

that so necessary a Work ought not to be any longer delayed. Therefore consulting the Public utility and Convenience They have Ordered that a Poll Tax of 5/- per head be levied on ye Tithable Inhabitants of this County agreeable to and in pursuance of the said Law for two Years Successively and that the said Levy be made each Year by the Sheriff that is between the 1st day of January and the 1st day of March next following and for the next ensuing Year."

Nath: Rice, R: Moore; Will: Dry, Jehu Davis.

[Minutes of March Term 1739/40 are lacking.]

JUNE TERM 1740

Wilmington, Tuesday 10 June 1740

f 24v North Carolina)
New Hanover County) ss.

At a Court held at Wilmington in and for the said County on Tuesday the 10th June 1740. Present: Mathew Rowan, James Murray, Sam Woodward, William Farris, Robert Walker, Richard Eagles, Thos. Clark, Esqrs.

Daniel Dumbibin produced Governor's appointment and qualified as Notary Public and Tabellion; and James Smallwood produced Governor's
f 25 commission and qualified as Register of New Hanover County.

Nicholas Fox produced a commission from Nathaniel Rice, Esq. appointing him Clerk of the Court for said County and qualified therefor.

Gentlemen appointed Commissioners of the Highways: Mathew Rowan, Wm Farris, Thomas Clark, Richard Eagles, and Robert Walker, Esqrs.

Jno. Wattson ack. his deed to Richard Eagles; that of Maurice Moore to Jno. Perry was proved by Nicholas Fox; Rufus Marsden ack. deed to Richard Eagles; and a deed from John Benson to Patrick Doram and another from Thos. Jones to Thomas Hedges were proved by Nicholas Fox.

f 25v Adjourned to 3 p. m., when same Justices present as before.

James Innis and John Porter, Esqrs. qualified as Justices.

John Taylor appeared on his recognizance and was ordered to reappear tomorrow.

On a complaint of Mete Meneme Saute against his master or overseer Moses Gomez for "not allowing him sufficient meat to eat with his bread kind," Jerome MacSalvis and Moses Gomez were examined. Ordered that Gomez use his servant in a better manner and give him what is usually allowed in such cases.

Patrick Donald was called and ordered to reappear tomorrow.

Called over the following causes: Dom. Rex v. Taylor, Dom. Rex v. McClemmy, and Dom. Rex v. Thos. Hill, and ordered that the parties appear in the morning.

Deeds proved: James Long to Dan Dunbiben, by Thos. Hodges; and f 26 Michael Higgins to Richard Eagles, by Thomas Wayman.

Adjourned to 8 a. m.

11 June 1740

Present: Mathew Rowan, Samuel Woodward, Robert Walker, Thomas Clark, James Innis, James Murray, William Farris, Richard Eagles, John Porter, Esqrs.

Deed; James Wimble to Richard Mortimer; proved by Sam Swann.

Estate of Wm. Lewis, Decd.--Will proved by Jno. Potter.

Estate of Thos. McLemmy, Decd.--Mr. Samuel Swann produced the will which the testator neglected to sign but which was signed by three witnesses. Ann McLemmy, one witness, testified the will was made by order f 26v of decedent. Ordered that recommendation be sent the Governor to grant Letters of Administration with will annexed. "Will delivered Mr. Fox, D. S."

Robt. Hogg v. Thomas Bell.--Defendant's security Jonathan Swain confessed judgment for £48-10-0 and costs. [A large award for Court.]

Estate of Henry Inider (alias Taylor)--Benjamin Befrit appointed Guardian: bond £400.

Estate of Wm. Lewis, Decd.--will proved by Jno. Potter.
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Robt. Hogg v. Thomas Bell.--Defendant's security Jonathan Swain confessed judgment for £48-10-0 and costs. [A large award for Court.]

Estate of Henry Inider (alias Taylor).--Benjamin Befrit appointed Guardian; bond £400.

The execution against James Poitevint for non-attendance as jurymen last June was argued by both parties, and he was ordered to pay his fine as specified therein. John Guess and Alexander McCulloch were excused for a like offense "having given sufficient reasons." Delay granted till next court for the several persons who failed to appear for jury duty to give their reasons.

f 27 "A complaint of Patrick Donald against Thos. Hutchings (being made) upon an agreement ... Whereby the said Hutchings obliged himself to the said Donald to give him a full discharge from an Andnre, which sd. Hutchings had of his for four Years upon Condition of the said Donald's making two hundred and twenty pair Shoes or pumps such as the said Hutchins should direct and also that he shou'd teach said Hutchins Sons to read and write for that time, The Court having taken the said agreement into their consideration and it appearing to them that the said Donald did all that was possible to Comply with the said agreement within the time Limited he having compleated and performed the same afterwards as soon as the Act of God (by sickness) would permit him, It was therefore Ordered that the said Donald shall be discharged from his said Inders of Apprenticeship and from all Service to the said Hutchins for the remainder part of the time Mentioned in the said Indenture."

A deed from David Morgan to Jean Alston, and another from Jean Alston to David Morgan, were proved by James Innis.

f 27v

Deeds proved: James Brown to Thos. Hedges, by Nicholas Fox; Benjamin Mott to Joshua Johnston, by Thomas Jennings; John Gardiner Squires to Robert Halton, by Stephen Carter; and Roger Moore to Robert Halton, by Archibald Hamilton.

Adjourned till 3 p. m., when present: James Murray, Thomas Clark, John Porter, Saml. Woodward; Robert Walker, James Innis, Willm. Faris, Richard Eagles, Esqrs.

Marks and brands.--William Reyley: a slit in the right and an under square in the left ear; brand: W R; Thomas Hutchins: an upper keel and under keel in both ears; brand: **M**—

f 28

Miles Sweeney v. John Sampson.--Jury found for Plf., £14-0-7 with costs; James Poitevint v. Saml. Tuson.--Found for Plf., £22 and costs.

Presentment against Rufus Marsden.--for an unlawful cellar in the street and also an oven, both public nuisances.

Constables appointed: Jonathan Swain, Jr., for Lockwood's Folly; Thomas Edinfiele, Brunswick; Josiah Bell, Old Town Creek; John Linscomb, North West; Thomas Hedges, Wilmington; Solomon Ogden, Wilmington Country District; Christo. Dudley, The Sound; Christo. Ottey and Wm. Harvey, Long Creek and Rocky Point; John Porter Carpenter, Welch Tract, "& if he swears he is above 60 then Jonathan Evans to be chosen;" Benja. Be-frett, Golden Grove; and Charles Ratclift, Quintin.

f 28v

On the petition of Andrew Spearman in re Joshua Johnston, "&c.," the petitioner was ordered to appear tomorrow.

John Taylor being called on his presentment submitted to the Court and was discharged, paying his fees and fine of 1/- proclamation.

