantations to which this Colony is a Frontier, would feel the effects of the French growing so powerfull in America. The

French have seized the fort of Pancicola and are now in possession thereof, they are not a little glad of haveing secured so good a Port or Haven near their intended Settlement; an officer that is now here sent to me with letters from Mons^r Bienville, Govern^r of Moville, about some French deserters, informs me that they are about makeing another Fort among our Indians above one hundred miles nearer to us and thus will keep encroaching upon us from time to time if not prevented, the manner of w^{ch} y^r Lordships can best judge, it being out of our power to put any stop thereto.

6 Querie.

What Trade is there in that Province, by exportation or importation, how, and in what particulars is the Trade thereof increased or decreased of late years, and what hath been y^e reason of such Encrease or Decay.

Answer.

The bulk of the Trade of this Province, is carried on from Great Britian, from whence come here, generally one year with the other, about sixty ships with sundry British and other Manufactories, which return thither directly loaden from hence, with some Deare Skins, Rice, Pitch and Tarr, dying Wood, &c., as the Bounty Money granted by Act of Parliament of Great Britain, for the importing Pitch, Tarr, Masts and other Navell Stores, has been of great incouragemen^t to the Plantations in general, to export Navell Stores, so this Plantation in perticular, has surpassed all America besides, in supplying Great Britain, accordingly with great quantities of Pitch and Tarr. There have been exported in one year, by computation above fifty thousand barrells of both, which great exports of Navell Stores, not only have occasioned y^e greater consumption of British Manufactories, but incouraged y^e Merchants abroad, to import into this Province, great numbers of Negroe Slaves from Africa, and brought a great concourse of Ships to this Port, to load our bulky Commodities. Wee reckon we likewise load for sundry of the American Plantacions, about 80 Vessells more, with rice, beef, pork, leather, Boards, cedar and other lumber, pitch and Tarr. Whence we import Bread, Flower, Bear, Cyder, Fish and other Provisions (;) from the Northern Plantacons (;) and Negroe Slaves. Rum, Sugar, mollos-ses Cotton, &c. from the Southern Plantacions. To this bounty money was chiefly atribute the cause of our Trades increasing very considerably, within these ten years our Planters have-

ing by means thereof, been so enriched as to purchase great numbers of Negroes Slaves, the labour of which has incredibly increased the produce and manufacture of this Province, which being very bulkey and cumbersome, as before menciond, requires a great number of ships to cary it off. Our Trade has within this 3 or 4 years, met with some check, by reason of our Country Bills of Credit, which being stamped and declared current in all paym^{ts} and no fund for the paym^t of them came almost to be of no value, to the manifest injury of those, who were obliged to receive them in satisfaction of debts contracted a long while before they were made. Severall considerable merchants in England, haveing thereby received a great prejudice have entirely dropt this Trade to y^e deminishing thereof. Another cause why our Trade at present must decay, is, the little demand of our Navell Stores, viz: Pitch, Tarr and Turpentine in Great Britain, and if the bounty money should be taken of, or when y^e Act is expired and not renewed, One third of the shipping that comes here, will be more than sufficient to export our produce, and severall who have great numbers of Negroes, will hardly finde work to employ them; we making already yearly as much rise as we can finde well a vent for, amounting to about 14,000 Barrells, each containing about 350lb neat. Our Tarr lies under a disreputacion of not being so good, as East Country Tarr, but am satisfied it is mostly owing to y^e interest the East Country merchants have with y^e Ropemakers, who being obliged to buy there hemp of them, will not lett them have it, without they will give them their price for their Tarr also, and oblige them to give it a good name and deery ours. Hemp grows here very well, but is not as yet propagated, for want of people, who understands y^e husbandry of it.

7th Querie. What number of Ships or other Vessels are there belonging to the Province, where built, what number of Sea fareing men, what manufactories are settled there, of any sorts whatsoever.

Answer.

