

[The folio numbers in the margin refer to the numbers penciled in the left-hand lower corner of each right-hand page of the original volume for 1738-1769, and where a suffix "v" is added it refers to the unnumbered verso of the indicated page.]

MARCH TERM 1737/38

Brunswick, Tuesday 14 March 1737/38

f 1- At a Court of Common Pleas held at Brunswick for the Precinct of New Hanover on the second Tuesday in March 1737 [sic].

Present: His Majesty's Justices Robert Halton, James Innes, Corns, Harnet, Jams. Murray, Esqrs.

Nath. Rice qualified and was seated as a Justice.

The following deeds were proved in open court and ordered to be recorded in the Register's Office:

Deed; 12 Jan. 1737/38; John Wattson to Rd. Eagles, Esq.; 540 acres at the Forks; proved by the "affirmation" of Jos. Granger.

Bill of sale; 11 Oct. 1737; Lewis Johns to Regr. Moore, Esq.; proved by the oath of Alexr. Crow.

Deed; 14 Mar. 1737; Mich. Lowber to Henry Sciboe; 100 acres on Topsail Sound; proved by R. Lovitt.

f lv Deed; 2 Apr. 1736; John Wattson to Wm. Norton, Sr.; lot 46 in Newton; proved by John Smithers.

Deed; 20 May 1736; Mich. Higgins to Wm. and Dan Norton; lot 13 in

New Hanover on the second Tuesday in March 1737 [sic].

Present: His Majesty's Justices Robert Halton, James Innes, Corns, Harnet, Jams. Murray, Esqrs.

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Deed; 20 May 1736; Mich. Higgines to Wm. and Dan Norton; lot 13 in Newton; proved by John Smithers.

Deed; 27 Jan. 1734; Edward Mitchel to Nich Brewer; lot 12 in Newton; proved by Danll. Dunbibin.

Assignment made 21 Jan. 1737 of patent dated 20 Feb. 1736, by John Lewis to Josi Bell, proved by Jean Rice and Solo. Lewis; and Josi Bell acknowledged his reassignment thereof to John Rice.

Deed; 21 Jan. 1737/38; John Lewis and wife Sarah to Josi Bell; 220 acres on Town Creek; proved by John Rice and Solo. Lewis.

f-2 Rufus Marsden acknowledged deed of 3 Aug. 1737 to Dan Dunbibin; one moiety of one half acre in Newton, No. 39; and Mich. Higgines acknowledged deed of 1 Nov. 1737 to Robert Halton, Esq.; two lots in Newton.

"Mr. James M'Clure came into Court and Produc'd a Licence from His Excellency the Govr. to plead as an Attorney, & he accordingly was Qualified as the Law directs."

Petition presented by James Cotter to choose Nath. Rice, Esq. as his guardian. Ordered that letters of guardianship issue to said Nath. Rice; that he return a true and perfect inventory of ward's effects to next court; that division be made of estate of Robert Cotter, Deceased,

father of said James Cotter; and that required security be given by said Nath. Rice.

Adjourned till 3 p. m.; met pursuant thereto, when same Justices present as before.

f 2v Deed; 8 Oct. 1737; Ann Lavinia Higingbotham to Mich. Butler; proved by Francis Veale.

Petition of Mary Simons to keep Shallote Ferry read and granted, subject to her giving required security.

Bond from Ralph Sampson and John Samp[son?] to Commissioners of this Court and their successors, to discharge "said Precinct or Parish" from all charges on account of a bastard child which Catherine McDaid charges the aforesaid Ra. Sampson to be the father of, ordered to be filed in the office.

Adjourned till 10 a. m. tomorrow.

15 March 1737/38

Met according to adjournment. Present: as before.

Thos. Sawyer brought into Court a servant woman Heleonia Keihl [?] "who upon Exami. appears to have a Bastard Child in the Service of the said Sawyer." Ordered that she serve two years longer as the law directs.

[One-line entry mutilated.]

f 3 Deed; Thos. Hill to Chr: Monk; 213 acres on Town Creek; "proved by the oath of Rice."

Deed; 6 March 1731/32; 640 acres; Zach Horser to Ch: Harrison; proved by Jams. Espy.

Deed; John Wattson to Robt: Ellis; 8 Sept. 1737; lot in Newton No. 13; proved by Ths. Sawyer.

An instrument of writing between John Watson and Rufus Mar[s]den was proved by Mich Higgins.

Deed; 8 Sept. 1737; from [Joh]n Wattson to Ch: Harrison; two lots in Newton Nos. 9 and 36; proved by Thos. Sa[w]yer.

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Deed; 8 Sept. 1737; from [Joh]n Wattson to Ch: Harrison; two lots in Newton Nos. 9 and 36; proved by Thos. Sa[w]yer.

Deed; 8 Sept. 1737; John Wattson to Ch. Harrison; one lot in Newton No. 63; proved by Thos. Sawyer.

John Swann ack. his deed to Jere. Bigfurd, and Mrs. Eliz Swann his wife was privately examined and renounced her right of dower.

Deed; Davd. Lee to Rufus Marsden; 18 Feb. 1737; proved by "Rice."