Presentments of Grand Inquest: George Bishop, Henry Bishop, Catherine McClemmy, Richard Earle, Richard Ogden, et al.--for retailing liquors to sailors, travelers and others without license; several of the public landings in this Town--for being taken up and rendered useless by sundry sorts of lumber, etc. on the places; that many complaints are made to us that cattle are frequently lost to the owners on the Sound,

f 29

down the Neck to Brunswick, and places adjacent to this Town "and that it is requested that they are often killed in a private and clandestine

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f 29v Deeds proved: Thomas Jennings to Nath Rice, Esq., by Nicholas Fox; from Dyer [sic] to Nathani. Bunn, by Nicholas Fox; Richard Hoff to Danl. Dumbibin, by Rufus Marsden; John Guess to John Perry, by Nics. Fox; and Robert Halton to Jno. Duboase, by John Porter. John Watson ack. his deed to Mich Higgins.

f 30 Deeds proved: Joshua Grainger to Morgan Morgan, by Nichols. Fox; Ann Shirley to Stewart and McLarin, by Nichols. Fox.; Wimble to Marsden, by Nicholas Fox; Nathl. Moore to Job How, by Richard Eagles; James Wimble to Jno. White, by Richard Allison; John Swan to Wm. Reyley, by Archibald Hamilton; and William Gray to Jacob Waldron, by John Smithies.

The Justices having considered a clause of the Wilmington Act whereby a poll tax of 5/- per tithable inhabitant of the County for two years was laid on by the Justices at Brunswick, to be applied toward finishing the court house and building a jail in Wilmington, ordered that the Sheriff pay Samuel Woodward, Esq. the money arising therefrom which he f 30v was to collect by the first of March last; that the Commissioners of the Town "do pitch upon" and purchase a convenient site for the jail and agree with proper tradesmen to built it, paying for it out of said money and reporting what they have done to this Court in September next; that, if the Sheriff does not pay said money, the Commissioners are empowered to prosecute him without delay; and that a copy of this order be served on the Sheriff. Court then adjourned till 8 a. m. tomorrow.

12 June 1740

Present: James Murray, Robert Walker, James Innis, Thomas Clark, John Porter, Wm Faris, Esqrs.

f 31 Deeds proved: Timothy Bloodworth to Robert Halton, by James Innis; Robert Halton to Thomas Clark, by James [Innis]; Robert Halton to James Murray, by Thomas Clarke; James Brown to John Porter, by Thomas Sawier; Daniel Dunbibin to John Porter, by Thomas Sawier; Tabitha Larkin to John Porter, by Richard Lovett; Francis Veale and Jacob Moore to John Porter, by Thomas Sawier; Roger Rolfe to John Porter, by Lewis DeRossett; John Cox to John Porter, by Thomas Sawier; and Michael Dyer to John Porter and John Duboise, by Thomas Sawier.

f 31v Rufus Marsden and his two sureties Richard Allison and Richard Ogden bound over till next Court in re two presentments against Marsden.

Present: James Murray, Robert Walker, James Innis, Thomas Clark, John Porter, Wm Faris, Esqrs.

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f 31v Rufus Marsden and his two sureties Richard Allison and Richard Ogden bound over till next Court in re two presentments against Marsden.

Thomas Hutchins and Henry Bishop having refused to give reasons for absence as jurymen at June Court last, the Sheriff was ordered to levy executions for their fines immediately. Michael Higgins swore he was very sick when the Court sat at Brunswick in June last, and was excused. Daniel Dunbibin gave sufficient reason for similar absence; excused.

Deed: Thomas Jones to John Porter, proved by James Smallwood.

f 32 Deeds ack.: Michael Higgins to Rufus Marsden; Francis Veal to Michael Butler; John Wattson to Rufus Marsden; and Francis Veal to Wm. Rigsby.

Estate of Samuel Spearman.--Robert Walker and Thomas Jennings appointed Guardians.

Jurymen fined, by executions returnable to next Court, for absence with no reasonable excuse: John Dalrymple, Richard Quince, Jno. Martin-dale, John Simpson, James Henry, Jonath. Dixon and Joshua Johnston.

On representation that a ferry is needed over Old Town Creek about the place where Solomon Lewis and John Benson live, Ordered that said John Benson appear before William Faris, Esq. to give bond for keeping said ferry; provided, that if Mr. Benson refuses bond or if Mr. Faris finds him not a proper person to keep the ferry, Mr. Faris is empowered f 32v to take bond from any other person at his discretion.

On motion of Richard Ogden, by Mr. Richard Lovett, Atty., to lay off two acres of the lands of Michael Dyer near the bounds of Wilmington for the use of a grist mill, it was ordered that Dyer appear within ten days after notice before William Faris, Esq. to give security to build a mill on his land as the law directs, failing which the Clerk is to issue a warrant to the Surveyor General to lay out two acres of the said land and that the Sheriff summon Michael Higgins, Joshua Grainger, James Campbell and Francis Veale to appraise said land.

"Ordered that the Clerk receive of Nathaniel Rice, Esq. the Sheriff or any other person what money that [they] have received by any of them either by fines levied by ..." [Remainder of this entry and any additional minutes of June Term 1740 are lacking.]

SEPTEMBER TERM 1740

Wilmington, Thursday 11 September 1740

[Earlier minutes of September Term 1740 are lacking.]

f 33 "Robert Walker, Esqr. Inspector of the [mutilated] mentioned in one of the aforesaid Acts [] into his Office as the law directs."

Adjourned till 3 p. m., when present: The Hon. James Murray, Samuel Woodward, Wm Farris, John Sampson, Robert Walker, Thos. Clark, Esqrs. Jonathan Dixon, James Campbell, David Morgan and Alexr. Strauhan gave sufficient reasons to the Court and were discharged.

f 33v Dom. Rex v. Rufus Marsden.--Traverse. Petit jury found for Dft.

Dom. Rex v. Pandem.--Dismissed on motion of the King.

Poitevint v. Tuson.--Jury found for Plf.

Robert Walker, Esq. gave bond for his office of Inspection according to the directions of the Commodity Act. Adjourned to 9 a. m.

12 September 1740

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f 33v

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Poitevint v. Tuson.--Jury found for Plf.

Robert Walker, Esq. gave bond for his office of Inspection according to the directions of the Commodity Act. Adjourned to 9 a. m.

12 September 1740

Friday; met pursuant to adjournment; present: The Hon. James Murray, Samuel Woodward, Robert Walker, John Sampson, William Faris, John Porter, Esqrs.

f 34

Ordered that the tax of 10/- proclamation per poll "aforementioned" be paid by the Sheriff to Jno Porter and Robt Walker, Esqrs. who are hereby empowered to provide the public warehouse of this County with beam scales and weights and pay for them out of that tax; and they are to account with this Court either in December or March next.

Resignation of Colo. Thomas Merrick as ferry keeper at Brunswick ordered effective within a month after this Court; provided that if any proper person give bond for keeping it prior thereto, before Eleazar Allen or Roger Moore, Esqrs., Merrick shall then be released.

f 34v

13 September 1740

Met pursuant to adjournment, 9 a. m.; present: The Hon. James Murray, Samuel Woodward, Wm Faris, Robert Walker, Esqrs., Justices.

Mary Eliot, Freewoman, petitioned for her freedom dues from Michael Higgins to whom she had lately been an indentured servant. Ordered that Higgins appear at ye Court of Sessions on Tuesday next to show cause why he has not paid such dues as required by law.

Deed; Michael Higgins and Anne his wife to James Brown; proved by ye oath of John Smythey.

Received from Robt Walker, Esq. one of the Justices a certificate of his swearing John Porter Carpenter into ye office of Constable.