The number of Vessells belonging to this Port is not great, we reckon there may be about twenty, and they generally but small, as most proper for our American trade amongst our selves; some built here, some in y^e northern plantations, purshased by the Merchants here. Wee are come to no great matter of building here, for want of persons who under-

take it, tho' no Country in the World is more plentifully supplied with timber for that purpose, and well stored with convenient Rivers. As for seafareing men, few or none reside here; they always belonging to the severall ships that come here. We reckon we may have in February and y^e beginning of March, y^e time y^t the greatest number of ships are here, nere 500 seafareing men, but in y^e sumer we have but few Vessells in Port. Our chief Manufactories, or our Staple are Rice, Pitch and Tarr, wherewith our British Ships load home wth some skins. We formerly made considerable quantities of raw silk w^{ch} was esteemed in England better than that w^{ch} came from y^e Streights, but the price of negroes daily enhancing, and work in general growing deare, we were forced to quit it to go upon y^e other comodities, which we found to yield y^e Planters more profit; if encouragement were given, very large quantities of very good might be made here for the future. We formerly made, likewise, good Indigo, but there has been none of this growth exported these severall years, being wholly laid aside, severall usefull manufacteries might be gon upon in this Province to good advantage, but our planters applying themselves almost wholly to the making rice, pitch and tarr, they do not think thereof.

My Lords :

The foregoing queries have been in my hands 3 or 4 months, but y^e continuall alarms we have had and distractions amongst our People, which has at last ended in throwing of all obedience to Prop^{ty} Govern^t has prevented my making y^e necessary enquiries about them as soon as I otherwise should have done, w^{ch} I hope your Lord^{ss} will excuse. I send yo^r Lord^{ss} an account of a small Expedicon I sent out against the Spanish Indians liveing under the protection of St. Augustine, who had just before surprised and killed 3 or 4 of our People and carried away as many Prisoners, as also y^e examinacion of a Spanish Prisoner taken in that expedition.

I am with y^e greatest submission and respect,

Your Lord^{ss}

Most faithful and

Devoted humble servant,

ROBT. JOHNSON.

APPENDIX.—No. XIII.

[INCLOSURE.]

Proprieties B
T. Vol. 10, 2204.
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An answer to the Queries sent by the Hon^{ble} the
Lords Commissioners of Trade and Plantations re-
lating to the State of South Carolina.

To the first Query concerning the present state of Carolina :

Answer.

South Carolina is scituated in a most pleasant and agreeable climate and productive of whatsoever is necessary for the life of man, yet it is but thinly inhabited in proportion to the rest of his Majesty's Colonys on the Main Land of America. By reason it is the frontier of the British Empire on the said Main to the South and West, and exposed to the incursions of the French and Spaniards and barbarous Indian Savages, but more especially because of the ill Polity of its Government under Proprietors who, by reason of their supine negligence and their disorderly and confused Administration of the publick affairs and their inability to protect the inhabitants from the insults of their enemies, have put the same in the utmost confusion, soe that his Majesties subjects are neither safe in their lives, liberties or estates which not only prevents an increase of people to come to reinforce this frontier, but obleidges many daily to quit and desert the same, and there is noe means left to prevent this Colony from sinking into utter ruin but his Majesties taking the same forthwith into his immediate Protection.

To the second Query concerning the Number of People and strength of Carolina, what Forts and Places of Defence are there, and in what condition are those Forts.

Answer.

The number of white people are about nine thousand souls, and as all males from the age of sixteen to sixty are obliged to appear in the Militia, that number does not exceed two thousand men, who are generally expert in the use of armes, excellent marksmen, and by their often engageing with Indians, Spaniards and French are become bold, active, good woodsmen, and enured to toil and labour, but the Settlement lying scatter^d along the Sea Coast for one hundred and fifty miles, makes it difficult and expensive to gett a number into a body upon any sudden invasion or incursion.

For the reasons given in the first answer, this number began

to decrease till some stop was put thereto by the present measures.