Deed; Nich: Brewer to Richd. Huff; 20 Oct. 1737; for 640 acres in Hanover Precinct; proved by Richd. Lovett.

f 3v Deed; John Porter and Nath Moore to Roger Moore, Esq.; 4 March 1731; for 1,000 acres in the Fork of Lockwood's Folly; proved by James Innes, Esq.

Deed; John Porter to Rogr. Moore, Esq.; 4 March 1731; for 500 acres in Shallote; proved by Jams. Innes, Esq.

Deed; John Marshall to R. Moore, Esq.; 10 Apr. 1733; for 640 acres on N W River; proved by John Clithirale.

Deed; John Wattson to Josh Granger; 12 Jan. 1737/38; proved by Mich Higginnes.

Deed; Col. Maurice Moore to R. Moore, Esq.; 22 Sept. 1736; for three half acres of ground Nos. 73, 74 and 75; proved by Jona Tremain.

Assignment of a deed; Jona. Skrine to Roger Moore, Esq.; 25 May 1734; proved by J. Tremain.

Assignment of a patent; Armand DeRosset to Nich: Brewer; 10 Sept. 1737; proved by Richd. Lovett.

f 4. Assignment of a patent; John Frederick to Thos. Merrick, Jr.; 6 Jan. 1737; proved by Richd. Lovitt.

Deed; Nath. Moore to Edw. Scott; 5 May 1733; lot in Brunswick No. 29; proved by Rob. Halton, Esq.

Deed; Mich Higgins to Bryant Blundell; 7 Feb. 1737; lot in Newton No. 2; proved by R. Lovett.

Mich Higgins ack. the following deeds: one, 20 Jan. 1737, to Mary Galland for lot in Newton No. 3; one, 17 March 1737, to David I. Loyd for one acre on the Island opposite Newton; one, 28 Jan. 1736, to Fras. Veale for one acre on the Island opposite Newton; one, 14 Mar. 1737, to Rufus Marsden for land on the Island opposite Newton; and one for a lot in Newton conveyed 20 Jan. 1733/34 to Nich Brewer which the said Brewer assigned to Ar. DeRoset.

f 4v Rufus Marsden ack. his deed to Wm. Rigby for a lot No. 17.

Robt. Halton, Esq. ack. his deed of 15 Dec. 1737 to Roger Moore, Esq. for one moiety of all the Island lying between the North West River and The Thoroughfare.

Power of attorney from John Atkin to his brother Edmd. Atkin was proved.

Power of attorney from Robt. Ellis to Wm. Dry was proved by Cor's Harnet, Esq.

P/A from Petter How to Wm. Dry was proved by Robt. Ellis.

Ordered that the Clerk take security of James Campbell for keeping the ferry between Newton and Gabourell's Bluff, both ways. Ferriage was settled at: a man and horse, 25/-; single person, 10/-; two or more men and horses, 20/- each man and horse.

f 5 - Adjourned till tomorrow morning at 8 o'clock.

16 March 1737/38

Court met; present: Robt. Halton, James Innes, Cors. Harnet, and Jams. Murray, Esqrs.

Ordered that the Clerk pay in fines and amercements to Nath Rice.

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f 5

Adjourned till tomorrow morning at 8 o'clock.

16 March 1737/38

Court met; present: Robt. Halton, James Innes, Cors. Harnet, and Jams. Murray, Esqrs.

Ordered that the Clerk pay in fines and amerçements to Nath Rice, Esq. for disposition as any future court shall think proper. •

Mr. Ch: Hepburn, appointed Constable for Brunswick District, "refused to serve & paid his fine of Ten Pounds."

Appointed as Constables: Jams. Campbell, for Newton; Geor Hinckle, Brunswick; Sol Lewis, Town Creek; Sam Poitevint, Long Creek; Jos. Merri-deth, Welsh Tract; and Thos. Bell, Lockwood's Folly. "Ordered that the persons above named have notice given them by the Clk to repare within six weeks after this date to the Respective Justices hereafter named to be Qualified according to law Vizt:"

Bell and Lewis, before N. Rice, Esq.; Poitevent and Merrideth, J. Innes, Esq.; and Campbell and Lopez [sic], Robert Halton, Esq.

f 5v

"Ordered that the Clerk Transmit to the said Justices Copies of two Clauses of an Act to Ascertain what persons are Tythables & of this Or-der one to each Constable

"& if the person above named having notice as aforesaid do not re- pare before their respective Justices within the time above Limited such Justices to appoint others in the room of the Deficient & Certify such Deficients & New Appointments to the next Court

"Ordered that if J. Campbell shall present a person who shall be approved of by R. Halton, Esq. that such person be accepted of in said Campbell's room.

"Ordered that the Clerk annex to the Copy of these 2 Clauses of the Tythable Act this Resolve.

"Resolved that it is the Oppinion of of [sic] Court that the five pounds Penalty on the Constable for neglecting to return a list of Tythables is proclamation money."

Adjourned till 3 o'clock; met accordingly; present: as before.