The Court adjourned to Monday morning next 15th Sept. 9 of clock.

15 September 1740

Present: The Hon. James Murray, Esq. Adjourned till Tuesday 9 a. m.

f 35

16 September 1740

Present: The Hon. James Murray, Thomas Clark, Esqrs. Justices, when on "16th Sept. Met pursuant to adjournment."

The show cause order against Michael Higgins was continued. Adjourned till tomorrow 9 a. m.

17 September 1740

Present: The Hon. Mathew Rowan, James Murray, Wm Faris, Esqrs. Edward Mosely, Esq. qualified as a Justice; a deed from Timothy Bloodworth to Phillip David was proved by Morgan Morgan; the order against Mich. Higgins was continued; and Court adjourned till 9 a. m.

18 September 1740

Present: The Hon. Mathew Rowan, James Murray, Samuel Woodward, Esqrs. Justices.

f 35v John Lynscomb having been at last Court appointed Constable appeared in Court and refused to qualify. Fined £10, to be paid to James Murray, Esq.

Mary Eliot v. Michael Higgins.--To show cause why Higgins has not paid freedom dues to Mary his late servant. Higgins answered that he

Present: The Hon. Mathew Rowan, James Murray, Wm Faris, Esqrs.
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18 September 1740

Present: The Hon. Mathew Rowan, James Murray, Samuel Woodward, Esqrs. Justices.

f 35v John Lynscomb having been at last Court appointed Constable appeared in Court and refused to qualify. Fined £10, to be paid to James Murray, Esq.

Mary Eliot v. Michael Higgins.--To show cause why Higgins has not paid freedom dues to Mary his late servant. Higgins answered that he gave her one suit of clothes a little before the expiration of her servitude. Ordered that he pay her "another good Suit of Cloathes & three Barrels of Indian Corn" within ye space of 10 days, with costs.

f 36 John Benson bonded as ferry keeper over Old Town Creek.
Adjourned till 9 a. m. tomorrow.

19 September 1740

Present: The Hon. James Murray, Wm. Faris, Jn. Sampson, Esqrs.

A power of attorney, Amice Gabourell to James Innis, proved by Eleazor Allen, Esq.; deed ack. by Michael Higgins to Roger Curling.

Also a deed was presented from James Wimble to Roger Curling, and "Said Wimble his handwriting and ye handwritings of William Powels & John Davenport the only Subscribing Witnesses thereto (supposed to be [sic] gone out of this Province) proved by ye Oaths of Michael Higgins & John Smythies."

Hugh Blenning ack. his assignment to the wife of the aforesaid Roger Curling of a deed from Maurice Moore to Blenning.

Adjourned till 9 a. m. Monday morning.

f 36v

22 September 1740

Present: The Hon. James Murray, Esq. Adjourned till 9 a. m.

23 September 1740

Present: The Hon. Edwd. Mosely, Roger Moor, James Murray, Rich: Eagles, John Porter, John Sampson, Robt. Walker, Esqrs. Justices.

John Donaldson to keep ferry at Donaldson's Bluff over N. W. Branch of Cape Fear River.

Eliot v. Higgins.-- Continued till afternoon.

Indenture between Martin Jenkins and Robert Walker, with receipt, proved by Daniel Thompson.

Adjourned till 4 p. m., when present: [same Justices as before plus Matthew Rowan].

f 37

Eliot v. Higgins.-- On rehearing, former order reversed.

The King v. Rufus Marsden.-- "The Deft. being rallied & no person appearing was discharged by Proclamation."

Adjourned till noon tomorrow.

24 September 1740

Present: James Murray, James Innis, Robt. Walker, Wm. Faris, Jn. Sampson, Sam. Johnston, Esqrs.

Two P/A, John Watson to Robert Walker, and Thomas Hart to Jn. Sampson, proved by Robert Hamilton, Esq.

Estate of Alexander Glass, Decd.-- Since will's subscribing witnesses Joseph Oldman and John Prince are "not Inhabiting in this province," held to be in handwriting of said Glass by the oaths of Daniel Dunbibbin and John Smythies. The Court then adjourned till 9 a. m. tomorrow.

f 37v

25 September 1740

24 September 1740

Present: James Murray, James Innis, Robt. Walker, Wm. Faris, Jn. Sampson, Sam. Johnston, Esqrs.

Two P/A, John Watson to Robert Walker, and Thomas Hart to Jn. Sampson, proved by Robert Hamilton, Esq.

Estate of Alexander Glass, Decd.--Since will's subscribing witnesses Joseph Oldman and John Prince are "not Inhabiting in this province," held to be in handwriting of said Glass by the oaths of Daniel Dunbibbin and John Smythies. The Court then adjourned till 9 a. m. tomorrow.

f 37v

25 September 1740

Present: James Murray, James Innis, Rich. Eagles, John Sampson, Robert Walker, Esquires Justices.

A P/A from Martin Jenkins to James Murray, Esq. was proved by John Sampson, Esq.; and then the Court adjourned till 9 a. m. tomorrow.

26 September 1740

Present: James Murray, Sam Woodward, Jn. Porter, Wm. Faris, Jn. Sampson, Esqrs.

f 38 James Smallwood, Gent. produced a commission of appointment from the Governor and was admitted to act as Clerk of the County Court of New Hanover and also Clerk of the pleas within the same. The present Clerk and every other person having any papers belonging to the office are required to deliver them to the new Clerk at the Court House in "Wilmington" within eight days after service of notice.

27 September 1740

Saturday, met according to adjournment; present: The Hon. James Murray, Wm Faris, John Sampson, Esqrs.

Assignment of a patent; James Innes to Donald and Duncan McKieham and William McFarlane; 640 acres in Bladen County; proved by Hon. James Murray, Esq.

Francis Veale proved deed, John Watson to James Campbell, three lots in this Town; and Hon. James Murray, Esq. ack. deed to David Thompson, 300 acres on the Sound.

"Thomas Huggines paid his fine of 30/- Proclamation money at 4 for one Currency -- £6-0-0."

Adjourned till 9 a. m. Monday.

29 September 1740

Present: The Hon. James Murray, John Porter, Wm Faris, Robt Walker, John Sampson, Esqrs. Justices. "And Adjourned till Tomorrow 9 a Clock."

f 38v

30 September 1740

Tuesday, met according to adjournment, when there were present The Hon. James Murray, William Faris, John Sampson, Esqrs., Justices, and the Court adjourned to 9 a. m. tomorrow, Wednesday, 1 October 1740; at which time the Court met accordingly, with these same Justices present, and adjourned likewise to 9 a. m. the following day. On Thursday, 2 October 1740, the Court composed of the same Justices went through the same motions and adjourned to 9 a. m. tomorrow.

3 October 1740

Present: same as before.

James Campbell to be notified that unless he gives bond before tomorrow morning for keeping the ferry between Wilmington and Welsh's Creek, the Court will treat with somebody else.