Charles Town is the only Town and Port in the Province whose Fortifications being much damaged by storms, and the great guns dismounted, and everything relating to the preservation of the Government wholly abandoned to negligence and confusion, and the Inhabitants finding themselves disappointed (by the Evil Ministry of the Proprietors) of the several methods they had taken to restore those fortifications, were quite heartless and were ready sooner to quit the Province than be at any more expense about the defence of it, had they not been elevated and spirited by the late efforts made to have the Government in his Maj^{ty} hands. Upon which they, with heart and hand, are repairing the fortifications of Charles Town, and will have sixty-five guns mounted upon the same, and all without the contribution of one penny by the Proprietors.

They are now alsoe repairing a small Fort built to command the entrance of the Harbour of Charles Town mounted with twenty two guns and by the royal bounty of his Majesty King George Our Magazine of Arms and Amunition is in good condition.

Besides these Fortifications the Inhabitants have built a small Fort at Port Royal which has about twelve guns mounted thereon to restrain the incursions of the Spanish Garrison of St. Augustine and their Indians, having about thirty men in constant pay to guard the same. There are alsoe two small Forts built of Wood at about one hundred and forty miles back in the main land, each haveing fifteen men to guard them, serving to protect those that trade with the Indians and prevent their coming into the Settlement. All which is altogether done at the charge of the Inhabitants who by these expences and the debts contracted by the late bloody Indian Warr and the several expeditions against the Pirates and the alarms caused by Incursions from St. Augustine, has brought a heavy debt upon the Inhabitants who have now lost all publick credit by the arbitrary methods taken lately by the Proprietors of abrogating and repealing the Acts and Laws they had made for discharging those debts only out of a view of serving the private ends of some of their creatures here, soe that without the impartial and stedy influence of his Majesty's more immediate

Government and Protection, this Colony, as before is mentioned, will be lost to the British Empire, to the indangering Virginia and the other Northern Colonys.

To the third Query relateing to the strength and number of the Indians in the neighborhood of Carolina, and of their inclinations for us, or the French or Spaniards.

The Indians may be divided into three parts. First, the
 Answer. Indians to the Northward, between this Colony and Virginia, are about two thousand eight hundred souls, of which number there is about one thousand men. These are entirely in the English interests, and by their situation will be soe as long as Carolina is a Barrier between them and the Ineroachments of the French. The second division may be reckoned the Mountain Indians, called Cherokees, whose number is about eleven thousand five hundred souls, including about three thousand eight hundred men. These, at present, are entirely in the English interest, but God only knows how long they will continue soe, for the incroaching French (with whom they now are at Warr) leaves no stone unturned to get them over to them, which puts us to vast charges in making presents to their Chiefs; but if the French should at last prevail with them, this Colony will be reduced to the last extremity. Thirdly, may be accounted the Indians that the French have intirely brought over to their party and trade, who were subject to this Province until the year 1715, who were accounted at that time to be near ten thousand souls, of which number there was reckoned about three thousand men. They are now at peace with this Settlement, but as the French have secured their interest among them by building Forts and placing Garrisons, and carry on their Trade by water carriage to their Towns, it is past dispute that upon a Warr with France they will joyn with them to make an Entire Conquest of this Province, and the chiefest reason that they are now at peace with this Settlement proceeds from the Warr that is between them and the Cherokees. To these may be added about three or four hundred Indians of the most desperate Murderers in the late Indian Warr; that are harboured at St. Augustine and incited and armed by the Spaniards to commit depredations and murders on the Frontiers of our Settlement.

To the Fourth Query concerning St. Augustine, and what

advantage might it be to the Government of Carolina to have this place taken from the Spaniards, annexed, and by what means this might be most easily accomplished.

St. Augustine is the only Spanish Town in Florida, and about one hundred and fifty miles from the Frontiers of

Answer.