Capt. Scott renewed petition made at last Court to resign as ferry keeper. Ordered that his bond be delivered up.

f 6 - Frans. Veale likewise allowed to resign as ferry keeper at Newton.

Ordered that Clerk give notice that Capt. Scott has resigned as ferry keeper at Brunswick and that any person interested in taking it may apply to C. Harnet, Esq.

Bounds of Districts within New Hanover Precinct fixed as follows:
Lockwood's Folly - from dividing line between this Province and South Carolina along seacoast to Dutchman's Creek; Brunswick - from Brunswick to the said Creek and westward to the mouth of Old Town Creek and up the Creek to the head of the Southernmost; Town Creek - from Old Town Creek up the N. W. River to the bounds of the Precinct; Newton - from the Capes and Lee's Creek up the N. E. River to Harrison's Creek and up the Creek to its head; Sound - from Lee's Creek to the bounds of the Precinct; Rocky Point - from The Thoroughfare opposite Newton to Burgo Creek, including all that tract of land lying between the N. E. and N. W. and up Black River as high as Widow Moor's; and Welsh Tract - from Burgo Creek and the Widow Moore's to the bounds of the Precinct.

f 6v Francis Veale having resigned as keeper of Newton Ferry, ordered that any interested person may apply to R. Halton, Esq. or James Murray, Esq. to give security till the next Court for keeping it.

Adjourned till tomorrow morning 8 o'clock.

17 March 1737/38

Present: as before.

P/A from Wm. Lasserre to Messrs. George Ronalds and Charles Hepburn proved by Robt. Ellis.

John D. Davis ack. his P/A granted Sam Swann.

Esq. to give security till the next court for keeping it.
Adjourned till tomorrow morning 8 o'clock.

17 March 1737/38

Present: as before.

P/A from Wm. Lasserre to Messrs. George Ronalds and Charles Hepburn proved by Robt. Ellis.

John D. Davis ack. his P/A granted Sam Swann.

Ordered that a venire issue returnable to next Court.

James Murray v. Jacob Moore.-- Jury found for Plf., £20 and costs.

Adjourned to the Court in Course being the second Tuesday in June.

A true copy: Robt. Halton, Jams. Innes, Cors. Harnet, Jas. Murray.

Test: [s] n. Rice C. C.

JUNE TERM 1738

Brunswick, Tuesday 13 June 1738

f 7 North Carolina, New Hanover Precinct. At a Court of Common Pleas held at Brunswick for the Precinct of New Hanover on the second Tuesday in June 1738. Present: Nath: Rice, Eleaz: Allen, Math: Rowan, and Cors. Harnet, Esqrs.

f 7v Petition of Thos. Merrick, Esq. to take Brunswick Ferry was granted.

The following deeds were proved: Isaac Killpatrick to Robt. Walker, 11 Apr. 1738, for 640 acres, and also an assignment of a patent for the same, by James Maclure; Henry Bishop to Frans. Alexander, year 1738, for 210 acres, by Sam Thissellwood; Henry Bishop to Jos. Alexander and Sam Thissellwood, for 120 acres, by Chri. Dudley; and Patrick Doram to John Rice, dated 13 June 1738, by Ar: Hamilton.

f 8 John Rice ack. a deed to Nathaniel Rice, Esq. dated 17 Apr. 1738 for 300 acres and also an assignment of a patent for the same.

Assignment of patent; Richard Mullington to John Rice; proved by Jos. Bell.

~~John Rice ack. assignment of deed to Mr. Jams. Smallwood for a lot in Brunswick No. 124.~~

Adjourned till 10 a. m. tomorrow.

14 June 1738

Met accordingly; present: Robt. Halton, Jam. Innes, Math. Rowan, and Cors. Harnet, Esqrs.

f 8v Road Commissioners appointed: Robt. Halton, R. Moore, M: Rowan, E. Hyrne, and C: Harrison, Esqrs.

Deed; 16 Mar. 1736, Mr. James Smallwood to John and Edmd. Atkin, for 250 acres, proved by James Espy.

P/A dated 1st June 1738, Geo: Helm to James Espy, proved by Geo. Burch; and another P/A, 1st May 1738, Robt. Hoge to Mr. Sam Swann, proved by James Espy.

Assignment of a patent dated 16 Mar. 1735/36, John Bell to R. Moore, Esq., 720 acres on Lockwood's Folly, proved by Mar. Holt.

The following persons recorded their brands and marks:

f 9 Wm. Lewis records for his son Sol Lewis "An Over Keill a Crop & Slitt in the right Ear & a Flower Deluce in the left[.] Brand L."

Jams. Fergus, brand F on the "off" shoulder or near buttock.

Mr. Ar. Hamilton, a crop in the right ear and two slits in left.

Mr. Jerome Rowan, two swallow forks and an under keel in the right ear; brand F R

A deed, 28 Feb. 1737, Roger Moore, Esq. to Jas. Fergus, proved by Ed: Scott; and another, 16 Mar. 1737, R. Moore, Esq. to Amice Gabourel, proved by Ed. Scott, and Mrs. Cath: Moore renounced dower.