Deed; Joshua Grainger to Samuel Johnston, Esq.; for a lot in Wilmington bounded to N. by Wm. Faris, Esq. and to S. by James Innes, Esq.;

Hon. James Murray, William Faris, John Sampson, Esqrs., Justices, and the Court adjourned to 9 a. m. tomorrow, Wednesday, 1 October 1740; at which time the Court met accordingly, with these same Justices present, and adjourned likewise to 9 a. m. the following day. On Thursday, 2 October 1740, the Court composed of the same Justices went through the same motions and adjourned to 9 a. m. tomorrow.

3 October 1740

Present: same as before.

James Campbell to be notified that unless he gives bond before tomorrow morning for keeping the ferry between Wilmington and Welsh's Creek, the Court will treat with somebody else.

Deed; Joshua Grainger to Samuel Johnston, Esq.; for a lot in Wilmington bounded to N. by Wm. Faris, Esq. and to S. by James Innes, Esq.; proved by Thomas Sawier, present when James Smallwood witnessed it.

f 39

4 October 1740

Saturday, 9 a. m., met according to adjournment; present: John Porter, William Faris, John Sampson, Esqrs. Justices.

Petition filed by John Martindale pursuant to yesterday's order to keep the ferry between Wilmington and Welches Bluff, with Rufus Marsden and Michael Higgines as sureties, was granted.

Deposition of Michael Higgins, taken at request of Saml. Johnston, Esq., concerning a certain lot in Wilmington formerly called "Jump."-- Affiant declared that the "middle water Lot" of five lying between Market and Walnut streets was the lot formerly called "Jump;" that he was present with Josua Grainger the third proprietor of that part of the Town when he sold it to said Jump, a Master of a Ship, but the particulars of their conversation he does not remember; and from what then passed he verily believes the said lot took its name as aforesaid.

Adjourned till 9 a. m. Monday.

6 October 1740

Present: The Hon. James Murray, John Porter, William Faris, Robt. Walker, John Sampson, Esqrs. Justices. Adjourned to 9 a. m. tomorrow.

[Additional minutes of September Term 1740 are lacking. Folios 39 v., 40 and 40 v. are blank.]

DECEMBER TERM 1740

f 41

Wilmington, Tuesday 9 December 1740

Court held; present: The Hon. James Murray, Robert Walker and John Sampson, Esqrs. Justices. Grand jury impaneled, and Court adjourned till 9 a. m. tomorrow.

10 December 1740

Petition of Mary Gallant to have an orphan child bound postponed till tomorrow by the Court: JJ. Rowan, Murray, Porter, Sampson, present. Adjourned till 3 p. m.; when present: Math. Rowan, Edw. Moseley, Jas. Murray, Jno. Porter, Robt. Walker, John Sampson, Esqrs.

Armd. DeRoset v. [Tho.] Sawler.--Jury, composed of Joshua Johnson, Wm. Riley, Richd. Earl, Mich. [], Caleb Mason, John Anderson, Wm. Harvey, Derick Huff, William Nichols, Thomas Evans, Saml. Boneham, and Tho. Nixon, found for Plf. Defendant's motion for arrest of judgment was granted.

James Campbell v. John Anderson.--Jury trial. [Mutilated.]

Adjourned till 9 a. m. tomorrow.

f 41v

11 December 1740

Adjourned till 3 p. m.; when present: Math. Rowan, Edw. Moseley, Jas. Murray, Jno. Porter, Robt. Walker, John Sampson, Esqrs.

Armd. DeRoset v. [Tho.] Sawler.--Jury, composed of Joshua Johnson, Wm. Riley, Richd. Earl, Mich. [], Caleb Mason, John Anderson, Wm. Harvey, Derick Huff, William Nichols, Thomas Evans, Saml. Boneham, and Tho. Nixon, found for Plf. Defendant's motion for arrest of judgment was granted.

James Campbell v. John Anderson.--Jury trial. [Mutilated.]

Adjourned till 9 a. m. tomorrow.

11 December 1740

Present: Edwd. Moseley, Roger Moore, James Murray, John Porter, Richard Eagles, Thomas Clark, Robert Walker, John Sampson, Esqrs.

Motion made by Mr. Samuel Bridgen for admission as Deputy Clerk of the Crown in New Hanover, so that he might obtain the presentments of the Grand Jury and other papers relating to the office, pursuant to a commission from Nath. Rice in his capacity as Clerk of the Crown in North Carolina. Thereupon Mr. Smallwood insisted that his commission from the Governor constituted his appointment as Clerk of the Crown. Held, that Mr. Bridgen should not be admitted, and that Mr. Smallwood should be continued in that office pursuant to the Governor's commission until it appears that Mr. Rice has the power to appoint a deputy. JJ. Moseley, Moore and Porter dissented on the ground that the Act of Assembly recited in Mr. Smallwood's commission gives the Governor no such power.

Richard Earl gave bond for his appearance at next Court to answer "such things as shall be objected against him by his Majesty Attorney."

Henry Bishop did likewise, with William Morris as security.

The petition of Mary Gallant that an orphan child Mary Knight produced in Court might be bound to her until age 16 was granted. The Clerk will draw indenture "with proper Covenants obliging the said Mary Gallant to learn the sd. [mutilated]."

f 42

The brands and marks of Thomas Clark, Esq., Tho. James, and John Watson were recorded; and the Court adjourned till 9 a. m. tomorrow.

12 December 1740

Present: James Murray, Richard Eagles, John Sampson, Esqrs.

Jurymen absent at present Court -- James Campbell, Richd. Quince, James Longe, and Arch. Nichols as grand jurors, and Michl. Bridell, Joseph Alexander, Jeremiah Bigford, and Benjamin Hilliard as petit jurors -- each to show cause to next Court why he should not be fined 30/-.

Read over list of deeds Nos. 1 to 25 inclusive proved at this Court.

Nath. Rice, Esq. and any other person having fines or other moneys of the Court to pay same to Clerk.

[Mutilated] John Smithies is to [].

f 42v

Constables appointed in June Court last who failed to attend this December and last September Court -- Jonathan Swain, Jr., Thomas Winfield and Josiah Bell -- shall insofar as they have been given notice to qualify show cause to the next Court why they shall not be fined £10 currency.

Signed civil and crown dockets, and ajourned to the Court in Course.

MARCH TERM 1740/41

f 43

Wilmington, Tuesday 10 March 1740/41

Present: Richard Eagles, Wm McRee, Wm Faris, Thomas Clark, John Sampson, Esqrs. Justices.

Grand Jury sworn, and adjourned to 3 p. m. [when same Justices present as before plus John Porter, Esq.].

Benj. Hillyard excused for absence as juror at December Court last; Richard Quince excused for such absence because he is not a freeholder

Wilmington, Tuesday 10 March 1740/41

Present: Richard Eagles, Wm McRee, Wm Faris, Thomas Clark, John Sampson, Esqrs. Justices.

Grand Jury sworn, and adjourned to 3 p. m. [when same Justices present as before plus John Porter, Esq.].

Benj. Hillyard excused for absence as juror at December Court last; Richard Quince excused for such absence because he is not a freeholder in this County; James Campbell was also excused for such non-attendance; and Wm Rigby was excused for non-appearance as grand juror at this Court.

f 43v

Constables appointed: Henry Shaw, Lockwood's Folly; John Clitheral and Richard Quince, Brunswick; Solomon Lewis, Old Town Creek; Richard Price, North West; Thomas Finney, Wilmington; Wm. Swann and Henry Bishop, Upper part of the Sound; Archd. Nichols, Lower part of Sound; Anthony Bourdeau, Long Creek; William Harvey, Rocky Point; Wm Lewis, Jr., Welch Tract; Hugh McAlexander, Golden Grove; and Charles Cox "Sworn June 1741," Quintin. Each shall be given 10 days' notice to qualify.