Port Royal, all the land between being deserted and entirely uninhabited. It is a garrison containing three hundred sory soldiers, being mostly banditti and undisciplined. They have no plantations but what belong to four or five Indian villages in its neighborhood, and consequently no trade but what is occasioned by the expense of the Garrison and with the Indians, except lately they make some pitch and tarr with the help of the Negro Slaves plundered by the Indians from our frontier settlements. It is, however, a pleasant country, and capable, if in English hands, of very great improvements. There are about two hundred houses in the Town, which is unfortified, but there is a fine fort, being a quadrangle, on whose bastions are near fifty pieces of Cannon mounted, but being small there is no place for Cannon on the Curtains. It is built of stone, and has a mount or ditch round it, whereinto they can lett the Sea at high water, and does not exceed five hundred feet square from the point of one Bastion to the point of another, and less than one hundred feet square in the inside, and about twenty-eight feet high, so the Canon cannot command the ground when an enemy is entrenched within fifty or sixty paces of the same.

In the year 1702 this Settlement fitted out 500 men to take possession of that town, under the command of Col. James Moore, who soon possessed themselves of the Town and Country adjacent, and kept possession of the same seven weeks, but haveing no pieces for battery, nor mortars or bombs, could not take the Castle, but thought to starve the Spaniards, but there came two Men-of-Warr and two Transports from the Havana, with relief, which obliged him to retire to this Province. So it is certain that two-fifth rates with a Bomb ketch and Ingeniers, and two hundred regular troops, with the assistance that this Province wou'd readily lend to such an Enterprise, would easily take that Castle, which, being small, would have one thousand or twelve hundred souls crowded in the same, of men, women and children, as well Indians as Spaniards, and could

not hold out after a few Bombs were thrown into the same. The Spaniards keep this place, as they say, to preserve the possession of Florida, to protect their Missionaries among the Indians, and that they may relieve from thence the Gallions and other rich Ships that often happen to be cast away or in distress coming thro' the Gulf of Florida. It would be of great advantage, not only to this Province, but to the rest of the English Empire in America, to have St. Augustine taken from the Spaniards, for it would make a notable Barrier to his Ma^{ty}s Dominions upon the Main; it would be a place of refuge and relief to his Ma^{ty}s Subjects that are in distress or cast away coming thro' the Gulf of Florida, and are now always murdered and eaten by the Savages living on the Coasts of that Country. It wou'd put an end to the distresses this Settlement lies under by the depredations of the Indians, abetted and incouraged by the Spaniards of that place, who also harbour Rebels, Felons, Debtors, Servants and Slaves that escape thither from this Settlement, who are obliged, even in time of peace, to keep a constant guard and scout boats to secure our frontiers and repulse the enemy.

It wou'd very much enlarge the Indian Trade, which takes off a considerable quantity of English Wollen and other manufactures, and wou'd cause the Indians, now in obedience to us, to be less insolent and more obedient to our Government, whom we are now obliged to caress, lest they should revolt to the Spaniards there.

To the Fifth Query. How the French Settlements on the River Missassippi may affect the people of Carolina, whether they have seized the fort of Pansacola, belonging to the Spaniards, and what can be done to prevent any hazzard or inconveniencey Carolina may be exposed to from that Settlement.

The Settlements the French are now making in
 Answer.

Louisiana are of the last consequence to the safety not only of Carolina, but to Virginia, for the Rivers upon which they are making these Settlements rises near our Settlements, and even within the hills from whence the Virginia Rivers Spring. The first Fortification the French built was at Mobile, about three hundred and sixty miles from our Frontiers, which was in the year 1700. This Province having long before that discovered and traded with the Indians adjacent untill then, it

being within the limitts of the charter granted to the Proprietors, they made no further attempts untill the year 1715, when they caused the Alabama Indians to murder our Traders settled above thirty years among them, and plundered our Factory, upon which they immediately erected a Fort and placed Soldiers there, and new named the place New Thoulouse, which is within two hundred and fifty miles of our frontier, upon which we lost the Trade of the Chickesaws, Alabamas, Taliboosee and Abicaws, and other nations, of whose trade we were possessed of for above thirty years, and they were intirely subject to the English nation, and their Chiefs for that time paid tribute and received their Commissions from this Governm^t so that the English nation thereby loses the vending of at least *six* thou-

Sixty was first written, but the ty has been tried to be scratched out with a knife.