Adjourned till 3 p. m.; met accordingly; Present: Robt. Halton, Math. Rowan, Eleaz: Allen, Jams. Innes, Cor. Harnet, Esqrs.

f 9v Jon. Tremain v. E. Vernon. -- Mr. Hamilton prayed that Jams. Innes, Esq. might be examined before a single Justice. Mr. Rowan, Atty. for

Mr. Ar. Hamilton, a crop in the right ear and two slits in left.

Mr. Jerome Rowan, two swallow forks and an under keel in the right ear; brand # R

A deed, 28 Feb. 1737, Roger Moore, Esq. to Jas. Fergus, proved by Ed. Scott; and another, 16 Mar. 1737, R. Moore, Esq. to Amice Gabourel, proved by Ed. Scott, and Mrs. Cath: Moore renounced dower.

Adjourned till 3 p. m.; met accordingly; Present: Robt. Halton, Math. Rowan, Eleaz. Allen, Jams. Innes, Cor. Harnet, Esqrs.

f 9v Jon. Tremain v. E. Vernon. -- Mr. Hamilton prayed that Jams. Innes, Esq. might be examined before a single Justice. Mr. Rowan, Atty. for Dft., consented and the petition was granted.

Deed from Col. M. Moore to Mr. Wm. Dry; lot in Brunswick No. 36; proved by Mr. John Porter.

Adjourned till 10 a. m. tomorrow.

15 June 1738

Met accordingly; present: Robt. Halton, Math. Rowan, Jas. Innes, and Cor. Harnet, Esqrs.

An instrument in writing signed by Amice Gabourel and Mr. Jerom Rowan was proved by Jams. Innes, Esq.

f 10 Ordered that a venire issue returnable to the next Court; and adjourned to the second Tuesday in September next being the Court in Course.

Robt. Halton, Math: Rowan, James: Innes, Cors. Harnet. A true copy.
Test [s] n. Rice; C. C.

SEPTEMBER TERM 1738

f 10v Brunswick, Tuesday 12 September 1738

North Carolina, New Hanover Precinct, s. s. At a Court of Pleas ... present: Robt. Halton, Math. Rowan, Cors. Harnet, Esqrs. Adjourned till

3 o'clock in afternoon; met accordingly; present: as before.

Evan Jones recorded his mark: a crop and one slit in the left ear; and brand: E:J.

Saml. Poitevent recorded his brand: $\$$

f 11 Deed; Joshua Grainger to Rufus Marsden; 8 June 1738; proved by John Rice; and a P/A from Edmund Atkins, "signed for himself and brother John," was proved by Roger Moore, Esq.

Two other P/A were proved: one from Henry Simmons to Roger Moore, Esq. by Mr. Thos. Rowan, and one from Thomas Hall to Roger Moore, Esq. by Mr. John Porter.

Estate of John Larkins, Deceased.--Will proved by John Smithies; widow qualified as Exrx.; and it was "Ordered that the Clerk give Notice thereof to Mr. Secretary."

f 11v Petition of Edward Wingate to keep ferry over Lockwood's Folly was rejected. Petition of Jonath. Swain to keep this ferry was granted; and he is to "take the following prices:" 2/6 for man and horse, and 1/3 for a single person or horse.

Adjourned till 10 a. m. tomorrow.

• 13 September 1738

Met pursuant to adjournment; present: as before.

Deeds proved: John Wattson to Matthew Rowan, Esq. by Thos. Rowan; and Amice Gabourel to Michael Higgins by James Innes, Esq.

f 12 Adjourned till 3 p. m.; met accordingly; present: Robert Halton, James Innis, Matthew Rowan, Corns. Harnett, Esqrs.

Deeds proved: John Wattson to Thos. Marsden by Rufus Marsden; and Col. Maurice Moore to Thomas Marsden by Wm. Dry, Jr.

P/A from Lewis Jenkins to Rufus Marsden proved by Michael Higgins.

Estate of Paul Wickstead, Deceased.--Nuncupative will proved by Mary Bryan and Francis Boyland; and said Boyland was appointed Exr.

f 12v Deeds ack.: by John Rice to Wm. Lewis for 640 acres on the Sound; Michael Higgins to Philip David; and by Chars. Harrison to Roger Moore,

Deeds proved: John Wattson to Matthew Rowan, Esq. by Thos. Rowan;
and Amice Gabourel to Michael Higgins by James Innes, Esq.

f 12 Adjoined till 3 p. m.; met accordingly; present: Robert Halton,
James Innis, Matthew Rowan, Corns. Harnett, Esqrs.

Deeds proved: John Wattson to Thos. Marsden by Rufus Marsden; and
Col. Maurice Moore to Thomas Marsden by Wm. Dry, Jr.

P/A from Lewis Jenkins to Rufus Marsden proved by Michael Higgins.
Estate of Paul Wickstead, Deceased.--Nuncupative will proved by
Mary Bryan and Francis Boyland; and said Boyland was appointed Exr.

Deeds ack.: by John Rice to Wm. Lewis for 640 acres on the Sound;
f 12v Michael Higgins to Philip David; and by Chas. Harrison to Roger Moore,
Esq. and Mr. John Porter.