11 March 1740/41

Met at 9 a. m. pursuant to adjournment, when present: John Porter, Richard Eagles, Wm. McRee, Wm Faris, Thomas Clark, John Sampson, Esqrs.

Vote of Court in selecting three nominees to submit to Governor from which to appoint Sheriff: John Sampson voted for John Porter, Richard Eagles and Thomas Clark, Esqrs.; Thomas Clark for John Porter, Robert Walker and John Sampson, Esqrs.; Wm. Faris for Richard Eagles, Thomas Clark and John Sampson, Esqrs.; Wm. McRee for Richard Eagles, Thomas Clark and John Sampson, Esqrs.; Richard Eagles for John Porter, Thomas Clark and John Sampson, Esqrs.; and John Porter for Richard Eagles, Thomas Clark and John Sampson, Esqrs. Hence, majority was for Richard Eagles, Thomas Clark and John Sampson.

f 44

Petition of John Clark, brother-in-law of an orphan Andrew Guffolk who lives with Peter Cliff, to take him and care for him until age 14, was granted; and the petition of James Longe to be excused for absence as a juror at last December court was also granted.

The Court granted the motion of Corns. Harnett, Esq., by Mr. Archibald Hamilton, Atty., for an attachment against the estate of Michael Dyer, who escaped from the Sheriff's custody after an order passed against the Sheriff in the cause of Exec[r.] of Wm. Dry v. said Dyer.

Joseph Alexander was excused for absence as juror last December.

Presentments: Road from Long Creek Bridge to Dallinson's Ferry.--

for a causeway insufficient for travelers to pass; The road from Wood's Creek to the Lower Ferry on Town Creek.--as insufficient for travelers to pass, particularly at Jump and Run and the north side of said branch; and Abel Johnson.--for working constantly on the Lord's Day. This last

f 44v presentment was carried eight years against five nays. Also presented was Thomas Wayman.--for fraudulently taking and selling two or three pounds of tobacco at one time and four or five hands at another, the property of Michl. Higgines; and lending to James Longe half a bushel of Indian Corn, the property of Higgines; and selling one pound of tobacco, the property of Higgines, for a piggin. Foreman: Danl. Dunbibin.

Adjourned till 4 p. m. when present: John Porter, Richard Eagles, William McRee, Wm Faris, Tho. Clark, John Sampson, Esqrs.

On the petition of Reb. Perry to have an orphan Wm. Pigfoot bound to her until age 21, the Court "having considered the affair thought fit to bind the said boy to Benj. Fussel," for a term of 9 years, subject to his bond to teach the boy the trade of a carpenter, and provided that he pay Mrs. Perry £22-10-0 current money of this Province.

Michiel Higgines appeared to answer the complaint of Humphry Francis Eagleson his servant, and upon examination Mr. Higgines was discharged.

Michael Bridel was excused for absence as a juror December last.

Adjourned to 9 a. m. tomorrow.

Adjourned till 4 p. m. when present: John Porter, Richard Eagles,
William McRee, Wm Faris, Tho. Clark, John Sampson, Esqrs.

On the petition of Reb. Perry to have an orphan Wm. Pigfoot bound
to her until age 21, the Court "having considered the affair thought fit
to bind the said boy to Benj. Fussel," for a term of 9 years, subject to
his bond to teach the boy the trade of a carpenter, and provided that he
pay Mrs. Perry £22-10-0 current money of this Province.

Michiel Higgines appeared to answer the complaint of Humphry Fran-
cis Eagleson his servant, and upon examination Mr. Higgines was dis-
charged.

Michael Bridel was excused for absence as a juror December last.
Adjourned to 9 a. m. tomorrow.

12 March 1740/41

Present: same as above.

Hugh McAlexander, Archd. Nichols, Wm. Lewis, Jr. and Thomas Finney
qualified as Constables.

Archd. Nichols excused for absence as juror at December Court last.

f 45 Appointees as Constables who have not qualified to be given ten-day
notice to do so.

After reading in Court the petition of Eliz. Bowles, Benj. Hillyard
was put under bond, with Arch. Hamilton security, to appear at next
court.

Read over and signed Civil and Crown dockets and Probate Book.

[s] John Porter William Faris Thos. Clark John Sampson

[Folios 45 v., 46, and 46 v. are blank.]

f 47

JUNE TERM 1741

[Folio 47 v. is blank.]

f 48

Wilmington, Tuesday 9 June 1741

Court began; present: The Hon. James Murray, Samuel Woodward, Richard Eagles, William Faris, Robert Walker, Esqrs., Justices.
Charles Cox qualified as Constable for Quinton District.
Adjourned to 9 a. m. tomorrow.

10 June 1741

Present: The Hon. Roger Moore, James Murray, Samuel Woodward, William Faris, Wm. McRee, Esqrs., Justices.
Edward Hyne and Maurice Moore qualified and were seated on bench.
Thomas Clark produced commission from H. E. Gabriel Johnston, Esq., etc. appointing him Sheriff of the County and qualified therefor.
Saml. Bridgen produced a P/A to himself from John Agernon, of London, Merchant, authorizing him to receive effects and estate of the late Roger Haynes, of Cape Fear, Decd., which instrument was dated 3 November 1739, and proved under the seal of a notary public attested by the Lord Mayor of London, and ordered to be recorded.

Wm. Morris gave bond to appear as a witness in an action by the Crown against George Bishop.

f 48v

Appearance recorded by: George Bishop, Catherine McClammy, Richard Ogden, Henry Bishop and Richard Earle; also by James Murray, Esq.; and also by the Commissioners of the Highroads.

The King v. John Stoakley.--Catherine McClammy testified that she saw Stoakley strike William Swan. Dft. gave personal bond for his good behavior.

Francis Erwin and Henry Bishop gave their personal bonds.

Petition of Catherine McClammy, for license to keep an ordinary at her plantation near Topsail Inlet on the King's high road, was granted, with Mich. Lowber and Thom. McClammy securities. Likewise granted was that of Mich. Higgines to keep an ordinary in Wilmington. William White

also by the Commissioners of the Highroads.

The King v. John Stoakley.--Catherine McClammy testified that she saw Stoakley strike William Swan. Dft. gave personal bond for his good behavior.

Francis Erwin and Henry Bishop gave their personal bonds.

Petition of Catherine McClammy, for license to keep an ordinary at her plantation near Topsail Inlet on the King's high road, was granted, with Mich. Lowber and Thom. McClammy securities. Likewise granted was that of Mich. Higgins to keep an ordinary in Wilmington; William White and Francis Veal securities.

Adjourned to 3 p. m., when present: The Hon. Mathew Rowan, Maurice Moore, Edward Hyrne, William McRee, Justices.