sand pound sterling, prime cost, in cloath and other goods yearly. The French not content with this Ineroachment, in the year 1717 built a Fort at the mouth of Chatahoochee River, which is navigable untill it comes within less than one hundred miles of our Frontier, which had this ill effect, that the Ochesee nation have withdrawn their dependence upon the English, and though they suffer the English to trade with them, yet the French does the same alsoe, and having water carriage to them, makes the Indians intollerably insolent, and our trade precarious; and there is great reason to believe, that in a Warr they would joyn the French against us, having already a quarrel with us. But in the Year 1718, the French quitted that last mentioned Fort, because the Spanish Fort of Pensacola, lay between the same and the rest of their usurpations, upon which, the Spaniards took possession of the same, and erected a fort there. But in the year 1719, the French took Pensacola from the Spaniards, whereby, they are become Masters of our Excellent harbor, for Men of Warr; which, untill then, they were destitute of, the whole Coast being shallow for several hundred leagues to the westward of the same. And that same year, 1719, they imported above four thousand into these parts, and are building their Capital City near the mouth of the River Missassipi naming the same New Orleans, which is four hundred and eighty miles from our Frontiers, They are now preparing to repossess themselves of Chatahoochee River (called by the Spaniards the Apalachicola River) and make a strong settlement

there, and as their Emisarys have been viewing the coast between this Settlement and St. Augustine it puts us into a terrible consternation, and they are so sensible of our weakness, being left abandoned, void of Royal Protection, that they are not ashamed to give out among the Indians that they will take a time to drive us into the Sea, and not leave an English man upon the Main. Their prodigious and swift proceedings and powering such numbers of indigent needy soldiers into those Lands, and who haveing no Plantations nor anything of their own are greedily expecting a conjuncture to have the plundering of our Flourishing Settlement, wherein is about twelve thousand Negro Slaves, and the Inhabitants finding noe remedy from the many Representations made to the Lords Proprietors to take some measures to put a stop to these Ineroachments, who never thought it worth their while so much as to give an answer to the same, that all those that are able were making preparations to remove to places of safety, untill, to prevent the ruin of the Province and preserve soe good a Country to the British Dominion, they resolved to throw off the Yoak of the Prop^{rs} and assume the Governm^t in his Ma^{ty}'s name, that being more immediately under the influence of the Royal Governm^t we may become sharers of the safety and protection enjoyed by the rest of his happy subjects.

And as there is no other remedy left to prevent the impending ruin of this Settlement from the French whenever they please to put their designs in execution, but his Ma^{ties} powerful protection and assistance, soe it is most undoubtedly true that if this Settlement be by any interest of the Proprietors longer deprived of the same, that the Inhabitants under such circumstances will sooner draw off their Estates and families to places of safety than any longer contribute to preserve them, seeing that after all that they can doe it will not be in their power.

To the Sixth Query, What trade is there in that Province, by exportation ; how and in what particulars is the trade thereof increased or decreased of late years, and what hath been the reasons of such Increase or Decay.

As for the Trade the Province is in a very flourishing condition in all its Branches, (except what relates to the

Answer.

Indian Trade, which is above half lost to the French,) Tho' the chief exportation consists in rice, pitch, tarr,

and turpentine, skins, great store of timber and masts for shipping, and other naval stores, and great plenty of black cattle and hoggs for provisions, and the soil is likewise very fit and apt for the production of Hemp, Flax, Indigo, Cotton, and more especially silk, and only wants persons of skill for the manufactory thereof. This, together with the returns made in bullion that we receive in return for the provisions we transport to the West India Islands, goes all to Great Britain to the value of about eighty thousand pounds sterling p^r ann., and near two hundred sail of all sorts are freighted here in a year, but still wanting other manufactures. We receive Cloathing, Furniture, Iron Ware, and every other thing that is necessary for the conveniency of the life of man from Great Britain, whose Merchants are the only Traders with us, and by yearly supplying us with near one thousand negroes encreases our export by the many more hands sett at work. Soe it is more apparent that if we were under the steady and regular Government of his Maj^{ty} and thereby entituled to the more immediate protection of his Royal authority, that we might be secured thereby from the threatenings of our powerful Neighbours, the Spaniards, and the incroachments of the French, and we should in a few years become as considerable to the Crown of Great Britain as any Plantation in America, which otherwise must be lost to the same.