Deed; Col. Maurice Moore to Mr. John Porter; proved by Edward Hyrne,
Esq.; and a letter from John Marshal to John Porter was proved by Thos.
Sawier.

A deed from John D'Bois to John Porter was proved by Corns. Harnet,
Esq.; and a second deed from John D:Bois to John Porter was proved by
Corns. Harnett, Esq.

Deeds proved: Arthur Mabson to John Porter by Richard Eagles; and
f 13 John Arthur to John Porter by Richard Lovett, as "also the receipt on
the back for twelve hundred pounds."

Court adjoined till 10 o'clock tomorrow morning.

14 September 1738

Met accordingly; present: as before.

Michael Higgins ack. one deed to Rufus Marsden and another to Roger
Rolfe.

Richard Mullington's deed to John Rice was proved by Sole Lewis;
and John Rice ack. assignment thereof to William Lewis.

Edward Wingate recorded mark for his son Edward Wingate: a crop,
hole and under keel in each ear.

f 13v Two deeds proved by Jno. Rice: John Benson to Henry Cooper; and Joshua Grainger to Thos. Hedges.

Thos. Bell recorded mark: a crop and slit in the right and fleur-de-lis in the left ear; brand: B.

A deed from Sam Swann to Jno. Porter was proved by Richard Eagles.

Adjourned to 3 p. m.; met pursuant thereto; present: as before.

Deed; John Gardiner Squire to John Maultsby; proved by Sam. Portevint.

Ordered that venire issue returnable to December Court.

f 14 Francis Alexander, Henry Bishop, Thomas McClamy, Sr., Thos. McClemy, Jr., John Wattson, John Mott, Benjamin Mott, Rice Evans, Thomas Hutchins, Wm. Blace, Michael Dyer, John Cook, Wm. Cook, John Porter, John Strahaun, John Warner, John Guess, and Sol. Ogden, summoned and not appearing as jurymen, fined 30/- according to the Act of Assembly.

Mr. Nicholas Fox produced a licence from His Excellency Gab. Johnston, Esq., "Gov., &c.," and qualified, to practice as an Attorney in this Province.

P/A; George Burrington, Esq. to his wife Mary Burrington; proved by Rebecca Mackgee.

Adjourned to the Court in Course.

Robert Halton, Mathew Rowan, James Innis.

DECEMBER TERM 1738

f 14v

Brunswick, Tuesday 12 December 1738

North Carolina, New Hanover Precinct. At a Court of Common Pleas ... present: Robert Halton and Mathew Rowan, Esqrs. Adjourned till tomorrow 10 o'clock.

13 December 1738

DECEMBER TERM 1738

f 14v

Brunswick, Tuesday 12 December 1738

North Carolina, New Hanover Precinct. At a Court of Common Pleas
... present: Robert Halton and Mathew Rowan, Esqrs. Adjourned till to-
morrow 10 o'clock.

13 December 1738

Met pursuant to adjournment; present: Robert Halton, Mathew Rowan,
and James Innis, Esqrs.

John Bensen recorded mark: a swallow fork in the right ear and an
over square in the left; and brand: B.

Jonathan Swain recorded mark: an upper keel in each ear; and brand:
F S a heart atop.

f 15

Bond; Richard Mullington to Jno. Rice; proved by Wm. Lewis.

Four deeds proved: Michael Higgins to Josia Thomas, by Jno. Rice;
Jos. Grainger to Wm. Edwards, by Jno. Rice; John Porter to Thos. James,
by Jno. Rice; and Mich. Higgins to Thomas James, also by Jno. Rice.

Bond; Robert Potter to Evan Jones; proved by Jno. Rice.

Estate of John Hodgson, Deceased.--Will proved by John Hepburn; and
Roger Moore, Esq. qualified as Exr.

Adjourned to 3 p. m.; met pursuant thereto; present: as before.

Deed; Lewis Johns to Jno. Joors; proved by Henry Cooper.

f 15v


Adjourned till 10 a. m. tomorrow morning.

14 December 1738

Met accordingly; present: as before.

John Rice acknowledged his deed to Henry Cooper.

Mich. Higgins recorded his mark: a half crop in the foreside of the left ear, and a halfpenny in the same; brand: M H with a heart over the brand.

Thos. Devaun recorded his mark: a crop in the left and a half crop in the right ear the upper part of it cut; brand: 

Petition of Robert Halton, Esq. to keep ferry on Smith's Creek was granted.

Mr. Sam Bridgen recorded his mark: a square in the right ear with a half-moon on the top, and a crop and slit in the left; brand: B.

Court adjourned to the Court in Course.

Robert Halton, Math. Rowan, James Innes, Cors. Harnett.

MARCH TERM 1738/39

Brunswick, Tuesday 13 March 1738/39

North Carolina)
New Hanover County) ss.

At a Court held at Brunswick in and for the said County on Tuesday 13th March 1738. Present: Math. Rowan; Roger Moore, Will. Dry, Esqrs.