Grand Jury: Daniel Dunbiban, James Brown, Rufus Marsden, Wm Norton, Neil McNeil, Ephriam Vernon, Francis Veal, James Longe, Edward Wingate, Wm White, Thomas Hedges, James Campbell, Wm Routledge, Joseph Jones, Robt. Potter, John Watson.

Anthony Bourdeau qualified as Constable for Long Creek District.

f 49 Read the laws governing ordinary keepers, cattle, and the better observance of the Lord's Day. Then adjourned to 7 a. m. tomorrow.

11 June 1741

Present: The Hon. Mathew Rowan, Edward Hyrne, Maurice Moore, John Porter, Wm McRee, Esqrs., Justices.

Solomon Lewis, John Potter, William Blake, and Josiah Bell each fined 30/- for failure to appear as petit jurymen of present Court.

Petit Jury called: Jno. Pitcock, Thomas Jennings, Richd Scott, Michl. Lowber, John Stoakley, Richard James, John Wharton, Joseph Poitevint, Thomas James, Adam Moore, Thomas Hutchins, Richard Ogden, John Maultsby, Junr., Jerimiah Bigford, Solomon Lewis, Danl. Norton, John Potter, William Blake, Josiah Bell, Wm Riley, Josiah Thomas, Joseph Price, Wm Nichols, William Morris, Fran: Erwin, Tho: McClammy, David Straughan, and Thomas Childes.

Estate of John McRee, Decd.--Wm. McRee, Esq., brother, principal creditor, and nearest of kin, appointed Admr.

Read Act of Assembly concerning servants and slaves; and adjourned to 3 p. m., when present: as above.

Estate of Thomas Marsden, Decd.--Mr. John Swann and Mr. Thomas Jones, Exrs., granted order to sell slaves.

f 49v Estate of William Maxwell, Decd.--Jas. Murray and Robt. Hamilton, Esqrs., Exrs., filed a petition "whc. petition is in writing and filed in the Clerk's office recited at length in the minutes afterwards," which was granted. Adjourned to 7 a. m. tomorrow.

12 June 1741

Present: The Hon. Eleazer Allen, Mathew Rowan, Roger Moore, Edward Hyrne, Maurice Moore, John Porter, Richard Eagles, William Faris, Robt. Walker, Tho. Clark, Esqrs., Justices.

Ephriem Vernon gave his personal bond of £30 proclamation, pursuant to the Act to Encourage the Building of Mills, etc.

Adjourned to 3 p. m., when present: [same as above, except Maurice Moore and John Porter were absent, and Edward Moseley was also present].

The motion of Nicholas Fox to be admitted, pursuant to his commission from Nath. Rice, Esq., to act as Clerk of the Crown was overruled, "and Mr. Smallwood continued to act," pursuant to the order of December Court last.

Motion of Henry Simons to resign as ferry keeper at Old Town Creek was granted, effective in 14 days.

↑ 50 The Hon. Edward Moseley, Esq. enters as hunters on his sundry plantations the following slaves: Mustapha, home plantation; Matt, Wright's Creek plantation; Manuel, Cowpen; Edsar, Stoney Brook plantation.

Petition of Roger Moore, Esq. to keep ferry at Brunswick granted.

John Stoakely discharged from his recognizance.

Prices fixed, "and no more," in currency of this Province for ordi-

Court last.
Motion of Henry Simons to resign as ferry keeper at Old Town Creek was granted, effective in 14 days.

4 50

The Hon. Edward Moseley, Esq. enters as hunters on his sundry plantations the following slaves: Mustapha, home plantation; Matt, Wright's Creek plantation; Manuel, Cowpen; Edsar, Stoney Brook plantation.

Petition of Roger Moore, Esq. to keep ferry at Brunswick granted.

John Stoakely discharged from his recognizance.

Prices fixed, "and no more," in currency of this Province for ordinary keepers during the ensuing year:

West India rum, gal. £4-0-0

New England rum, gal. 2-10-0

Madeira wine, qt. 17/6 to 20/-

--- proportionately for lesser quantity of each.

Dinner, with small beer 7/6

--- if without, 1/- less.

Breakfast and supper, each 5/-

Quart of punch with loaf sugar, lime juice

and 1/2 pint of rum in it if required 7/6 to 10/-

Quart of punch with brown sugar, lime juice

and 1/2 pint of rum if required 6/- to 7/6

Corn, qt. 1-0-0

Pasturage for first three days and nights,

per day and night 2/6

--- and for every day and night afterwards 1/3

Stabling with fodder, first eight days and nights,

per day and night 3/6 to 5/-

--- afterwards 3/6

Lodging, per night 2/6

Port wine, qt. 1-0-0

Florence wine, flask 1-0-0

Cyder and beer, of America, qt. 6/-

Cyder and beer, from Great Britain, qt. 15/-

Adjourned to 7 a. m. tomorrow.

"June 1742 new orders." [No particulars given.]

f 50v

13 June 1741

Saturday, met according to adjournment; present: The Hon. Edward Moseley, James Murray, John Porter, Wm Faris, Richard Eagles, Robert Walker, Esqrs., Justices.

Brands and marks recorded by: Robert Walker, Esq., Daniel Dunbibin, Thomas Finney, John Wharton, Rufus Marsden, Stoakley Bishop, Richard Earle, Henry Bishop, and James Brown. [Description lacking.]

On a complaint against Mary Gallant for inordinately beating and abusing an orphan child, her apprentice, she was ordered to give her bond of £30, for 12 months, with security of Thomas Fenny for £5, to perform her part of the indenture given the Court in December last.

Clerk to return to General Court all papers concerning bills or other business to be done there.

"All deeds and other Instruments of Writings proved in Open Court are Entered or recorded in the probat book kept for That purpose and also the verdicts, Judgments or orders relateing to the Several Actions depending in this Court are placed in the Docket where each actions are Entered."

f 51

The Act of Assembly relating to weights and measures was read with a view to choosing a Standard Keeper. None was appointed. Instead, the Court agreed with Robert Walker, Esq. that he should write to England and procure all such weights and measures as are prescribed for the Standard Keeper by that law; that he should be allowed 40% profit "clear of all charges on the invoice or first cost" of all such weights and measures purchased in England; that the money remaining in the hands of the Sheriff out of the tax of 10 pence per tithable levied last September by this Court and not heretofore appropriated shall be paid to Walker; that the balance due him shall be paid within one month after delivery of the weights and measures.

Court agreed with Robert Walker, Esq. that he should write to England and procure all such weights and measures as are prescribed for the Standard Keeper by that law; that he should be allowed 40% profit "clear of all charges on the invoice or first cost" of all such weights and measures purchased in England; that the money remaining in the hands of the Sheriff out of the tax of 10 pence per tithable levied last September by this Court and not heretofore appropriated shall be paid to Walker; that the balance due him shall be paid within one month after delivery of the weights and measures, and if not paid within six months Walker shall be at liberty to sell and dispose of them; and that the Clerk shall give Walker a copy of this order if desired.

Thomas Clark, Esq. qualified as Sheriff; and Corns. Harnet, Esq. engaged to be ready in Court on Monday to settle all taxes, executions, fines, forfeitures, etc. for which he is accountable to Court.

Adjourned to Monday morning 8 a. m.

f 5lv

15 June 1741

Present: The Hon. James Murray, Cornelius Harnett, John Porter, Wm Faris, Robt. Walker, Esq., Justices.