To the Seventh Query, What Number of Ships or other Vessels are there belonging to the Province, where built, and what number of seafaring men, what manufactures are settled there, of any sorts whatsoever.

Answer.

The Trade being in a manner carryed on by the British Merchants, there are not above twenty small Vessels belonging to the Traders here, which mostly were built here. As also the London merchants send and build vessels here. Soe the number of Seafaring men are very few; and being altogether supplied with necessaryes from Great Britain, there is noe manner of Manufactures settled here, but what is mentioned as above. But to illustrate this Branch of Trade more particularly, We send an abstract taken from the Collector's Books relating to the same.

To the Eighth Query, Whether there be any Mines, and of what sorts.

Answer.

We know of none certain, except Iron Mines, which the Proprietors having the royalty of, discourages any attempts of opening; and if they were compounded with for their Royalties in the same, Yet no body would be at the charge of such a Work in a place of no real security and so lyable to the incursion of Enemies. But the case would be much bettered under his Ma^y Govem^t. But we have been frequently told that in the mountainous parts of the Colony there are mines of Gold, Silver, Copper and several other Oars, tho' we doe not take upon us to affirm the same of our own knowledge.

AN ACCOUNT OF THE EXPORT OF SOUTH CAROLINA
TAKEN FROM THE COLLECTOR'S BOOKS FOR Y^E
YEARS 1717-18 TO 1718-19, AND FROM 1718-19 TO
1719-20.

EXPORTED FROM THE PROVINCE OF SOUTH CAROLINA FROM JAN^y
1717-18 TO JAN^y 1718-19, VIZ :

To Great Britain six thousand seven hundred and seventy three Barrels of Rice, eighteen thousand four hundred and fourteen Barrels of Pitch, Twenty seven thousand six hundred and sixty Barrels of Tarr and forty three Chests of Deer Skins, Besides Logwood, Braziletta, Hogsh^{ds} and Pipe Staves, Cedar plank, Pine Planks, Boards, &c.

To the several Plantations, Two thousand three hundred and thirty three Barrels of Rice, Four thousand one hundred and eighty seven Barrels of Pitch, and five thousand six hundred and seventy seven Barrels of Tarr, besides Masts, Booms, Bow-sprits, Barrels of Beef, Porke, Butter, Candles, Soap, Tallow, Deer Skins, Tan'd Leather, Raw-hides, Corn, Pease, Cedar-plank and pine-plank, Hoops, Staves, Oars, Shingles, &c.

EXPORTED FROM THE SAID PROVINCE FROM JAN^y 1718-19 TO JAN^y
1719-20, viz :

To Great Britain nine thousand one hundred and fifteen Barrels of Rice, Twelve thousand four hundred and seventy five Barrels of Pitch, Fifteen thousand and fifty two Barrels of Tarr and eighty Chests of Deer Skins, besides Logwood, Braziletta, Hogsh^{ds} and Pipe Staves, Cedar and Pine Planks, Boards, &c.

L To the Plantations, Three thousand nine hundred and fifty three Barrels of Pitch, and six thousand two hundred and seventy three Barrels of Tarr, besides Masts, Booms, Bowsprits, Barrels of Beefe, Porke, Butter, Candles, Soap, Tallow, Deer Skins, Tan'd leather, Raw-hides, Corn, Pease, Cedar-plank and Pine-plank, Staves, Hoops, Boards, Shingles, Oars, &c.

A CHAPTER

IN THE EARLY HISTORY OF

OUTH AROLINA.

BY

WM. J. RIVERS, A. M.,

Author of "A Sketch of the History of South Carolina to the close of the
Proprietary Government by the Revolution of 1719."



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