His Majesty's Commission of the Peace, directed to Nath. Rice, Robt. Halton, Eleazer Allen, Math. Rowan, Edward Moseley, Roger Moore, James Innis, Edward Hyrne, Cornels. Harnett, James Murray, Samuel Woodward, Maurice Moore, Thomas Clifford, Sam. Johnston, William Dry, John Swann, John Porter, David Evans, Jehu Davis, Willm. Mackree, James Hassel, and Richard Eagles, Esqrs., as also a dedimus to any one of them to qualify the others, being first read the said --

Mathew Rowan, Roger Moore and William Dry took and subscribed the several oaths "&c" appointed by law as also the oath of office and accordingly took their places in Court as Justices.

James Maclure produced a commission from Nath Rice, Esq. appointing him Clerk of the Court of Common Pleas for this County and having taken

13th March 1738. Present: Math. Rowan; Roger Moore, Will. Dry, Esqrs.
His Majesty's Commission of the Peace, directed to Nath. Rice,
Robt. Halton, Eleazer Allen, Math. Rowan, Edward Moseley, Roger Moore,
James Innis, Edward Hyrne, Cornels. Harnett, James Murray, Samuel Wood-
ward, Maurice Moore, Thomas Clifford, Sam. Johnston, William Dry, John
Swann, John Porter, David Evans, Jehu Davis, Willm. Mackree, James Has-
sel, and Richard Eagles, Esqrs., as also a dedimus to any one of them to
qualify the others, being first read the said --

Mathew Rowan, Roger Moore and William Dry took and subscribed the
several oaths "&c" appointed by law as also the oath of office and ac-
cordingly took their places in Court as Justices.

James Maclure produced a commission from Nath Rice, Esq. appointing
him Clerk of the Court of Common Pleas for this County and having taken
the oaths of state he was admitted to act as Clerk.

P/A; Henry Crawford of the Parish of Kingston in the Island of Ja-
maica to Alexr. Belyches of the same; proved by Peter Campbel M'Lean,
one of the witnesses.

Adjourned to 9 a. m. tomorrow morning.

14 March 1738/39

Nine a. m.; present: the same Justices.

Cors. Harnet, Esq. took the usual oaths and was seated as a Justice.

James Maclure took the oath of office as Clerk of the Court.

Two P/A, one from Henry Lane, of the City of New York, Merchant,
and another from Anne Macknight, widow of Patrick Macknight, of the City
of New York, both to Roger Moore, Esq., were proved by Robert Hogg, a
witness to both.

A deed from Ann Shirley of Newton to Roger Moore, Esq., and an as-
signment of a deed from Mich. Dyer of Newton to Joshua Johnston of the
same place, were both proved by James McClure.

Deed; John Wattson to James Long; for lot in Newton; proved by John
Smithies.

Estate of Thos. Rowan, Attorney, Deceased.--Will proved by Edward Scot; and Mathew Rowan was appointed Exr.

Constables appointed for the ensuing year: Christopher Monk for Town Creek; Henry Bishop, the Sound; Thomas Hedges, Newton; Joseph Meredith, Welch Tract; James Poitevint, Long Creek; Edward Wingate, Lockwood's Folly; and Jonathan Caulkins, Little River.

f 17v. They were ordered to qualify within 30 days: Monk before Nath. Rice, Esq.; Bishop and Hedges, Robert Halton, Esq.; Meredith and Poitevint, Edward Moseley, Esq.; and Wingate and Caulkins, Roger Moore or William Dry, Esq.

John Leay was appointed and qualified as Constable for Brunswick.

"The old Dockets being mislaid, It is Ordered by the Court that the Several Causes remaining on the said Dockets shall be continued untill the next Court of Course."

Adjourned to 2 p. m., when present: Mathew Rowan, Roger Moore, William Dry, and Cornelius Harnet, Esqrs.

Edward Wingate acquainted the Court that he served as Constable for Lockwood's Folly the year before last, whereupon Jno. Isell, Junr. was appointed.

f 18 Maurice Moore, Esq.: ack. his deed to John Porter, Esq.; proved one from Edward Moseley, Esq. to Jno. Porter, Esq.; and ack. his deed to Martin Holt, the assignment of which to John Porter, Esq. was ack. by Holt.

John Porter qualified as a Justice.

Deed; Maurice Moore, Esq. to John Haws; proved by Jno. Porter, Esq.

The Court discharged the jury; recorded the mark: a poplar leaf in each ear, and the brand: D R Y, of William Dry, Esq.; and ordered that venires issue for grand and petty juries returnable at next Court.

The Court adjourned to the Court in Course.

Mathew Rowan, Corns. Harnett, Jno. Porter, Roger Moore, Will Dry.

Martin Holt, the assignment of which to John Porter, Esq. was ack. by Holt.

John Porter qualified as a Justice.

Deed; Maurice Moore, Esq. to John Haws; proved by Jno. Porter, Esq.

The Court discharged the jury; recorded the mark: a poplar leaf in each ear, and the brand: D R Y, of William Dry, Esq.; and ordered that venires issue for grand and petty juries returnable at next Court.

The Court adjourned to the Court in Course.