Grand Jury presentments: (1) that James Bell at the plantation of Edw. Wingate at Lockwood's Folly branded a colt with the letters F B, which colt the said Edward Wingate believed was two years old and brought up as a wild horse; along with a mare about one year old, which horse and mare the said James Bell did swim over Lockwood's Folly River to his brother John Bell's plantation, and the said Wingate declares that the said Bell did not claim the said horse as his own proper right but claimed him as taken up as a wild horse; (2) that the said James Bell later came to Edward Wingate and declared he had been out in the woods to hunt wild cattle when he and others with him had killed heifers, and Wingate believes neither the hides nor ears were brought before any magistrate; (3) that the jail in Wilmington stands in an improper place and is a nuisance to inhabitants thereabouts; (4) that Jane Langdon sometime

in the month of May last was delivered of a bastard child; (5) that Saml. Poitevint took out of the possession of John Pidcock at Rockfish Creek a mare between two and three years old branded with the letter **T** which Pidcock claimed as a ranger; and (6) that Samuel Poitevint at Long Creek did cut down several timber trees and make a road through the land of William Riley without any authority from the Commissioners of the Roads or orders from the Overseers. 12 June. Danl. Dunbibin, Foreman.

Read over and signed Crown and Civil dockets; as also list of deeds and other instruments proved at this Court and entered in the Probate book from No. 1 to No. 30.

Licensed to keep ordinaries: Edward Scott, in Brunswick, with Cors. Harnett and Wm. Dry securities; John Marshall, at his Ferry, John Porter and Armand Derosset securities; Neil McNeil, at Brunswick, William Faris and Ep. Vernon securities; and James Campbell, Wilmington, Richard Eagles and James Thompson securities.

f 52v Richard Quince and John Clitheral fined £10 currency, for failure to qualify as Constables for the present year as reported by John Smithies Deputy Sheriff for the District of Brunswick, unless they show cause to this Court to be held the second Tuesday in September next.

Benj. Hylliard, who was bonded at March Court last with Arch. Hamilton as security for his appearance at this Court and has not so appeared, to be continued under bond to September next.

The petition of Flourence McMorphey, who has a son detained in possession of Samuel Boneham who was delivered to him by William Riley although not bound a servant to either, for his return to her, was granted. The Court then adjourned to 6 a. m. tomorrow.

16 June 1741

Met 6 a. m. Present: James Murray, John Porter, William Faris, Robert Walker, Esqrs., Justices.

f 53 Josiah Bell, John Potter, William Blake and Solomon Lewis cited for failure to appear as petit jurymen at this Court.

session of Samuel Bonham who was delivered to him by William Riley although not bound a servant to either, for his return to her, was granted. The Court then adjourned to 6 a. m. tomorrow.

16 June 1741

Met 6 a. m. Present: James Murray, John Porter, William Faris, Robert Walker, Esqrs., Justices.

f 53 Josiah Bell, John Potter, William Blake and Solomon Lewis cited for failure to appear as petit jurymen at this Court.

Estate of William Maxwell, Decd.--The petition of Robert Hamilton and James Murray, Exrs., "presented and read in Court on Thursday last," sets forth that will gave executors power to sell realty if personalty insufficient to satisfy debts, and prays for an order to sell lands and Negroes of estate for that purpose.

William Faris and John Porter, Esqrs. recorded their marks. [Description lacking.]

f 53v Adjourned to the Court in Course.

[s] Ja. Murray John Porter William Faris Robt. Walker

SEPTEMBER TERM 1741

[The original volume for 1738-1769 not only contains at ff. 54-56 the minutes for September Term 1741 as signed by the Court and abstracted infra, but has bound in it at ff. 61-62 v. a draft of the minutes for sessions held September 8, 9 and 10 (part). Minor differences in versions are indicated in the abstracts.]

f 54

Wilmington, Tuesday 8 September 1741

Court began; present: The Hon. James Murray, Edwd. Hyrne, Robert Walker, Esqrs., Justices.

Joseph Jones licensed to keep ordinary in Wilmington; Mr. Fran. Veale and Richard Player sureties. Adjourned to 8 a. m. tomorrow.

9 September 1741

Grand jurors: (a) appeared: Hugh Blanning, foreman, James Brown, Thomas Hedges, Wm. Morris, James Poitevint, John Gray, Joshua Grainger, Fran. Veale, John Pidcock, John Watson, Dan. Dunbibbin, James Campbell, and Richd Ogden; (b) failed: George Ronald and Neil McNeil; (c) excused: Rush Watts, John Clitheral as no freeholder in County, John Marshall as sick, and James Long.

Estate of Margt. Scheneking [Schenking], Decd.--Will proved by George Moore; Roger Moore and Maurice Moore, Esqrs., Exrs.

f 54v Petit jurors: (a) appeared: Jer. Vail, John Bell, Jr., Josiah Bell, Tho. McClammy, Wm Nicholas [Nichols], Richd. Earle, Fran. Alexander, Joseph Jones, Richd. Huff, Saml. Boneham, Woodman Stoakley Sudbury, James Sudbury, David Morgan, John Anderson, Saml. Thistlewood, Robt. Nixon, James Longe, Wm. Riley, George Nixon, Clifton Bowen, Rufus Marsden, Saml. Poitevint, James Cooke [Cook], and John Williams [Williams]; (b) failed: Richd Shaw, Thomas Bell, and Fran. Thomas; and (c) excused: Jonathan Swain, Jr. and Benj. Fussell. Also excused by Court were John Benson, Solomon Morris, Jer. Biggford and Edward Wingate.

[The draft indicates at f. 61 v. that possibly Benson and certainly Morris was no freeholder.]

Dryls Exrs. v. Dyer.--Petit jury found for Plf. [Recorded only in draft at f. 61 v.]

Adjourned to 3 p. m., when present: Mathew Rowan, Edward Moseley, Edward Hyrne, Robert Walker, Esqrs., Justices.

Estate of John Perry, Decd.--Will produced by Antho. DuBose and proved by John Pidcock. Then adjourned to 7 a. m. tomorrow.

Dryks Exrs. v. Dyer.--Petit jury found for Plf. [Recorded only in draft at f. 61 v.]

Adjourned to 3 p. m., when present: Mathew Rowan, Edward Moseley, Edward Hyrne, Robert Walker, Esqrs., Justices.

Estate of John Perry, Decd.--Will produced by Antho. DuBose and proved by John Pidcock. Then adjourned to 7 a. m. tomorrow.

10 September 1741

Present: The Hon. Edward Moseley, Edward Hyrne, Richard Eagles, James Murray, William Faris, Corns. Harnett, Robert Walker, Esqrs., JJ.

f 55

Mr. Thomas Clark, Sheriff, to have Surveyor lay out five acres in Wilmington, in such manner that the Courthouse now used as a jail will be in its center until such time as a common jail is built.

Benj. Hilliard was discharged from his recognizance, nothing appearing against him at this or the last Court.

John Simmons to keep ferry on Shallote River.

[The draft ends at f. 62 v. with this Simmons entry.]