Mathew Rowan, Corns. Harnett, Jno. Porter, Roger Moore, Will Dry.

JUNE TERM 1739

f 18v

Brunswick, Tuesday 12 June 1739

North Carolina, New Hanover County. Court held in and for the said County ... present: Roger Moore, Esq.

Nathaniel Rice and Jehu Davis, Esqrs. qualified as Justices.

Cornelius Harnett, Esq. qualified as Sheriff pursuant to His Majesty's commission, and his bond given with two securities pursuant to the late Act of Assembly was ack. and filed among the records of this Court.

Richard Lovett, Gent., produced a deputation from Jno. Montgomery, Esq., H. M.'s Attorney General, appointing him H. M.'s Attorney for this County. He qualified and was admitted.

f 19

A deed from Francis Veal to James Long, as also one assignment of a deed from Frans. Veal to Robert Hogg, and another from Mich. Dyer to Joshua Johnston, were proved by James Maclure.

James Maclure produced a commission from Nath. Rice, Esq. appointing him Clerk of the Crown for the County. He qualified and was admitted.

The following deeds were presented for recording pursuant to a late Act of Assembly: Roger Moore, Esq. to John Musgrove, 1440 acres; Nath Rice, Esq. to Wm. Lewis, 10 acres; and John Rice to Wm Lewis, 640 acres.

The following gentlemen were appointed Commissioners of the Highways for the ensuing year: Nath Rice, Roger Moore; Maurice Moore, Charles Harrison, Eleazr. Allen, Wm Dry, Jehu Davis, John Marshal, Math Rowan, Jno. Swann, Nath Moore, Thos. Merrick, Esqrs., Gentlemen.
Adjourned to 10 a. m. tomorrow.

f 19v

13 June 1739

Present: Nath Rice, Roger Moore, Mathew Rowan, Jehu Davis, Esqrs. Edward Moseley, Thomas Clifford and Wm. Macree qualified as Justices.

Deeds proved: Jno. Wattson to Thos. Sawier, by Sam. Bridgen; James Wimble to Thomas Sawier, by said Bridgen; another from James Wimble to Thomas Sawier, by said Bridgen; Thos. Nixon to Wm. Nichols, by Henry Skibbow; and James Wimble to Edward Mitchel, by Richard Hellier.

f 20

Richard Hellier acknowledged deed to Martin Holt; and Rush Watts acknowledged his power of attorney to Saml. Bridgen.

Mr. Harnett, by Mr. Lovit, Attorney, moved to establish ferry from the first bluff on the creek above the old garden near Gabourel's Bluff. Ordered that Clerk take his bond with Jehu Davis, Esq. and Mr. Edwd. Scott as securities. Ferry will run to Newton; same rates each way.

Deeds proved: John Hill to Nath Moore, by James Hassel, Esq.; and Nath Moore to James Hassel, by Roger Moore.

Present after adjournment to 3 p. m.: Nath Rice, Roger Moore, Math Rowan, Jehu Davis, Edward Moseley, and Wm Mackree, Esqrs.

f-20v

Sheriff to levy fine on James Poitevint for failure to qualify as directed for Constable; and Jos. Meredith to show cause next Court for his similar failure.

"Ordered that Notice be given to the Several Constables to attend each Court. The Sheriff to serve the notices."

Wm Martindale complained against his master Michael Dyer for not performing his covenant to teach him the trade of shipwright. Postponed till tomorrow.

Rowan, Jehu Davis, Edward Moseley, and Wm Mackree, Esqrs.

f. 20v

Sheriff to levy fine on James Poitevint for failure to qualify as directed for Constable; and Jos. Meredith to show cause next Court for his similar failure.

"Ordered that Notice be given to the Several Constables to attend each Court. The Sheriff to serve the notices."

Wm Martindale complained against his master Michael Dyer for not performing his covenant to teach him the trade of shipwright. Postponed till tomorrow.

John Marshal v. Abraham Jessop.--Jas. Perrik wit. for Plf. Jury found for Dft.

f. 21

Marks recorded: by Fras. Brice: a crop two slits and an under keel in the right and a crop and two slits only in the left ear; Stephen Brice: a crop two slits and an under keel in the right and a swallow fork in the left ear; Eliz Brice: an upper square and under keel in the right and a crop and two slits in the left ear; Sarah Brice: a swallow fork and an under keel in the right and a crop in the left ear; Thomas Sawier: a crop in the right and a swallow fork in the left ear; and James Minor: a crop in the right and an under keel in the left ear, with his brand: F M.

The Grand Inquest presented the following persons "&c:" The King v. Thos. McClemy, Sr.--for keeping a disorderly house; The King v. John Taylor.--for the like; The King v. Walter Hellond.--for the like; The King v. Thos. Hill.--for a public disturber of the peace; The King v. Isaac Cadogan.--for attempting, and publicly declaring his resolution, to kill all unmarked cattle belonging to his neighbors; The road from New Topsail to Newton at Higgins' Mill.--as dangerous for travelers and a public nuisance; and Devaun's Ferry over Smith's Creek.--as dangerous from bad entrances and an unfit boat. Finally, the Ferry over Old Town Creek was presented as dangerous for the same reasons.

Adjourned to 10 o'clock tomorrow morning.

f. 21v

14 June 1739

Present: Nath Rice, Thos. Clifford, Edward Moseley, Jehu Davis, Roger Moore, Esqrs. John Swann, Esq. qualified as a Justice.

John Marshal complained against John Henecy, Servant, for running away and absenting himself 14 days and putting his Master to the expense of £28 to have him taken up, and for a gun of his Master valued at £15 which he carried away and sold, and prayed the Court to order satisfaction. Ordered that the said Henecy serve four weeks over and above the time mentioned in his indenture for the 14 days of absence, pursuant to an Act of Assembly, and at the expiration thereof pay to the said Jno. Marshal £43 currency or serve him 86 days over and above the said four weeks.

f 22

"Read the Petition of Wm. Martindale Setting forth that he was bound for Indre to Mich. Dyer to learn the Art of a Shipwright but his Master not having taught him his said Art agreeable to the said Indre he prayed to be discharged whereupon the Indre as also a Cancell'd obligation of John Dallison with a Clause of an Act of Parliament and a Clause of an Act of Assembly relating to Apprentices were severally read and Jno. Geary being sworn and examined Upon hearing both parties It is Ordered that Mich. Dyer do give Security (to be approved of by the Court) to teach the said William Martindale his trade of a Shipwright within the time he has Yet to Serve and to employ him in no other Work but what appertains to the said Trade --"

P/A from Wm. Coats to Wm Dry and Wm Forbes was proved by Wm. Rigby. Rufus Marsden was excused for absence as juror on reading certificate from Roger Rolfe that he was sick.

f 22v

Chars. Harrison ack. deed to Wm. Morris; a deed from Goldsmith Whitehurst to Chars. Harrison was proved by Jno. Wharton; and Mich Dyer ack. two deeds to Rufus Marsden, one with two endorsements thereon.

Adjourned to 3 p. m., when present: Edward Moseley, Thomas Clifford, Roger Moore, Jehu Davis, Esqrs. James Murray qualified as Justice.

Mr. Hamilton appeared on behalf of Wm. Martindale and represented

to teach the said William Martindale his trade of a Shipwright within the time he has Yet to Serve and to employ him in no other Work but what appertains to the said Trade --"

P/A from Wm. Coats to Wm Dry and Wm Forbes was proved by Wm. Rigby. Rufus Marsden was excused for absence as juror on reading certificate from Roger Rolfe that he was sick.

f 22v Chars. Harrison ack. deed to Wm. Morris; a deed from Goldsmith Whitehurst to Chars. Harrison was proved by Jno. Wharton; and Mich Dyer ack. two deeds to Rufus Marsden, one with two endorsements thereon.

Adjourned to 3 p. m., when present: Edward Moseley, Thomas Clifford, Roger Moore, Jehu Davis, Esqrs. James Murray qualified as Justice.

Mr. Hamilton appeared on behalf of Wm. Martindale and represented that Michael Dyer while not giving the security required by a former order of this day was willing to discharge Martindale, and that Martindale was willing to give Dyer a general release on account of the indenture.

[Here follows a gap where apparently one folio may be missing from the original volume.]

f 23 The Court signed the docket and adjourned to 9 a. m. tomorrow.

15 June 1739

Present: Roger Moore, Thomas Clifford, Wm Dry, Jehu Davis, James Murray, Esqrs.

Assignment on a deed from Thos. Maw to Robert Hogg was proved by Corns. Harnett, Esq.

"Mr. Attorney for the King moved That the prices of Liquors & Provisions in the Taverns might be assessed ... Ordered that Mr. Attorney move it next Court."

Adjourned to the Court of Course.

R: Moore, Ja. Murray, T. Clifford, Jehu Davis, Wm Dry. [s] Ja. McClure Clerk:

[Minutes of September Term 1739 are lacking.]

DECEMBER TERM 1739

f 23v

Brunswick, Tuesday 11 December 1739

Present: Nath Rice, Roger Moore, William Dry, Jehu Davis, Esqrs.

Thos. McClamy, Sr. prayed the Court to remit fine imposed on him for absence at June Court last, pleading his great age and that at the time he was not a freeholder. Excused, because he was not a freeholder.

Deeds proved: Joshua Grainger and Eliz his wife to Jno. Hands Carpenter for a lot in Newton, and Joshua Grainger and Eliz his wife to Richard James Carpenter for a lot in Newton, both by John Smithies.

Ephraim Vernon, praying for a remission of his fine for non-appearance at June Court last, and pleading "a contraction of his nerves by taking a physick and that he was not able to travel," was excused.

f 24 Francis Alexander, who filed a similar petition pleading "the illness of his Wife being in Travel for which reasons he could not leave her," was also excused.

"His Majesty's Justices having considered of the Clause of the Act for regulating Vestryes' whereby they are directed to levy a Poll Tax not exceeding 5/- per Poll for erecting a Court House & Goal in the Town of Brunswick they were all of opinion the same are very much wanted and 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.]