Estate of Duncan Beaton, Decd.--William Faris, Esq., Justice, informed the Court that Beaton had died; that his widow Mary is intermarried with one Cornelius Larry [Leary]; that Duncan's personalty has been removed from his late dwelling house by Cornelius and his wife; and that he suspects letters have not been granted for administration and security has not been given, whereby the three orphans of Duncan are likely to suffer. Ordered that Sheriff demand of Cornelius Larry and Mary his wife that one or both take out letters of administration failing which the Sheriff will take the estate into his custody.

f 55v

Patrick Dorem recorded mark and brand. [Description lacking.]

James Murray, Esq., Justice, proved entry "in his own book" debiting Richard French \$17-15-0.

Estate of John Stuart, Decd.--James Murray, Esq., Justice, produced account book which he found among papers of decedent.

Mr. Arch. Hamilton in behalf of James Bell moved that the two presentments at last Court against Bell be quashed because they were not sworn to, and no prosecutor appearing they were quashed. Another motion by Mr. Arch. Hamilton and Mr. Saml. Swann in behalf of Mr. Saml. Poitevint to quash the two presentments against him at last Court was granted for the same reasons as in the case of Bell.

David Morgan recorded his mark and brand. [Description lacking.]

The presentment against the prison in Wilmington, and the one against Jane Langdon, were quashed for reasons above-mentioned.

On motion of Archd. Hamilton to excuse Richd. Quince for non-attendance as a juror, because he is "a Freeman of one of the Cinque Ports in Great Britain of wch he produced a Sufficient Testemoney," he was discharged. Then the Court adjourned to 8 a. m. tomorrow.

11 September 1741

f 56

Present: The Hon. James Murray, Cornelius Harnet, Robt. Walker, JJ.

On motion of Caleb Grainger by John Bradisk his attorney to have a prochein ami assigned him to sue, it was ordered that Joshua Grainger his brother be his prochein ami.

After reading and signing dockets, adjourned to the Court in Course.

[s] Ja Murray Corns. Harnett Robt. Walker

DECEMBER TERM 1741

[Minutes for December Term 1741 as signed by the Court and abstracted infra occur in the original volume for 1738-1769 at ff. 56 v.-59, and a draft of the minutes for the sessions of December 8, 9 and 10 (part) occurs at ff. 63-65. Differences in versions are indicated in these abstracts.]

DECEMBER TERM 1741

[Minutes for December Term 1741 as signed by the Court and abstracted infra occur in the original volume for 1738-1769 at ff. 56 v. -59, and a draft of the minutes for the sessions of December 8, 9 and 10 (part) occurs at ff. 63-65. Differences in versions are indicated in these abstracts.]

f 56v

Wilmington, Tuesday 8 December 1741

Court began; present: Edward Hyrne, Richard Eagles, John Porter, William Faris, Esqrs., Justices. Adjourned to 3 p. m. [when on reassembling Justice Porter was absent according to draft at f. 63].

Benj. Fussell excused for non-attendance on Court last September.

Grand jury impaneled: Joseph Waters, foreman; Richard Hillier; James Brown; James Campbell; Michael Higgines; Thomas Hedges; Fran. Veale; Jos. Jones; Evan Jones; Wm. Rutledge; James Cook; Benj. Fussell; and Richard James. Then Court adjourned to 9 a. m. tomorrow.

9 December 1741

Present: Edward Hyrne, Maurice Moore, Richard Eagles, William Faris, Robert Walker, Esqrs., Justices.

f 57 Called over petit jury whose names [omitted from draft at f. 63] are as follows: William White, foreman; John Pidcock; Benj. Hillyard; Duncan Cowan; Joseph Meredith; Tho. Johns; Thom. Cummings; Clifton Bowen; Rufus Marsden; David Williams; Jonothan Swain, Jr.; and Jno. Maulsby, Jr.

Adjourned to 3 p. m.; when present: The Hon. Mathew Rowan, Edward Hearn; Mau. Moore, William Faris, Robt Walker, John Sampson, Esqrs., JJ.

Adjourned to 9 a. m. tomorrow.

10 December 1741

Present: same as above, except Maurice Moore absent.

f 57v

Hugh McAlexander proved five rights [for "his family," according to draft at f. 63 v.].

Jonathan Swain, Jr. and Morgan Morgan recorded marks and brands. [Description lacking.]

Estate of Duncan Beaton, Deceased.--Cornelius Leary to account at March Court next for estate of decedent's orphans.

Thomas Clark appointed Treasurer to receive from Cornelius Harnet, Esq. late Sheriff the remaining part of tax for building and repairing Courthouse and jail in Wilmington and account to Court on second Tuesday in March next.

Thomas Wayman answered presentment made against him March last and was ordered to appear at next Court, under bond himself with Thomas Brown and John Maulsby, Jr. securities.

f 58

Fined for absence as jurors: Josiah Bell and William Blake, at June Court last; George Ronald, Neil McNeil, Richard Shaw, Thomas Bell and Francis Thomas, at September Court last; and John Musgrove, Neil McNeil, James Henderson, Phill. David, Richard Shaw, John Taylor, Adam Moore, Edward Peirce, Thomas Kinnear and Thomas Childes, at present Court. [The names of Thomas Bell and of all absentees from present Court were omitted from draft at f. 64 v.]

f 58v

Estate of Henry Neil, Decd.--According to information from Hugh Blanning, Esq. it is believed that Joseph Clark, Exr. intends soon to depart from this Province, and the Court ordered that Clark file an account on the second Tuesday in March next.

Estate of Joshua Grainger, Decd.--Elizabeth Grainger, widow, Admx. filed inv. and "Solely affirmed" it was true.

[The draft ends at f. 65 with this Grainger entry.]

John McGinnes [McInnes] by Samuel Swann his Atty. petitioned for judgment against the attorney of Messrs. Mark and Thomas Hart for his

f 58v Blanning, Esq. it is believed that Joseph Clark, Exr. intends soon to depart from this Province, and the Court ordered that Clark file an account on the second Tuesday in March next.

Estate of Joshua Grainger, Decd.--Elizabeth Grainger, widow, Admx. filed inv. and "Solely affirmed" it was true.

[The draft ends at f. 65 with this Grainger entry.]

John McGinnes [McInnes] by Samuel Swann his Atty. petitioned for judgment against the attorney of Messrs. Mark and Thomas Hart for his freedom dues, and matter was referred after argument to next Court.

Instruments entered in Probate Book this Court numbered 40 to 61. Adjourned to 9 a. m. tomorrow.

11 December 1741

f 59 Present: Edward Hearn, William Faris, Robert Walker, John Sampson, Esqrs., Justices. Recorded John Pidcock's mark and brand; and adjourned to 8 a. m. tomorrow.

12 December 1741

Met, and adjourned to the Court in Course.

[s] Edwd. Hyrne Robt. Walker John Sampson

[Folios 59 v., 60, and 60 v. are blank.]

[Folios 61-62 v. contain a draft of the minutes for the sessions of September 8, 9 and 10 (part), year 1741, which are abstracted as found in the signed version at ff. 54-55 (part), supra.]

[Folios 63-65 contain a draft of the minutes for the sessions of December 8, 9 and 10 (part), year 1741, which are abstracted as found in the signed version at ff. 56 v.-58 v. (part), supra.]